

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

809B



SUBMITTAL DATE:
June 19, 2008

FROM: TLMA - Planning Department

SUBJECT: Alcoholic Beverage Control License
Determination of Public Convenience and Necessity (PNC-58)

CONTROVERSIAL ISSUES: Conditional Use Permit No. 3568 was approved on December 18, 2007 to permit the sales of alcoholic beverages (type 21) for off premises consumption for the "Fresh and Easy" (Tesco) food market. The Fresh and Easy food market is currently seeking a determination for public necessity and convenience findings for a type 20 license to allow for the sale of beer and wine for off-site consumption only.

RECOMMENDED MOTION: That the Board of Supervisors, based on the findings below, make a determination of Public Convenience and Necessity so that another Alcoholic Beverage license be issued to allow the sale of beer and wine for off-site consumption only, southerly of Limonite Avenue, easterly of Archibald Avenue, and westerly of Harrison Avenue, Riverside County Assessor's Parcel Nos. 144-030-012 and 144-030-028, in the Second Supervisorial District, may be issued. Furthermore, that the State Department of Alcoholic Beverage Control be directed to place a restriction of the license limiting it to off-site consumption only.

BACKGROUND: In accordance with Government Code 23958.4 the State of California Department of Alcoholic Beverage Control (ABC) may deny an application for an ABC license if there is an "undue concentration of licenses." An "undue concentration" exists if it is deemed to be in a census tract where the ratio of on-sale or off-sale retail ABC licenses to population exceeds the ratio of on-sale or off-sale retail ABC licenses to population in the county in which the applicant premises are located. A license may still be issued, however, if the local agency determines that the public use and necessity would be served by issuance of the license. The statute provides no definition or standard for determining "public necessity & convenience." The Alcoholic Beverage Control Board has determined that an "undue concentration" exists for the

Ron Goldman
Planning Director

RCJ:ar/sn

APPROVE

BY: Tina Grande
Tina Grande

Departmental Concurrence

Policy
 Policy

Consent
 Consent

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref. 15.4 of 12/18/07 | District: Third | Agenda Number:

3.78

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Census Tract in which the applicant's establishment is located. A "public convenience and necessity" determination is required to establish an ABC license for "Fresh and Easy" (Tesco) food market, southerly of Limonite Avenue, easterly of Archibald Avenue, and westerly of Harrison Avenue, Riverside County Assessor's Parcel Nos. 144-030-012 and 144-030-028, in the Second Supervisorial District. The State Department of Alcoholic Beverage Control is allowing the applicant to obtain a determination of "public convenience and necessity" from the County of Riverside prior to granting the license pursuant to Government Code Section 23958.4.8.

FINDINGS:

1. The issuance of a new ABC license on the property will not require additional Planning Department approvals because an approved Conditional Use Permit (CUP03568) was granted on December 18, 2007 to permit the sales of alcoholic beverages (type 21) for off premises consumption for "Fresh and Easy" (Tesco) food market.
2. A radius map buffering 1,000 feet from the subject site was prepared by Riverside County Geographic Information Systems and concluded that no public elementary school or secondary school district is within 1,000 feet of the site.
3. The radius map prepared indicated that the project site is located within 1000 feet of an existing Public Park and playground. According to the Riverside County Land Information System, the "Fresh and Easy" (Tesco) food market is located approximately 700 feet to the north of the park.
4. The "Fresh and Easy" (Tesco) food market is requesting a type 20 license to allow for the sale of beer an wine for off-site consumption only.
5. The "Fresh and Easy" (Tesco) food market is primarily engaged in the sale of groceries and shall be selling beer and wine in conjunction with food and other household items.
6. The project shall not be situated in such a manner that vehicle traffic from the facility may reasonably be believed to be a potential hazard to a school, church, Public Park or playground.
7. The "Fresh and Easy" (Tesco) food market is located in the central portion of an approved commercial retail center (PP22277) and is buffered from the public park by other buildings in the retail center, including a recreation vehicle storage facility, parking, walls, and landscaping.
8. No beer, wine or other alcoholic beverage advertising shall be located in such a manner that be viewed from the public park.
9. No displays of beer, wine or other alcoholic beverages shall be located on the exterior of the building or within window areas.

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10. The State Department of Alcoholic Beverage Control is allowing the Riverside County Board of Supervisors to grant a determination of "public necessity and convenience" for the new license.
11. Currently three (3) alcohol and beverage control (ABC) licenses are allowed in Census Tract 406.02; however thirteen (13) licenses have been issued. Approval of Public Convenience and Necessity No. 58 would increase the number of existing ABC licenses from thirteen to fourteen.

OWNER:
 NEXUS DEVELOPMENT
 10000 N. GARDEN AVENUE
 SUITE 100
 GARDEN GROVE, CA 92646
 TEL: 714.941.1111
 FAX: 714.941.1112

ENGINEER/PREPARED:
 JAMES H. WEBB
 10000 N. GARDEN AVENUE
 SUITE 100
 GARDEN GROVE, CA 92646
 TEL: 714.941.1111
 FAX: 714.941.1112

ARCHITECT:
 JAMES H. WEBB
 10000 N. GARDEN AVENUE
 SUITE 100
 GARDEN GROVE, CA 92646
 TEL: 714.941.1111
 FAX: 714.941.1112

APPLICANT:
 NEXUS DEVELOPMENT
 10000 N. GARDEN AVENUE
 SUITE 100
 GARDEN GROVE, CA 92646
 TEL: 714.941.1111
 FAX: 714.941.1112

APN: 063-010-0000
ACREAGE: 12.900 AC. NET
UTILITIES:
 WATER: JAMES H. WEBB
 SEWER: JAMES H. WEBB
 GAS: JAMES H. WEBB
 ELECTRIC: JAMES H. WEBB
 TELEPHONE: JAMES H. WEBB
 CABLE: JAMES H. WEBB
 SATELLITE: JAMES H. WEBB

SCHOOL DISTRICT:
 CORONA - UNUSUALLY ZONED

LAND USE / ZONING:
 VACANT A-2-10
 VACANT R-1
 VACANT R-1

NOTES:
 1. THIS PROJECT IS LOCATED IN THE SERVICE AREA PLAN IN THE ARCHIBALD - LINDENHILL VILLAGE AREA.
 2. THE PROJECT IS LOCATED IN THE SERVICE AREA PLAN IN THE ARCHIBALD - LINDENHILL VILLAGE AREA.
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LEGAL DESCRIPTION:
 PARCEL 1 (EAST HARBET)
 12,900 SF
 1.95 AC. NET
 14,080 SF

PROJECT SUMMARY:
 PARCEL 1 (EAST HARBET)
 12,900 SF
 1.95 AC. NET
 14,080 SF

**REFER TO PLOT PLAN, 22277
 FOR PROJECT DETAILS, FLOOR PLANS, ETC.**

**TYPICAL SECTION
 MODIFIED URBAN ARTERIAL HIGHWAY
 ARCHIBALD AVENUE**

**TYPICAL SECTION
 MODIFIED URBAN ARTERIAL HIGHWAY
 LINDENHILL AVENUE**

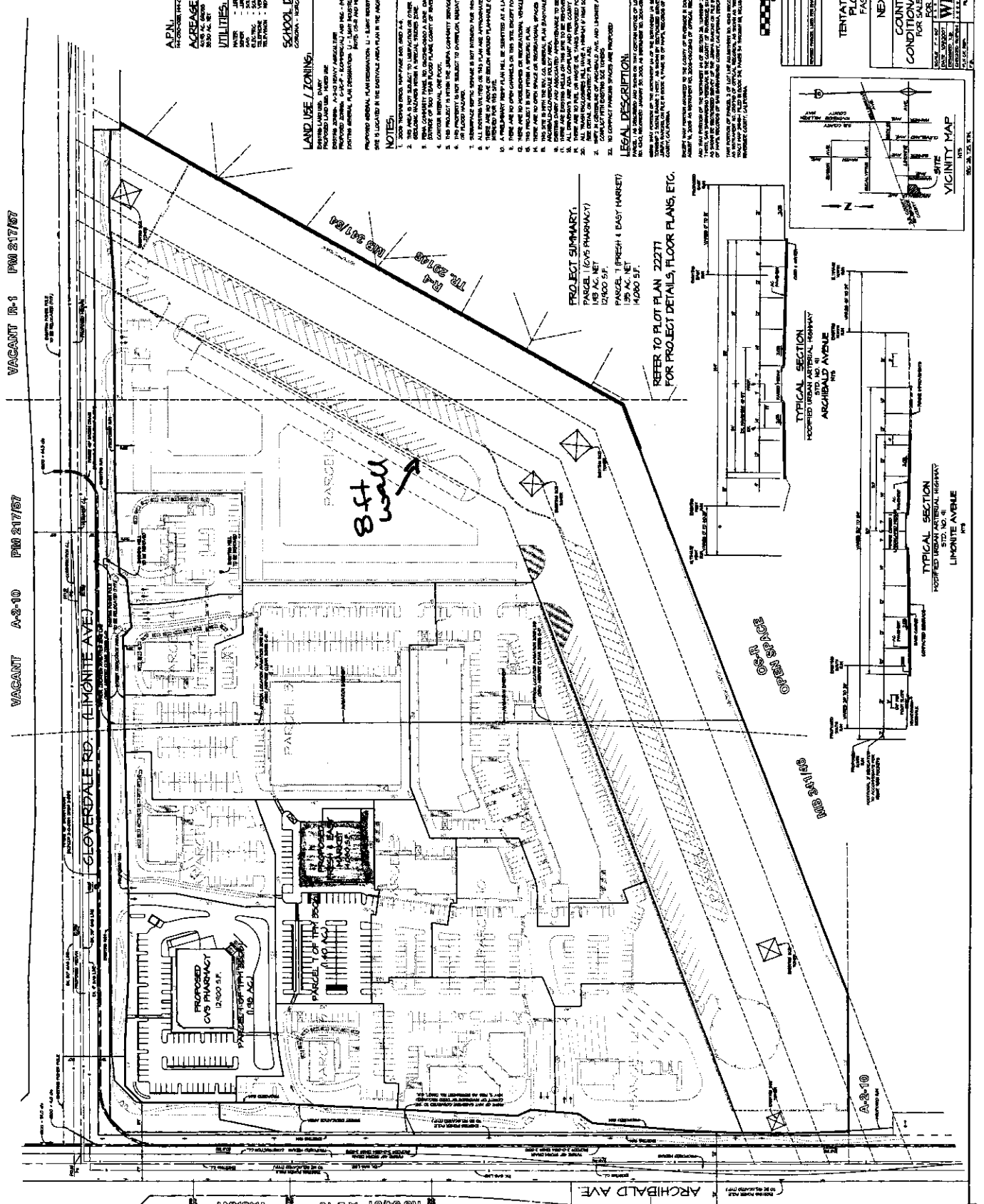
VICINITY MAP

GRAPHIC SCALE 1"=100'

**TENTATIVE PARCEL MAP 35061
 PLOT PLAN NO. 22277
 FAST TRACK NO. 2006-14**

**COUNTY OF RIVERSIDE
 CONDITIONAL USE PERMIT NO.
 FOR SALE OF ALCOHOLIC BEVERAGES**

WEBB



VACANT R-1 PM 217/67

VACANT A-2-10 PM 217/67

VACANT A-2-10

VACANT

GLOVERDALE RD. (LINDENHILL AVE)

ARCHIBALD AVE

LINDENHILL AVENUE

ARCHIBALD AVENUE

LINDENHILL AVENUE

VACANT

8-ft wall

800' x 150'

PROPOSED CVS PHARMACY
 12,900 SF
 1.95 AC. NET

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