

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

535B



**FROM:** TLMA - Planning Department

**SUBMITTAL DATE:**  
September 4, 2008

**SUBJECT:** Alcoholic Beverage Control License  
Determination of Public Convenience and Necessity (PNC-57)

**CONTROVERSIAL ISSUES:** NONE

**RECOMMENDED MOTION:** That the Board of Supervisors, based on the findings below, make a determination of Public Convenience and Necessity, so that a new license to allow the sale of alcoholic beverages for a transfer change from off sale liquor to off sale beer and wine, at the northerly of Avenue 18, southerly of Teagarden Drive, easterly of Highway 62 and westerly of Indian Avenue, Riverside County Assessor's Parcel Numbers: 666-150-009, in the Fifth Supervisorial District, may be issued for a convenience store.

**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."

REVIEWED BY EXECUTIVE OFFICE

DATE

*Tina Grande*

Tina Grande

Departmental Concurrence

Ron Goldman  
Planning Director

RG: cm

Policy  
 Policy

Consent  
 Consent

Dept's Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.

District: Fifth

Agenda Number:

3.47

The applicant has applied with the ABC for a Type 20 General Off-Sale Beer and Wine License for a convenience store. This type of license authorizes the sale of beer and wine for consumption off the premises where the beer and wine is sold. The applicant is the one of the new owners of a non-conforming use with existing convenience store and tire shop, which the Planning Department issued a Certificate of Non-Conforming Use on August 8, 2008.

**FINDINGS:**

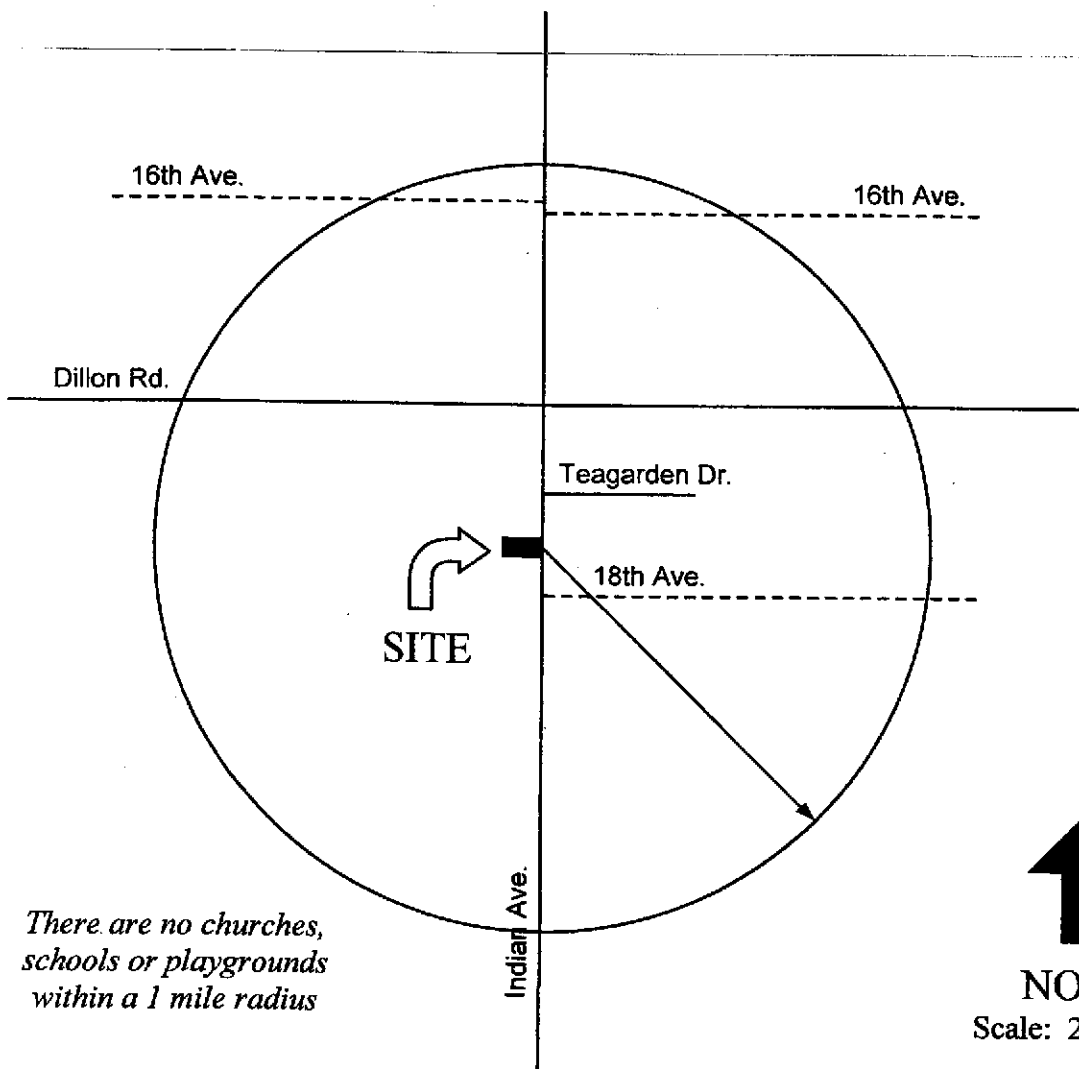
1. The issuance of a new ABC license on the property required that the Planning Department recognize the food market and convenience store as a non-conforming use to October 2010 through a certificate of Non-Conforming Use.
2. The issuance of an ABC license for Type 20 General Off-Sale Beer and Wine License will require no further action from the Riverside County Planning Department. The property owner previously held a type 20 liquor license for full sale of a range of alcoholic beverages, including spirits. The requested beer and wine license will reflect a lessening of the intensity alcoholic beverage sales.
3. Per the attached radius map, the Planning Department has concluded that the project is not located within 1,000 feet of an elementary school, secondary school district, or any public entity operating a public park or playground is within 1,000 feet of the site.
4. The State Department of Alcoholic Beverage Control is requesting a determination of "public necessity and convenience" for the new license.
5. The nonconforming rights for this use shall expire on **October 28, 2010**. The use must thereafter be discontinued or brought into conformance with the provisions of Riverside County Ordinance No. 348.

# Application for Determination of Public Necessity & Convenience

**Owner:**  
Patricio Salazar  
13680 Del Rey Ln.  
Desert Hot Springs, CA 92240

**Property Address:**  
17724 Indian Ave.  
North Palm Springs, CA 92258

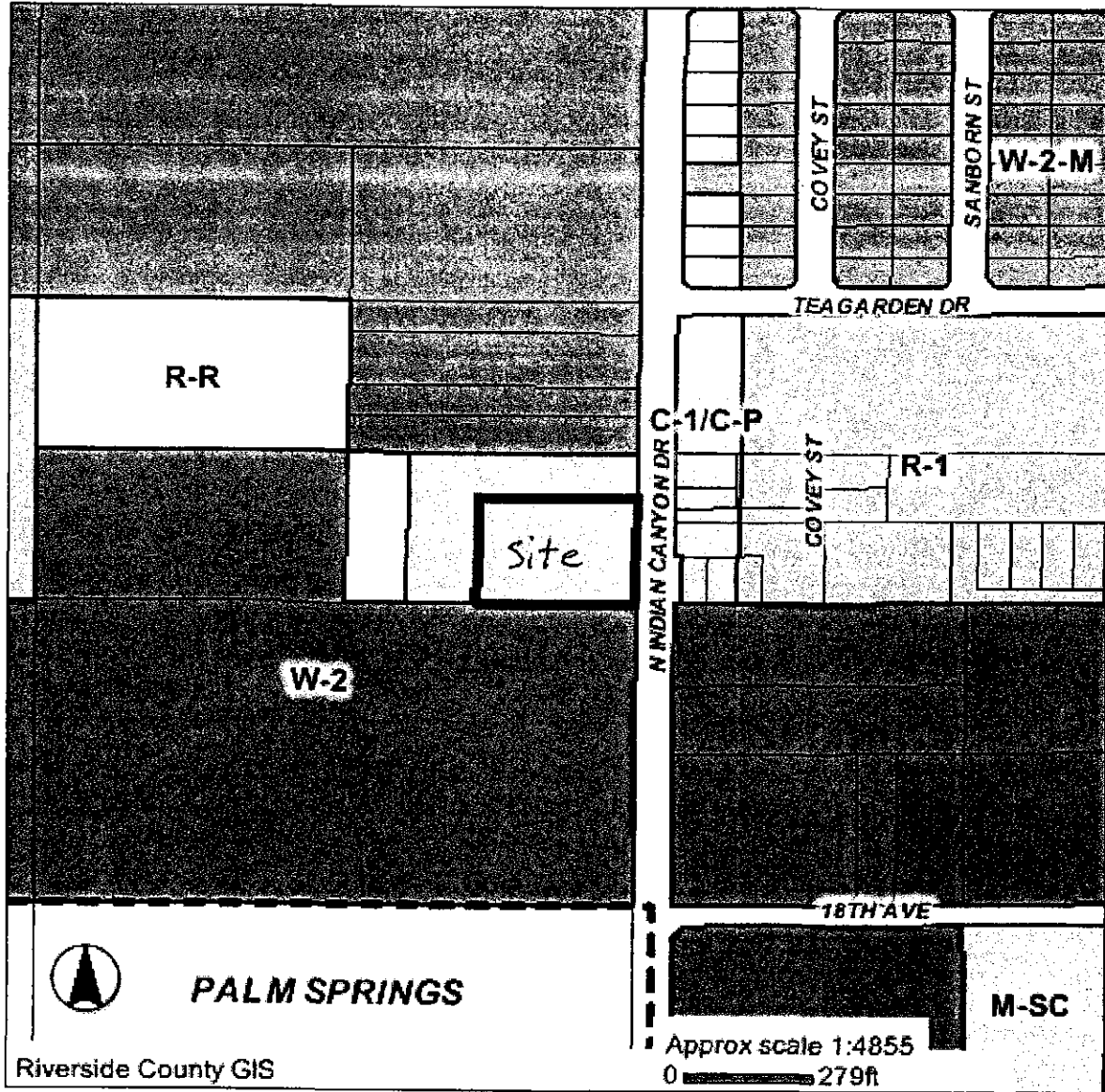
**A.P.N.**  
666-150-009



*There are no churches,  
schools or playgrounds  
within a 1 mile radius*

**NORTH**  
Scale: 2" = 1 mile

Zoning



ZONING

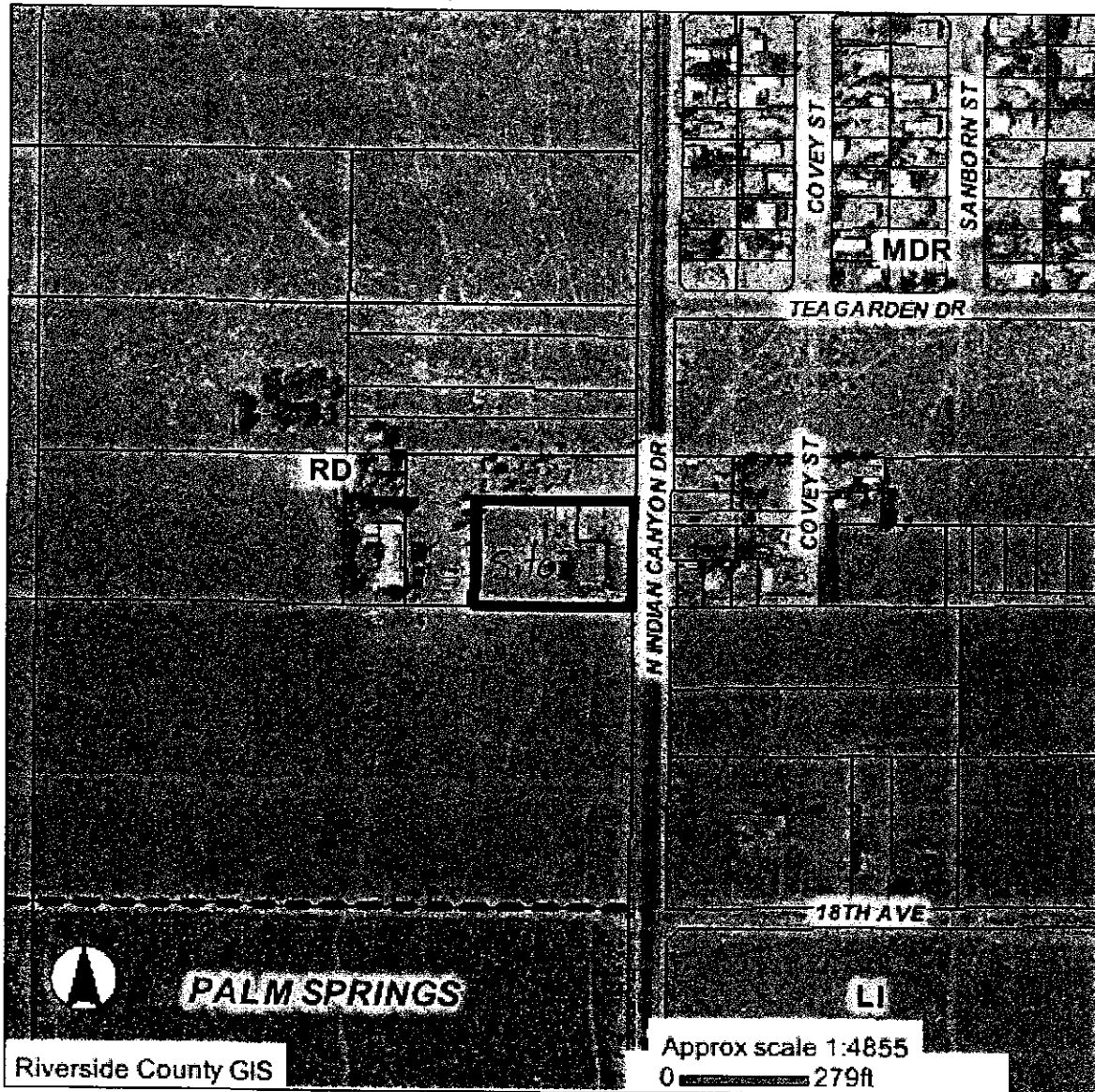
- PARCELS
- ZONING BOUNDARY
- W-2, W-2-M
- M-SC
- R-1
- R-R
- CITY BOUNDARY

**\*IMPORTANT\***

This information is made available through the Riverside County Geographic Information System. The information is for reference purposes only. It is intended to be used as base level information only and is not intended to replace any recorded documents or other public records. Contact appropriate County Department or Agency if necessary. Reference to recorded documents and public records may be necessary and is advisable.

REPORT PRINTED ON...Mon Feb 25 13:54:09 2008

Land use



LANDUSE

- PARCELS
- CITIES
- LI - LIGHT INDUSTRIAL
- MDR - MEDIUM DENSITY RESIDENTIAL
- RD - RURAL DESERT

**\*IMPORTANT\***

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REPORT PRINTED ON...Mon Feb 25 13:54:58 2008

**COUNTY OF RIVERSIDE**  
**TRANSPORTATION AND LAND MANAGEMENT AGENCY**

*George A. Johnson · Agency Director*

**Planning Department**

*Ron Goldman · Planning Director*

August 8, 2008

TO:Patricio Salazar  
17724 Indian Ave  
North Palm Springs, CA 92258

**RE: Non-Conforming Use Plot Plan No. 23192**  
**Environmental Assessment No. Exempt**  
**Regional Team: Desert**

Nature of Non-Conforming Use: Non-Conforming Use will entitle the owner of an existing food market and convenience store with the sale of alcoholic beverages for off-premises consumption in accordance with Section 18.8 of Riverside County Ordinance No. 348 (Land Use and Zoning).

ASSESSOR PARCEL NUMBER: 666-150-009

SITUS ADDRESS: 17725 Indian Ave, North Palm Springs, CA. 92258

EXPIRATION DATE: October 28, 2010 (30 years from Ordinance 348,1879 effective 9/28/80)

The Riverside County Planning Department has reviewed the documentation submitted by Patricio Salazar to substantiate the nonconforming use described above. The documentation is sufficient to provide for the continued use of the subject property under the provisions of Section 18.8 (nonconforming rights) of Riverside County Ordinance No. 348 (Land Use and Zoning) in the manner in which it has been described (see above).

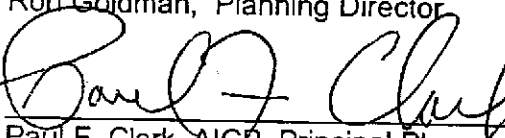
The nonconforming rights for this use shall expire on October 28, 2010. The use must thereafter be discontinued or bought into conformance with the provisions of Riverside County Ordinance No. 348.

If the use is discontinued for one year or more prior to the expiration date, all nonconforming rights shall be lost and the site shall thereafter be used in conformity with the provisions of Riverside County Ordinance No. 348.

**Action taken on the above referenced case is considered final.**

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT  
Ron Goldman, Planning Director

  
Paul F. Clark, AICP, Principal Planner

To: Desert File  
Central File  
Land Use File

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Riverside Office · 4080 Lemon Street, 9th Floor  
P.O. Box 1409, Riverside, California 92502-1409  
(951) 955-3200 · Fax (951) 955-3157

Desert Office · 38686 El Cerrito Road  
Palm Desert, California 92211  
(760) 863-8277 · Fax (760) 863-7555

Murrieta Office · 39493 Los Alamos Road  
Murrieta, California 92563  
· Fax (951) 600-6145

\$471.00

**COUNTY OF RIVERSIDE**  
**TRANSPORTATION AND LAND MANAGEMENT AGENCY**  
**Planning Department**  
*Ron Goldman · Planning Director*

**APPLICATION FOR DETERMINATION OF PUBLIC  
NECESSITY & CONVENIENCE**

In accordance with the Business and Professions Code, Section 23958.4, the State of California Department of Alcoholic Beverage Control (ABC) has been granted the authority to deny an application for an ABC License if there is "undue concentration of licenses." An "undue concentration" exists if the site for the license 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 (Riverside County Board of Supervisors) determines that the public use and necessity would be served by issuance of the license.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

CASE NUMBER: #R01878 DATE SUBMITTED: 5/13/08  
PNC 57

**APPLICATION INFORMATION**

Applicant's Name: Patricio Salazar

Mailing Address: 13680 Del Ray Ln.  
Desert Hot Springs, CA 92240  
City State ZIP

Daytime Phone No: (760) 285-5388 Fax No: (760) 406-5727

Engineer/Representative's Name: Land Solutions E-Mail: stokes@57zip.com

Mailing Address: PO Box 12585  
Palm Desert, CA 92255  
City State ZIP

Daytime Phone No: (760) 285-5388 Fax No: (760) 406-5727

Property Owner's Name: Same As Applicant E-Mail: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
City State ZIP

Daytime Phone No: ( ) \_\_\_\_\_ Fax No: ( ) \_\_\_\_\_

If the property is owned by more than one person, attach a separate page that reference the application case number and lists the names, mailing addresses, and phone numbers of all persons having an interest in the real property or properties involved in this application.

Riverside Office · 4080 Lemon Street, 9th Floor  
P.O. Box 1409, Riverside, California 92502-1409  
(951) 955-3200 · Fax (951) 955-3157  
Form 295-1023 (09/11/07)

Desert Office · 38686 El Cerrito Road  
Palm Desert, California 92211  
(760) 863-8277 · Fax (760) 863-7555

Murrieta Office · 39493 Los Alamos Road  
Murrieta, California 92563  
· Fax (951) 600-6145

**APPLICATION FOR DETERMINATION OF PUBLIC NECESSITY & CONVENIENCE**

**AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:**

I certify that I am/we are the record owner(s) or authorized agent and that the information filed is true and correct to the best of my knowledge. (Authorized agent must submit a letter from the owner(s) indicating authority to sign in the owner's behalf. All signatures must be original ["wet-signed"]. Photocopies of signatures are unacceptable). Use additional sheets as necessary.

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

Patricio Salazar  
PRINTED NAME OF PROPERTY OWNER(S)

Patricio Salazar  
SIGNATURE OF PROPERTY OWNER(S)

Elvia Salazar  
PRINTED NAME OF PROPERTY OWNER(S)

Elvia Salazar  
SIGNATURE OF PROPERTY OWNER(S)

If the subject property is owned by persons who have not signed as owners above, attach a separate sheet that references the application case number and lists the printed names and signatures of all persons having an interest in the property.

**THE DETERMINATION OF PUBLIC NECESSITY & CONVENIENCE FILING PACKAGE MUST  
CONSIST OF THE FOLLOWING:**

1. One completed and signed application form.
2. One copy of the current legal description for each property involved. A copy of a grant deed of each property involved will suffice.
3. One exhibit (map) of the Census Tract the project site is located (with the project site identified, as well as the location of all other licensed facilities within said Census Tract.)
4. One Exhibit (map) with the project site identified, as well as the location of any church, school (public, private, day care), and playground or park within a 1 mile radius of the project site. The Exhibit shall also provide a ½ mile radius circle to help determine the proximity of said facilities to the proposed project site.
5. Applicable deposit-based fees.