

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

402B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
January 30, 2009

SUBJECT: Alcoholic Beverage Control License
Determination of Public Convenience and Necessity (PNC-60)

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 off-premises consumption only, may be issued for grocery store use previously approved under CUP03594, located northerly of Varner Road, southerly of Wildcat Drive and westerly of Washington Street at Assessor's Parcel Number: 748-370-036, in the Fourth Supervisorial District.

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."

Departmental Concurrence

REVIEWED BY EXECUTIVE OFFICE

DATE 2/9/09
Tina Grande

Ron Goldman
Planning Director

RG: cm

Policy
 Policy

Consent
 Consent

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

Prev. Agn. Ref.

District: Fourth

Agenda Number:

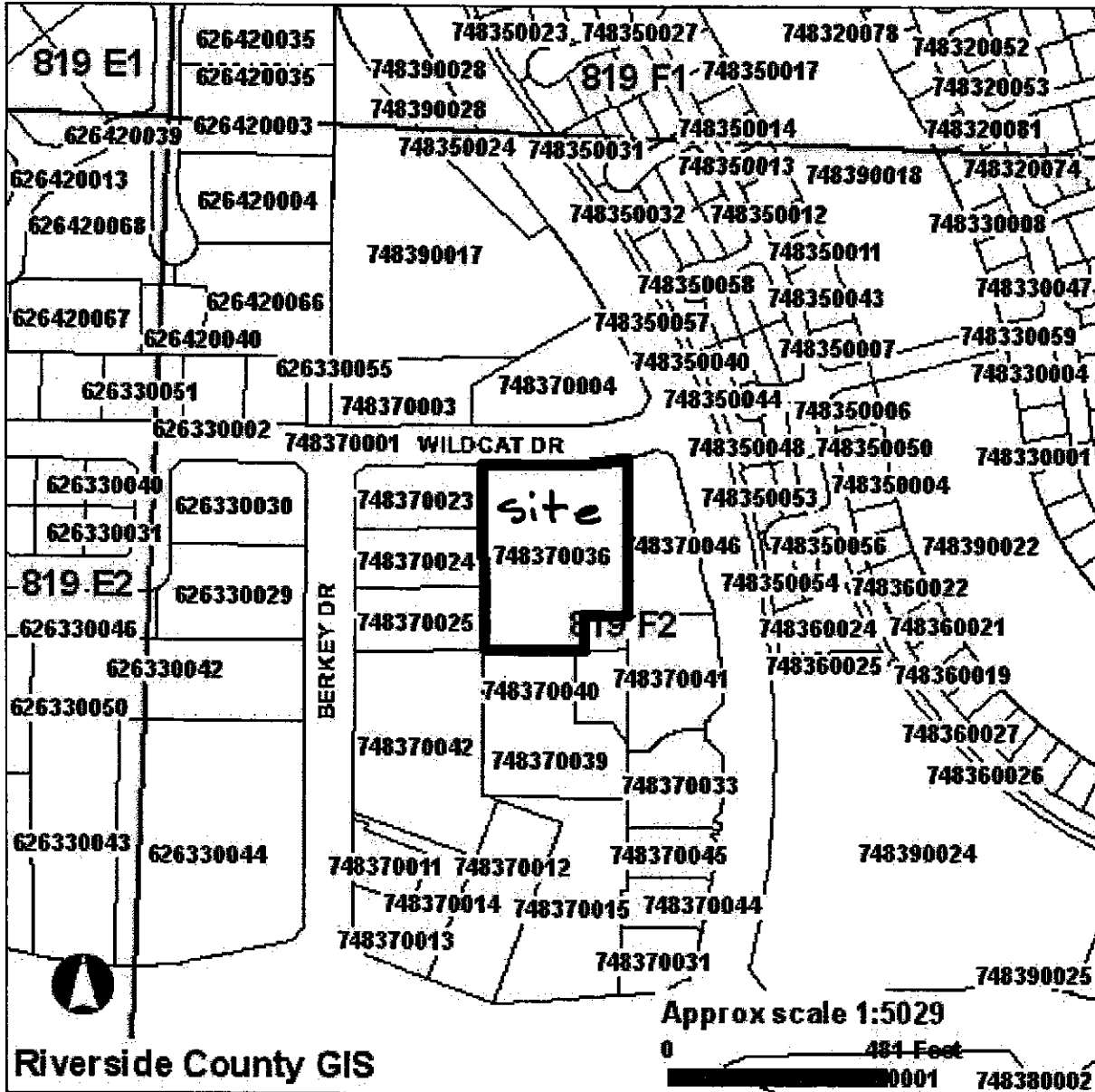
3.50

The applicant has applied with the ABC for a Type 20 General Off-Sale Beer and Wine License for a grocery store (Fresh & Easy). This type of license authorizes the sale of beer and wine for consumption off the premises where the beer and wine is sold.

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 (CUP03594) was granted and approved on October 21, 2008 for the development of a grocery store (Fresh & Easy) with concurrent sale of beer & wine including the with approximately 13,969 square feet of building area.
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.
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 Riverside County Sheriff's Department commented in writing on the letter dated June 10, 2008 to the original conditional use permit (CUP03594) and the Sheriff concluded there was no crime prevention issues.
5. The State Department of Alcoholic Beverage Control is requesting a determination of "public necessity and convenience" for the new license.

SWC Washington St. and Wildcat Dr.



Selected parcel(s):
748-370-036

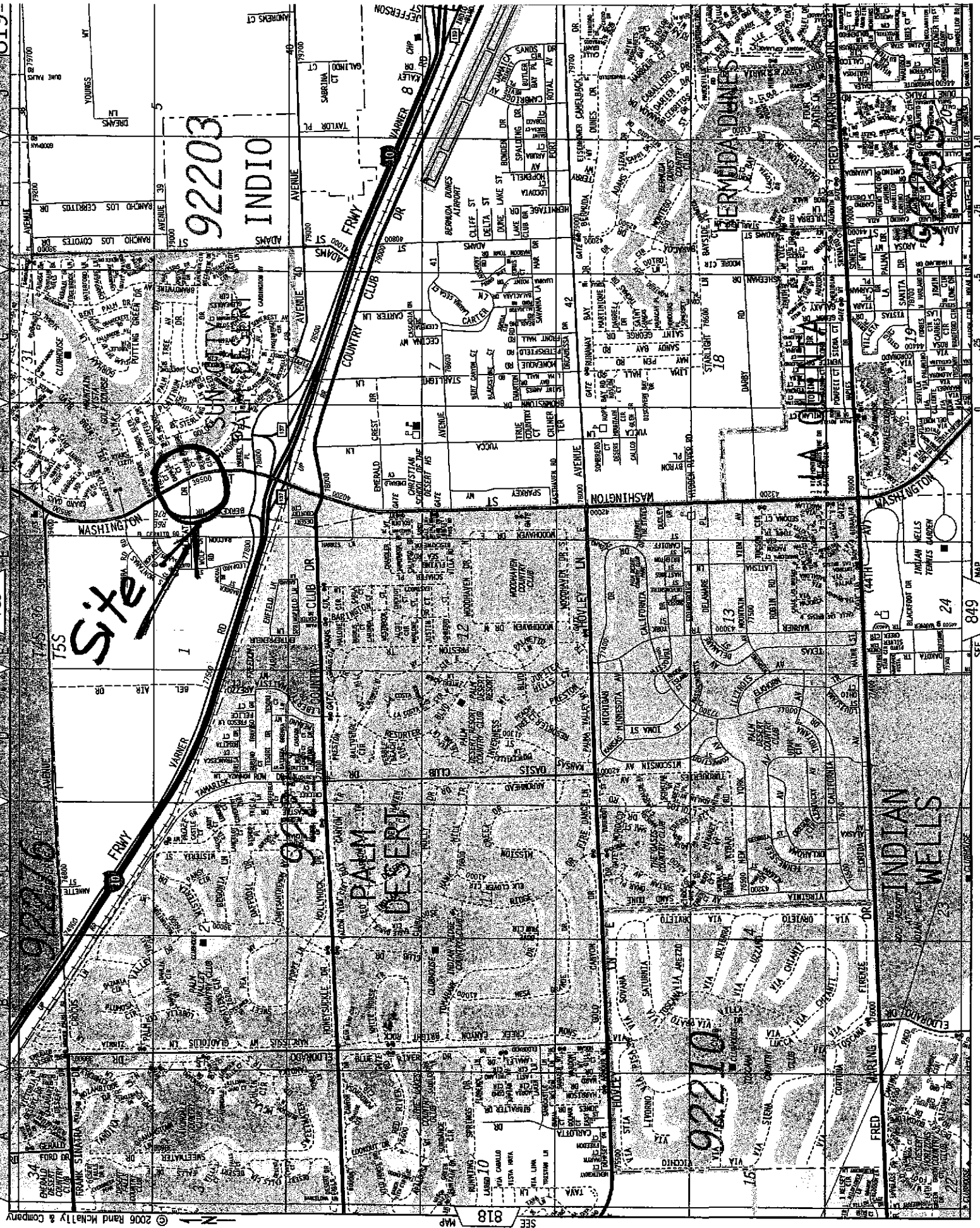
THOMAS BROS. MAPS PAGE/GRID

- SELECTED PARCEL
- THOMAS BROS. MAPS PAGE
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- PARCELS

IMPORTANT

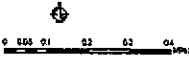
This information is made available through the Riverside County Geographic Information System. The information is for reference purposes only. It is intended to be used as base level information only and is not intended to replace any recorded documents or other public records. Contact appropriate County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

REPORT PRINTED ON...Tue Jun 24 11:45:02 2008

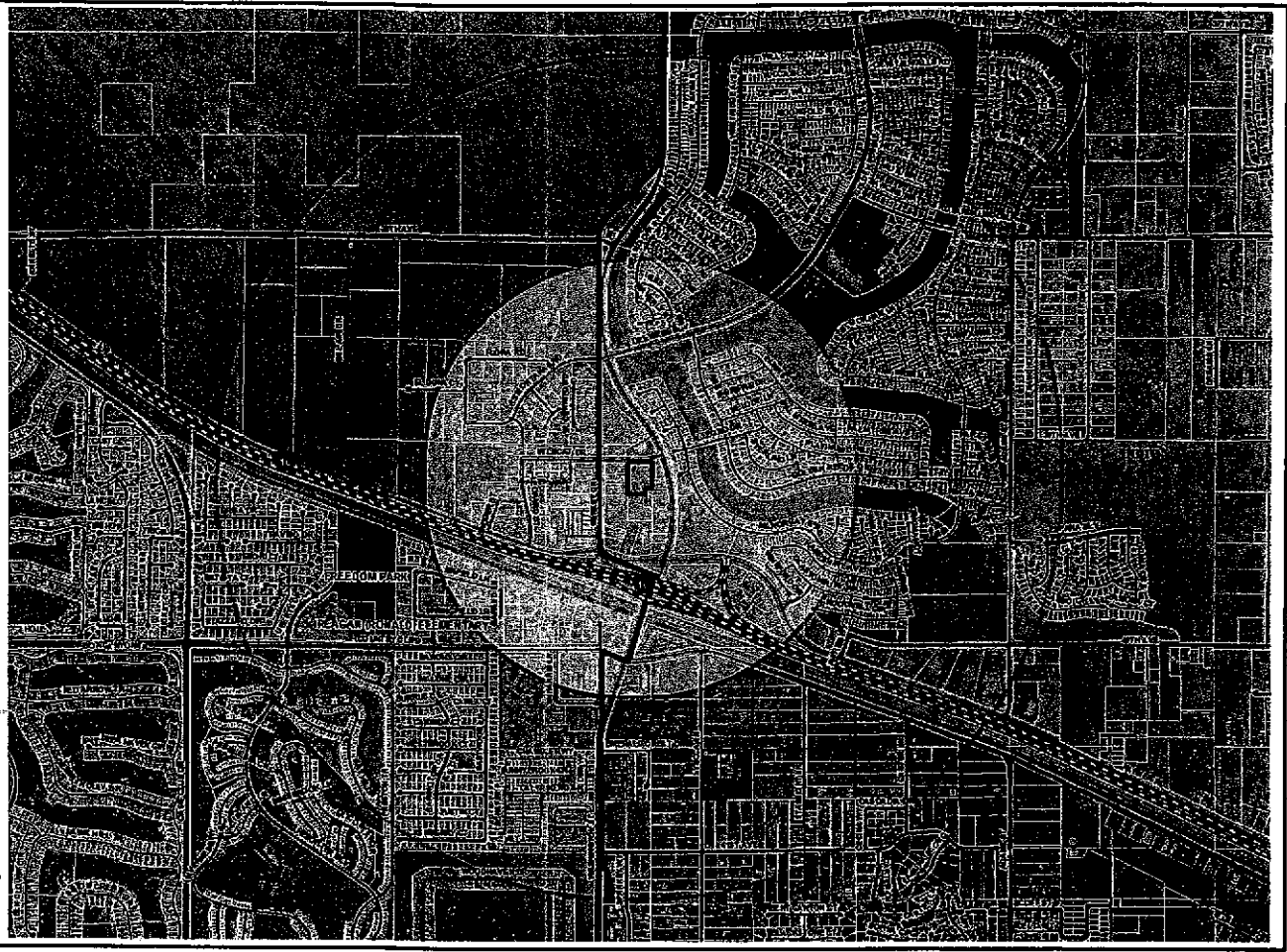


Washington St &
Wildcat Dr

Census Tract
045206



Date: 6-11-02
Sheet Title:
Map Information:
The County of Washington warrants that this map is a true and correct representation of the information provided to it by the applicant. The County of Washington does not warrant the accuracy or completeness of the information provided to it by the applicant. The County of Washington is not responsible for any errors or omissions in this map. The County of Washington is not responsible for any damages or losses resulting from the use of this map. The County of Washington is not responsible for any claims or liabilities arising from the use of this map. The County of Washington is not responsible for any claims or liabilities arising from the use of this map.



COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

Tony Carstens · Agency Director

Planning Department

Ron Goldman, Planning Director

DATE: May 27, 2008

TO: BUILDING & SAFETY:
CODE Enf./ GRADING
PLAN CHECK
TRANSPORTATION (2)
HEALTH DEPARTMENT (2)
FIRE PROTECTION
FLOOD CONTROL DISTRICT: CVWD
RIV. CO. PARKS
RIV. CO. GEOLOGIST
RIV. CO. ARCHAEOLOGIST
RIV. CO. TRANSPORTATION/FLOOD DISTC. (3)
RIV. CO. GIS DRAFTING (LINDA PHERIGO)
RIV. CO. COMMISSIONER (JIM PORRAS)
RIV. CO. SUPERVISOR (ROY WILSON)
RIV. CO. SHERIFF (PD)
RIV. CO. WASTE MANAGEMENT DEPT
RIV. CO. TRAILS COORD. (J JOLLIFFE)
RIV. CO. ALUC

CVWD/ IID/ SCG (PS)/ VERIZON/ BERMUDA DUNES COMM.
COUNCIL/ CITY OF PALM DESERT/ DESERT SANDS UNIFIED
SCHOOL DISTRICT/ SUN CITY PALM DESERT HOA/ CA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL BD./
CALTRANS AERONAUTICS DIV. SACRAMENTO
DESERT FILE/ CENTRAL FILE

CONDITIONAL USE PERMIT NO. 03594 - EA No. 41949 –
Applicant: Carter & Burgess – Engineer/Representative: Dion
Fourfouris - Fourth Supervisorial District – Bermuda Dunes
Zoning District. – Western Coachella Valley Area Plan: Community
Development: Commercial Retail (CR) (0.20-0.35 FAR) – Northerly
of Varner Road, southerly of Wilcat Drive, easterly of Berkey Drive,
westerly of Washington Street. – 3.2 Acres – Minimum lot N/A (C-
P-S) Scenic Highway Commercial. Zone – REQUEST: An
approximately 14,000 square-foot Grocery store (Fresh & Easy)
with concurrent sale of Beer & Wine for off premise consumption.

APN: 748-370-036
CONCURRENT CASE: CFG05297
RELATED CASES: PP22185R1

Please review the case described above, along with the attached tentative map/exhibit.

All County Agencies and Departments, please have your conditions in the SIERRA LMS no later than **June 12, 2008**.

All other agencies, please have your comments/conditions to the Planning Department as soon as possible.
Your comments/recommendations/conditions are requested so that they may be included in the staff report for this particular case.

Should you have any questions regarding this item, please do not hesitate to contact Maurice Borrows, Project Planner at (760) 863-8277.

SEE NEW ADDRESS

COMMENTS:

DATE: _____ SIGNATURE: _____
PRINT NAME: _____ TITLE: _____

If you do not use this letter for your response, please indicate case number and project planner's name. Thank You.

5/27/08 TML

JU

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

RECEIVED

JUN 13 2008

Riverside County
Planning Department
Desert Office

June 10, 2008

County of Riverside
Planning Department
38686 El Cerrito Rd
Palm Desert, CA 92211

ATTN: Maurice Borrows, Project Manager
RE: Conditional Use Permit No: 03594; Concurrent Case: CFG05297

Thank you for the providing me with the attached conditional use permit map for the Fresh and Easy located northerly of Varner Road, southerly of Wilcat Drive, easterly of Berkey Drive and westerly of Washington Street.

On 06/10/08, at 2210 P.M., I conducted a site inspection. Based on the tentative parcel map, and my site inspection, I have concluded there is no Crime Prevention Through Enviornmental Design (CPTED) issues presented to the Riverside County Sheriff's Department.

I respectfully request copies of the completed site, floor, elevation, lighting and landscaping plans for this project when they become available so I can provide you with meaningful CPTED recommendations.

Respectfully,



Officer Lori Hardcastle
Riverside County Sheriff's Department

Attachment

CC: Lieutenant Mc Mannus

We Shape Our Buildings, Therefore; They Shape Us...Sir Winston Churchill

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

8068



FROM: TLMA - Planning Department

SUBMITTAL DATE:
September 22, 2008

SUBJECT: CONDITIONAL USE PERMIT NO. 3594 – EA41949 – Applicant: Carter and Burgess – Engineer / Representative: Nolte Associates - Fourth Supervisorial District – Bermuda Dunes Zoning District – Western Coachella Valley Area Plan: Community Development: Commercial Retail (CD-CR) (0.2-0.35 FAR) – Location: Northerly of Varner Road, southerly of Wildcat Avenue, easterly of Berkey Drive and westerly of Washington Street – 2.1 Gross Acres - Zoning: Scenic Highway Commercial (C-P-S) - **REQUEST:** The conditional use permit proposes to add the sale of beer and wine (ABC Type 20 License) for off premises consumption to an approximately 14,000 square-foot Fresh and Easy food store located on Parcel 3 of approved Plot Plan No. 22185, Revised Permit No. 1, which proposed to construct and operate a commercial center consisting of three buildings totaling approximately 24,000 square feet at a building height of about 30 feet.

BACKGROUND: Conditional Use Permit No. 3594, was heard and approved unanimously by the Planning Commission on September 17, 2008. The Commissioner's discussed the previous easement agreement for the property with staff and recommended that staff add a condition to the project to address the easement agreement as it related to the revised plot plan and a related lot line adjustment. It was recommended that the applicant submit the old easement agreement to the County Counsel for review to verify that the existing document adequately address the changes to the site plan.

RECOMMENDED MOTION:

RECEIVE AND FILE the Notice of Decision for the above referenced case acted on by the Planning Commission in La Quinta on September 17, 2008.

The Planning Department recommended Approval; and,
THE PLANNING COMMISSION UNANIMOUSLY:

Ron Goldman
Planning Director

RG:mb

REVIEWED BY EXECUTIVE OFFICE

DATE 10/6/08 AG far

Jina Grande
Departmental Concurrence

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

Policy Policy

Consent Consent

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

Prev. Agn. Ref.

District: Fourth

Agenda Number:

1.13

The Honorable Board of Supervisors
RE: Conditional Use Permit No. 3594
Page 2 of 2

ADOPTED a **MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 41949**, based on the findings incorporated in the initial study and the conclusion that the project will not have a significant effect on the environment; and,

APPROVED **CONDITIONAL USE PERMIT NO. 3594**, subject to the attached conditions of approval, based upon the findings and conclusions incorporated in the staff report.

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

PNCA# 60

CASE NUMBER: HR01966 (CUP# 3594) DATE SUBMITTED: 6/24/08

APPLICATION INFORMATION

Applicant's Name: Fresh and Easy Neighborhood Market, Inc.

Mailing Address: 2120 Park Place Ste 200

El Segundo Street
CA 90245
City State ZIP

Daytime Phone No: (310) 341-1200 Fax No: (310) 341-1501

Engineer/Representative's Name: Matt Sliwinski E-Mail: msliwinski@thebergman

Mailing Address: 13745 Seminole Dr.

Chino Street
CA 91710
City State ZIP

Daytime Phone No: (909) 548-4147 Fax No: (909) 548-4271

Property Owner's Name: Pacific/Costanzo -Lewis E-Mail: rlewis@pdgcenters.com

Mailing Address: One Corporate Plaza

Newport Beach Street
CA 92660
City State ZIP

Daytime Phone No: (949) 760-8591 Fax No: (949) 760-8584

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.

APPLICATION FOR DETERMINATION OF PUBLIC NECESSITY & CONVENIENCE

PROJECT INFORMATION

Proposal (Describe Project/Ordinance No. 348 Reference No.):

13,969 Square feet Grocery Store

Identify the particular type of license is being sought from the ABC: Type 20 Off-Sale Beer and Wine

Related cases or underlying case: SWC Limonite Ave. & Clay St., Pedley & SEC Newport Rd & Laguna Vista,

PROPERTY INFORMATION

Assessor's Parcel Number(s): 748-370-036

Section: 6 Township: 5 Range: 7E

Approximate Gross Acreage: 1.26 acres

General location (nearby or cross streets): North of Varnier Rd, South of Wildcat Dr, East of Berkey Dr, West of Washington St.

Thomas Brothers map, edition year, page number, and coordinates: Document Attached

The Planning Department will primarily direct communications regarding this application to the person identified above as the Applicant. The Applicant may be the property owner, representative, or other assigned agent.

AUTHORIZATION FOR CONCURRENT FEE TRANSFER

The signature below authorizes the Planning Department and TLMA to expedite the refund and billing process by transferring monies among concurrent applications to cover processing costs as necessary. Fees collected in excess of the actual cost of providing specific services will be refunded. If additional funds are needed to complete the processing of your application, you will be billed, and processing of the application will cease until the outstanding balance is paid and sufficient funds are available to continue the processing of the application. The applicant understands the deposit fee process as described above, and that there will be NO refund of fees which have been expended as part of the application review or other related activities or services, even if the application is withdrawn or the application is ultimately denied.

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

Matt Sliwinski

PRINTED NAME OF APPLICANT

SIGNATURE OF APPLICANT

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.

James R. Costanzo

PRINTED NAME OF PROPERTY OWNER(S)


SIGNATURE OF PROPERTY OWNER(S)

PRINTED NAME OF PROPERTY OWNER(S)

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.



June 24, 2008

RECEIVED

JUN 25 2008

RIVERSIDE COUNTY
PLANNING DEPARTMENT
INDIO OFFICE

County of Riverside
Planning Department
38686 El Cerrito Rd.
Palm Desert, CA 92211
Attn: Mr. Paul Clark

Re: Fresh and Easy Neighborhood Market on the southwest corner of Washington St. and Wildcat Dr., in the unincorporated City of Bermuda Dunes.

Dear Mr. Clark:

Please find enclosed the Public Convenience or Necessity justification letter for the proposed Fresh and Easy Neighborhood Market site. Fresh and Easy has applied for a Type 20 off-sale Beer and Wine alcohol license. Also enclosed are the County's required Census Tract and Exhibit maps.

If you have any questions or require additional information, please call me at 909-548-4147 or Karen Rudisill at 909-548-4061.

I appreciate you time and consideration in this matter.

Respectfully,



Matt Sliwinski
Project Manager

BERGMAN
4300 Edison Avenue 909.627.3651 /P
Chino, California 91710 909.627.5425 /F

thebergman.com

LICENSE #436418



June 24, 2008

County of Riverside
Planning Department
38686 El Cerrito Rd.
Palm Desert, CA 92211
Attn: Mr. Paul Clark

Re: Fresh and Easy Neighborhood Market on the southwest corner of Washington St. and Wildcat Dr., in the unincorporated City of Bermuda Dunes.

Dear Mr. Clark:

We represent Fresh and Easy Neighborhood Market, Inc., which would like to open a grocery store in the unincorporated City of Bermuda Dunes. It is our understanding that a finding of Public Convenience or Necessity is essential for obtaining a liquor license at the southwest corner of Washington St. and Wildcat Dr. We appreciate your time reviewing our justification letter and look forward to your approval.

PREMISES DESCRIPTION

The premises is located on the southwest corner of Washington St. and Wildcat Dr. in the unincorporated City of Bermuda Dunes, County of Riverside. There is approximately 13,969 square feet of gross leasable floor area. Fresh and Easy Neighborhood Market will carry a line of fresh, prepared and packaged grocery and non-food items consistent with the line of products found in full-service grocery stores. Fresh and Easy Neighborhood Market also is proposing that alcohol sales will comprise no more than 10 percent of floor space.

PUBLIC CONVENIENCE OR NECESSITY

First, it is important to emphasize that Business & Professional Code § 23958.4 requires a positive finding of public convenience *“or”* necessity in order for an on-site ABC application to be approved. Thus, it is legally sufficient if Fresh and Easy Neighborhood Market (formerly known as Tesco Stores West, Inc.) shows *either* public convenience *or* public necessity. It is *not* legally necessary to show both.

Second, it is only necessary to show public convenience or necessity where there is an “undue concentration” of licensees in the census track. The term “undue concentration” (also referred to as “over concentration”) is specifically defined in Business & Professional Code § 23958.4 as simply a ratio of *the number of licenses in a census track* compared to *the average number of*



licenses in a County, as a whole. It does *not* mean that a particular census track necessarily has too many licenses for the needs or convenience of residents in that track. "Over concentration" also does not mean that the State, or anyone else, has previously looked at this census track and determined that it has suffered any deleterious effects from the actual number of licenses existing; or that it will suffer if a new license is issued. It merely provides a guideline for making such a determination, in the form of determining whether, in a particular situation, the ABC license would serve the "public convenience or necessity."

Thus, the fact that the census tract in which Fresh and Easy Neighborhood Market site is located is statutorily "over concentrated" does not mean that selling a small amount of alcoholic beverages at a grocery store will have adverse impacts. Rather, it simply means that either public convenience or public necessity will be served by the sale of alcoholic beverages at this site.

BASIS FOR SUPPORTING OFFSITE ALCOHOLIC BEVERAGES SALES AS AN INTERGAL PART OF THE PROPOSED PROJECT.

1. The convenience of Fresh and Easy Neighborhood Market's Concept:

Tesco PLC is a premier international supermarket chain. They are the fourth largest retailer in the world. Currently, Tesco operates grocery stores in The United Kingdom, Ireland, China, Czech Republic, France, Hungary, Japan, Malaysia, Poland, Slovakia, South Korea, Thailand, and Turkey. The stores reflect the markets and communities they serve, but everywhere the goal is the same; to bring quality, service, and choice at a competitive price, to the heart of local neighborhoods.

Although alcohol beverages are expected to comprise only a small percent of the store shelf-space, it is nevertheless necessary in order to provide Fresh and Easy Neighborhood Market customers with a complete range of products. Thus, alcoholic beverages are a key element of the Fresh and Easy Neighborhood Market concept. By providing an assortment of products, including alcoholic beverages, readily available to the consumer at the Fresh and Easy Neighborhood Markets, the public convenience of the area will certainly be served. Without it, customers may be obliged to travel to a range of retail outlets in order to complete their weekly shopping.

2. Security and Control

Fresh and Easy Neighborhood Market is committed to taking all feasible steps to address law enforcement concerns about the site. In addition, Fresh and Easy Neighborhood Market has an extensive employee-training program and is a responsible retailer of alcoholic beverages. Tesco PLC (dba, Fresh and Easy Neighborhood Market) is a large corporate retailer with an



international presence and experience. It certainly has the resources to be a responsible retailer of all types of goods and especially of alcoholic beverages. Moreover, the sale of alcoholic beverages is not their primary purpose.

Fresh and Easy Neighborhood Market facilities are designed to provide a safe environment for patrons and employees. To that end, the following design elements are incorporated into our security plan. The storefront includes a significant number of windows so that the interior of the store is visible from the exterior of the building. Additional security measures include; adequate lighting levels both on the interior and exterior of the store, employee supervision of the facility, closed circuit video monitoring system with cameras located strategically throughout the property, and careful window signage and landscaping placement to avoid obstruction of visibility into and out of the facility.

Fresh and Easy Neighborhood Market understands the importance of maintaining the appearance of a facility to both expanding their customer base and preventing criminal activity. Fresh and Easy Neighborhood Market's property maintenance program includes timely graffiti and litter removal, repairs to structures and replacement of dead or diseased plant material, signs and curb painting to encourage parking in designated parking spaces, and strategic trash receptacle placement.

Fresh and Easy Neighborhood Market is committed to a neighborhood grocery market that allows for safe family oriented shopping. This is achieved by placing large windows along the front of the building so that passing motorists and police have a direct view into the facility. Fresh and Easy Neighborhood Market will integrate the following procedures:

1. A video camera shall be mounted inside the premises in such a position as to be visible to patrons yet not accessible by reach.
2. Post in English and the predominant language of the facility's clientele and a notice shall be placed therein that California state law prohibits the sale of alcoholic beverages to persons who are under the age of twenty-one (21) years and no such sales will be made.
3. Ensure no more than 33 percent of the square footage of the windows and clear doors of an off-sale premises shall bear advertising or signs of any sort, and all advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers and maintained, from the exterior public sidewalk or entrance.
4. Post and maintain a professional quality sign stating "No loitering is allowed on or in front of these premises."



5. Post and maintain a professional quality sign stating "No open alcoholic beverage containers are allowed on these premises."
6. Restrict any pay phone from receiving incoming calls.
7. The possession of alcoholic beverages in open containers or the consumption of alcoholic beverages are prohibited on the premises.
8. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences.
9. Any graffiti or marks upon the premises shall be removed or painted over within 24 hours of discovery thereof.
10. Litter shall be removed daily from the premises, including adjacent public sidewalks and all parking areas under the control of the licensee.
11. All areas under control of the licensee shall be swept or cleaned, either mechanically or manually, on a weekly basis to control debris.

In addition, Fresh and Easy Neighborhood Market recognizes the seriousness of loitering, delinquency, crime, and underage drinking. Therefore, Fresh and Easy Neighborhood Market has developed stringent operational standards and training programs to teach techniques for the lawful selling of alcoholic beverages. All store employees are trained with the TIPS (Training for Intervention Procedures) liquor awareness training program. TIPS is a national program and is approved by California's Department of Alcohol Beverage Control. Also, Fresh and Easy Neighborhood Market requires all employees selling alcoholic beverages will execute an ABC "Clerk's Affidavit" (ABC-299). In addition, Fresh and Easy Neighborhood Market is open to operating conditions that the police department considers appropriate to ameliorate any concerns that do exist.

3. The site will not result in an adverse impact on public health, safety, or welfare

Fresh and Easy Neighborhood Market's acquisition of this site will have a positive impact on public health, safety, and welfare. In fact, by providing a new, safe, and convenient location to make grocery purchases, public health, safety, and welfare will be advanced by this site. The addition of selling alcoholic beverages will not change this. But beyond this, it should be noted that Fresh and Easy Neighborhood Market has a very extensive training program for its employees to help ensure that it is a responsible retailer of alcoholic beverages. There are oral, written, and electronic video training aspects to Fresh and Easy Neighborhood Market's training



program to ensure that employees understand and implement the procedures imposed by Fresh and Easy Neighborhood Market to comply with ABC laws and regulations.

Fresh and Easy Neighborhood Market realizes that a healthy community translates to healthy business, and is willing to consider any conditions the Planning Commission deems necessary in order to ensure that the public health, safety, and welfare are protected. In short, Fresh and Easy Neighborhood Market is committed to protecting the public health, safety, and welfare of the community, and will take appropriate steps to do so. The sale of alcoholic beverages on the site will **not** threaten these important concerns.

4. Community Service and Investment

Fresh and Easy Neighborhood Market is committed to improving the communities they operate within. Initially, revenues for the construction of this project, including all applicable city permits and fees, will filter into the city. Moreover, Fresh and Easy Neighborhood Market's investment of over \$3 million in the site will increase the property tax base as well as sales tax revenue.

CONCLUSION

Parent Company, Tesco PLC has been a responsible retailer of alcoholic beverages for over 70 years. Permitting the sale of alcoholic beverages at this site will not change this, but will 'round-out' Fresh and Easy Neighborhood Market's concept at this site, providing customers the added convenience to make purchases of alcoholic beverages along with their weekly grocery needs. Fresh and Easy Neighborhood Market, by reason of its location, character, manner, and method of operation, merchandise, and potential clientele, will serve the community of Bermuda Dunes. Fresh and Easy Neighborhood Market respectfully requests that they are granted a finding of Public Convenience for the Fresh and Easy Neighborhood Market alcoholic beverage license.

Thank you for your attention to this matter.

Sincerely,

Michael Volchok
Vice President

MV/kr