

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

618B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
April 22, 2010

SUBJECT: Alcoholic Beverage Control License
Determination of Public Convenience and Necessity (PNC-63) for "Idyll A White Wine Shop and Bistro" wine shop, easterly of Village Center Drive, southerly of SH-273, and westerly of Cedar Street, Riverside County Assessor's Parcel No. 563-292-015.

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 consumption on or off the premises where sold, where food service is not required (Type-42), may be issued.

BACKGROUND: In accordance with Government Code 23958.4 the State of California

Jerry Jolliffe, Deputy Planning Director for,

Jerry Jolliffe
Ron Goldman
Planning Director

Initials:
RG:yc

(Continued on attached pages)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	N/A

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: *Tina Grande*
Tina Grande

County Executive Office Signature

Departmental Concurrence

Policy
 Policy

Consent
 Consent

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

Prev. Agn. Ref.

District: Third

Agenda Number:

3.71

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 Census Tract in which the applicant's establishment is located. A "public convenience and necessity" determination is required to establish an ABC license for "Idyll A While" wine shop, easterly of Village Center Drive, southerly of SH-273, and westerly of Cedar Street, Riverside County Assessor's Parcel No. 563-292-015, in the Third Supervisorial District, may be issued. 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 project site is designated Community Development: Commercial Retail (CD:CR) on the Riverside Extended Mountain Area Plan.
2. The proposed use, a wine shop with concurrent sales of beer and wine for consumption on or off the premises where sold, where food service is not required (Type-42), is permitted use in the Community Development: Commercial Retail (CD:CR) designation.
3. The zoning classification for the subject site is Scenic Highway Commercial (C-P-S).
4. The proposed use a wine shop with concurrent sales of beer and wine for consumption on or off the premises where sold, where food service is not required (Type-42), is a permitted use subject to approval of a Plot Plan, in the Scenic Highway Commercial (C-P-S).
5. The issuance of a new ABC license on the property will not require additional Planning Department approvals because an approved Plot Plan (PP09567, Revised Permit No. 1) was granted on September 25, 2001 which included the sale of alcoholic beverages for off-premises consumption. Maintenance of an ABC license for any business on the subject parcel is required by Condition of Approval 10.PLANNING.21.
6. A radius map buffering 1,000 linear 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 linear feet of the site.
7. A radius map buffering 1,000 linear feet from the subject site was prepared by Riverside County Geographic Information Systems and concluded that one (1) public park (Mt. San Jacinto State Park) and no playgrounds are within 1,000 linear feet of the site.
8. The "Idyll A While" wine shop is requesting a Type-42 license to allow for the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may

be on the premises. Minors are not allowed to enter and remain. Food service is not required.

9. The "Idyll A While" wine shop is primarily engaged in the sale and tasting of beer and wine in conjunction with food items and gifts.
10. The project is not 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.
11. No displays of beer, wine or other alcoholic beverages shall be located on the exterior of the building or within window areas.
12. The State Department of Alcoholic Beverage Control is requesting that the Riverside County Board of Supervisors grant a determination of "public necessity and convenience" for the new license.
13. Currently four (4) alcohol and beverage control (ABC) licenses are allowed in Census Tract 0444.01; however twenty (20) licenses have been issued. Approval of Public Convenience and Necessity No. 63 would increase the number of active ABC licenses from thirteen (13) to fourteen (14).