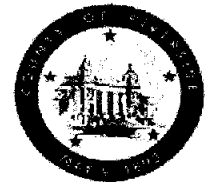


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

911B



**FROM:** TLMA - Planning Department

**SUBMITTAL DATE:**  
December 2, 2010

**SUBJECT:** Determination of Public Convenience and Necessity (PNC-64) for the "Foxfire Izakaya" lounge located northerly of River Drive, southerly of North Circle Drive, easterly of Cedar Street, and westerly of Oakwood Street, within the community of Idyllwild.

**RECOMMENDED MOTION:**

That the Board of Supervisors, based on the findings below, make a determination of Public Convenience and Necessity so that an additional Alcoholic Beverage license can be issued by the California Department of Alcoholic Beverage Control (ABC) to allow the sale of beer and wine for consumption on or off the premises where sold, where food service is not required (License Type-42).

*Carolyn Syms Luha*  
\_\_\_\_\_  
Carolyn Syms Luha  
Planning Director

Initials:  
CSL:lr p, M.

(continued on attached page)

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 688	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	10/11
<b>SOURCE OF FUNDS: Deposit Based Funds from HR02145 (100%)</b>				Positions To Be Deleted Per A-30 <input type="checkbox"/>
				Requires 4/5 Vote <input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

**County Executive Office Signature**

**Prev. Agn. Ref.**

**District:** Third

**Agenda Number:**

**3.52**

REVIEWED BY EXECUTIVE OFFICE

DATE

Jennifer Sargent

Departmental Concurrence

Dept't Recomm.:  Consent  Policy

Per Exec. Ofc.:  Consent  Policy

**BACKGROUND:** In accordance with Business and Professions Code Section 23958.4, the 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 and convenience". The ABC 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 "Foxfire Izakaya" located northerly of River Drive, southerly of North Circle Drive, easterly of Cedar Street, and westerly of Oakwood Street, Riverside County Assessor's Parcel No. 563-283-003, in the Third Supervisorial District, may be issued. The State Department of ABC 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 Business and Professions Code Section 23958.4 (b) (2).

**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 lounge with concurrent sales of beer and wine for consumption on or off the premises where sold and 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 lounge with concurrent sales of beer and wine for consumption on or off the premises where sold and 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 (PP09107) was granted on July 11, 1986.
6. 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.
7. A radius map buffering 1,000 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 feet of the site.
8. The "Foxfire Izakaya" beer and wine lounge 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 "Foxfire Izakaya" beer and wine lounge is primarily engaged in the sale and consumption of beer and wine in conjunction with food items.
10. 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.
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 allowing the Riverside County Board of Supervisors to 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-one (21) licenses have been issued. Approval of Public Convenience and Necessity No. 63 would increase the number of existing ABC licenses from fourteen (14) to fifteen (15).