

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

February 3, 2010

SUBJECT: Alcoholic Beverage Control License Determination of Public Convenience and Necessity (PNC-61)

SECTION: Development Review – Riverside Office

TO: Clerk of the Board of Supervisors

FROM: Planning Department

The attached item(s) require the following action(s) by the Board of Supervisors:

- | | |
|---|---|
| <input type="checkbox"/> Approve | <input type="checkbox"/> Set for Hearing |
| <input type="checkbox"/> Deny | <input type="checkbox"/> Publish in Newspaper: Press Enterprise |
| <input checked="" type="checkbox"/> Place on Policy Calendar | <input type="checkbox"/> Adopt Negative Declaration |
| <input type="checkbox"/> Place on Consent Calendar | <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day |
| <input type="checkbox"/> Place on Administrative Action | <input type="checkbox"/> Certify Environmental Impact Report |
| <input type="checkbox"/> Place on Section of Initiation Proceeding | <input type="checkbox"/> Notify Property Owners |
| <input type="checkbox"/> File: NOD and Mit. Neg. Declaration | <input type="checkbox"/> Labels provided |
| <input type="checkbox"/> Labels provided: | Controversial: <input type="checkbox"/> YES <input type="checkbox"/> NO |
| <input type="checkbox"/> If Set For Hearing: | |
| <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day | |

Designate Newspaper used by Planning Department for Notice of Hearing: Press Enterprise

PLEASE SCHEDULE FOR FEBRUARY 23, 2010 AGENDA

Clerk Of The Board

Please charge your time to case number(s):

*Sent to E.O. 2/10/10
connecting sent down 2/11/10
G. Goldman*

Revised: 02/10/10
Y:\Planning Master Forms\Templates\BOS Forms\11p coversheet.doc

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

*Ron
2/11/10*

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



FROM: TLMA - Planning Department

SUBMITTAL DATE:
January 27, 2010

SUBJECT: Alcoholic Beverage Control License
Determination of Public Convenience and Necessity (PNC-61)

CONTROVERSIAL ISSUES: Conditional Use Permit No. 3587 was approved on December 16, 2008 to "permit the sale of beer and wine for consumption off the premises where sold (ABC Type-20) for the proposed market." The "Fresh and Easy" (Tesco) 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, northerly of A Street, easterly of Raymond Drive, southerly of Schleisman Road, and westerly of Hamner Avenue, Riverside County Assessor's Parcel Nos. 152-050-047, 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:jh/vc
RCJ

(continued on attached page)

REVIEWED BY EXECUTIVE OFFICE

DATE

Tina Grande
Departmental Concurrence

Policy

Policy

Consent

Consent

Dept's Recomm.:

Per Exec. Ofc.:

Prev. Agn. Ref.

District: Second

Agenda Number:

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, northerly of A Street, easterly of Raymond Drive, southerly of Schleisman Road, and westerly of Hamner Avenue, Riverside County Assessor's Parcel Nos. 152-050-047, in the Second Supervisorial District,, 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 (CUP03587) was granted on December 16, 2008 to permit the sales of alcoholic beverages (type 20) 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. A radius map buffering 1,000 feet from the subject site was prepared by Riverside County Geographic Information Systems and concluded that no public park and playground is within 1,000 feet of the site.
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. No displays of beer, wine or other alcoholic beverages shall be located on the exterior of the building or within window areas.
8. 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.
9. 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. 61 would increase the number of existing ABC licenses from thirteen to fourteen.

3 hrs @ 11/12
\$ 516

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: HRO2093 DATE SUBMITTED: 1/11/10

APPLICATION INFORMATION

Applicant's Name: The Bergman Companies

Mailing Address: 4300 Edison Ave.
Chino CA 91710
City State ZIP

Daytime Phone No: (909) 627-3651 Fax No: (9) 627-5425

Engineer/Representative's Name: Garrett Benter E-Mail: gbenter@thebergman.com

Mailing Address: 4300 Edison Ave.
Chino CA 92882
City State ZIP

Daytime Phone No: (909) 627-3651 Fax No: (909) 627-5425

Property Owner's Name: Hammer Retail LLC E-Mail: _____

Mailing Address: 34 Tesla Ste. 200
Irvine CA 92618
City State ZIP

Daytime Phone No: (949) 474-7830 Fax No: (916) 868-6114

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

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.

HAMNER RETAIL, LLC - ADON PANATTONI [Signature] AAP Development LLC
PRINTED NAME OF PROPERTY OWNER(S) SIGNATURE OF PROPERTY OWNER(S) LLC

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 1/2 mile radius circle to help determine the proximity of said facilities to the proposed project site.
 5. Applicable deposit-based fees.

COUNTY OF RIVERSIDE
SPECIALIZED DEPARTMENT RECEIPT
Permit Assistance Center

R1000282

4080 Lemon Street
Second Floor
Riverside, CA 92502
(951) 955-3200

39493 Los Alamos Road
Suite A
Murrieta, CA 92563
(951) 600-6100

38686 El Cerrito Road
Palm Desert, CA 92211
(760) 863-8277

Received from: BERGMAN COMPANIES THE \$526.32
paid by: CK 5528
paid towards: HR02093
at parcel #: 7155 HAMNER AVE COR
appl type:

By _____ Jan 11, 2010 08:55
SBROSTRO posting date Jan 11, 2010

Account Code	Description	Amount
100003120100777180	PLANNING: RESEARCH FEES	\$526.32

Overpayments of less than \$5.00 will not be refunded!

Additional info at www.rctlma.org

Garrett Benter

From: Horn, Jeff [JHORN@rctlma.org]
Sent: Monday, December 28, 2009 10:01 AM
To: Garrett Benter
Subject: RE: FE Corona (CUP03587)

Hi Garret,

Planning assembles notification mailing labels and Findings of Public Necessity and Convenience within a Staff Report, this should not take more than a week. The Staff Report package is transmitted by Planning to the Executive Office for Board of Supervisors scheduling, which should be about three to four weeks. If applied this week, the project could potentially be at hearing towards the end of January (note: BOS hearings occur on Tuesdays).

The PNC is scheduled as a "Administrative Action" item, and is not discussed nor does a public hearing occur. There are typically a few projects scheduled at the same time, and all are approved in one motion. They only way a hearing could occur is if a Supervisor specifically request for the PNC to be pulled from the Administrative Action section, or if an appeal is received after Board Approval.

Upon submittal, please request the project be forwarded to myself. Feel free to include this email in your application package.

Regards,

Jeff Horn
 Urban and Regional Planner III
 Riverside County Planning Department
 4080 Lemon Street, 9th Floor
 Riverside, CA 92502-1409
 P:(951) 955-4641
 F:(951) 955-3157

Please note: As a cost saving measure, County administrative buildings will be closed every Friday. As a result, Planning Staff will only be available Monday through Thursday from 8:00 a.m. to 5:00 p.m.

From: Garrett Benter [mailto:gbenter@r3buildingsystems.com]
Sent: Wednesday, December 23, 2009 4:38 PM
To: Horn, Jeff
Subject: RE: FE Coróna (CUP03587)

Jeff,

I will be submitting the PNC application on Monday, 12/28 for Fresh & Easy. What exactly are the steps to complete the approval of the PNC? Will this PNC have to go to the Board of Supervisors, and require a public hearing, and voting approval. Or is the process more simple? And what is the projected time span?

Thanks for your help.

1/7/2010



Blank Field Check Request

Name Garrett Bentler
 Date: 1/7/2010

Employee Responsible for check	Job #	Purpose	Application Fee for PCN	County of Riverside	Proposed Amount (if left blank checks will be stamped "not to exceed \$500")			VP approval	Exec. VP approval if more than 2 checks are requested	Executive VP approval if check amount over \$1,000 is requested	Check # - Filled in by Accounting	Date Dispersed
					less than \$500	less than \$1,000	greater than \$1,000					
1 Garrett Bentler	10126T			Riverside	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		N/A			
2					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		N/A			
3					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
4					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
5					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
6					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

DELIVERY METHOD

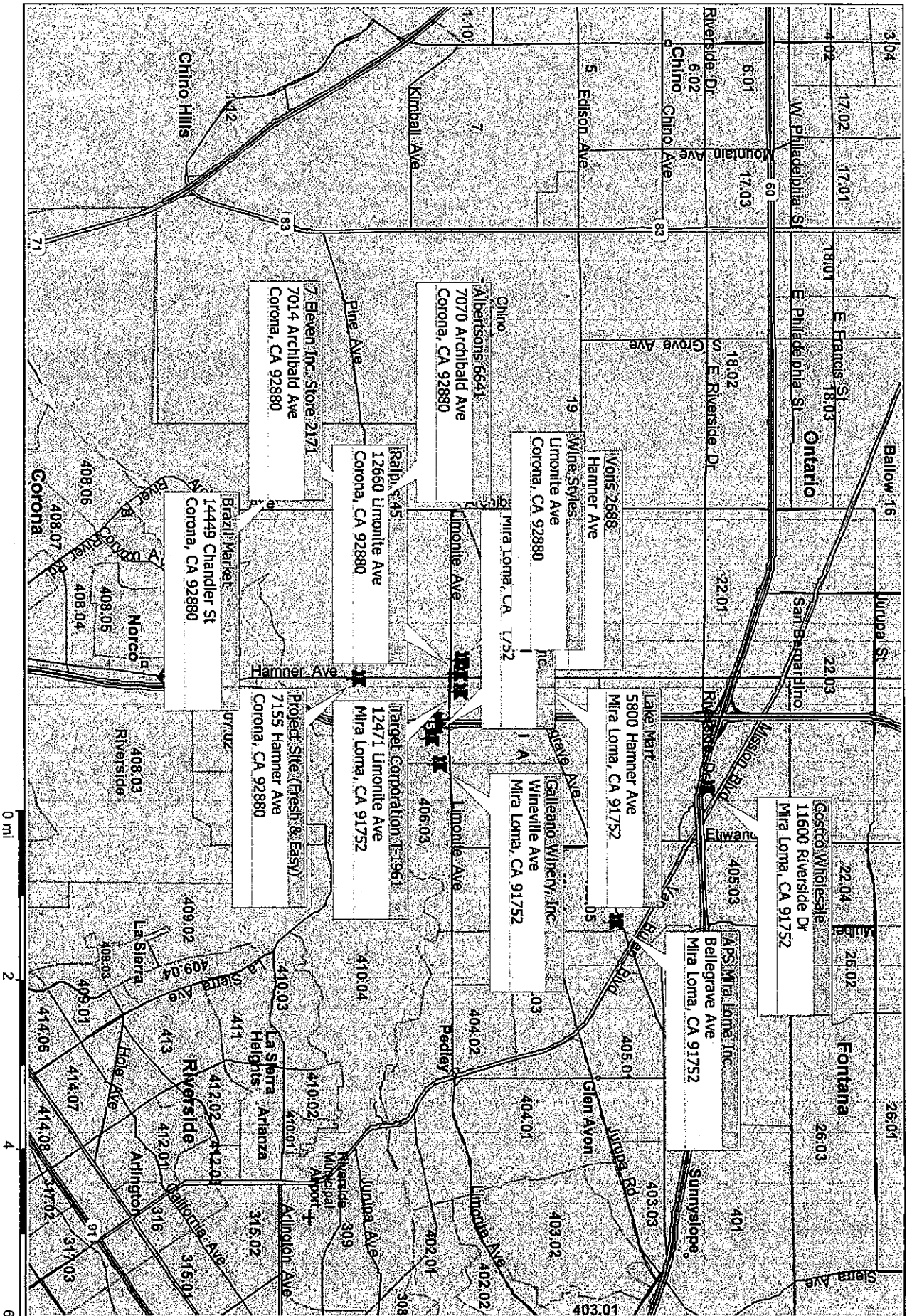
- Pick up in person
 Send in next payroll package
 Overnight/FedEx
 Regular US mail

TIME NEEDED

Delivery Address

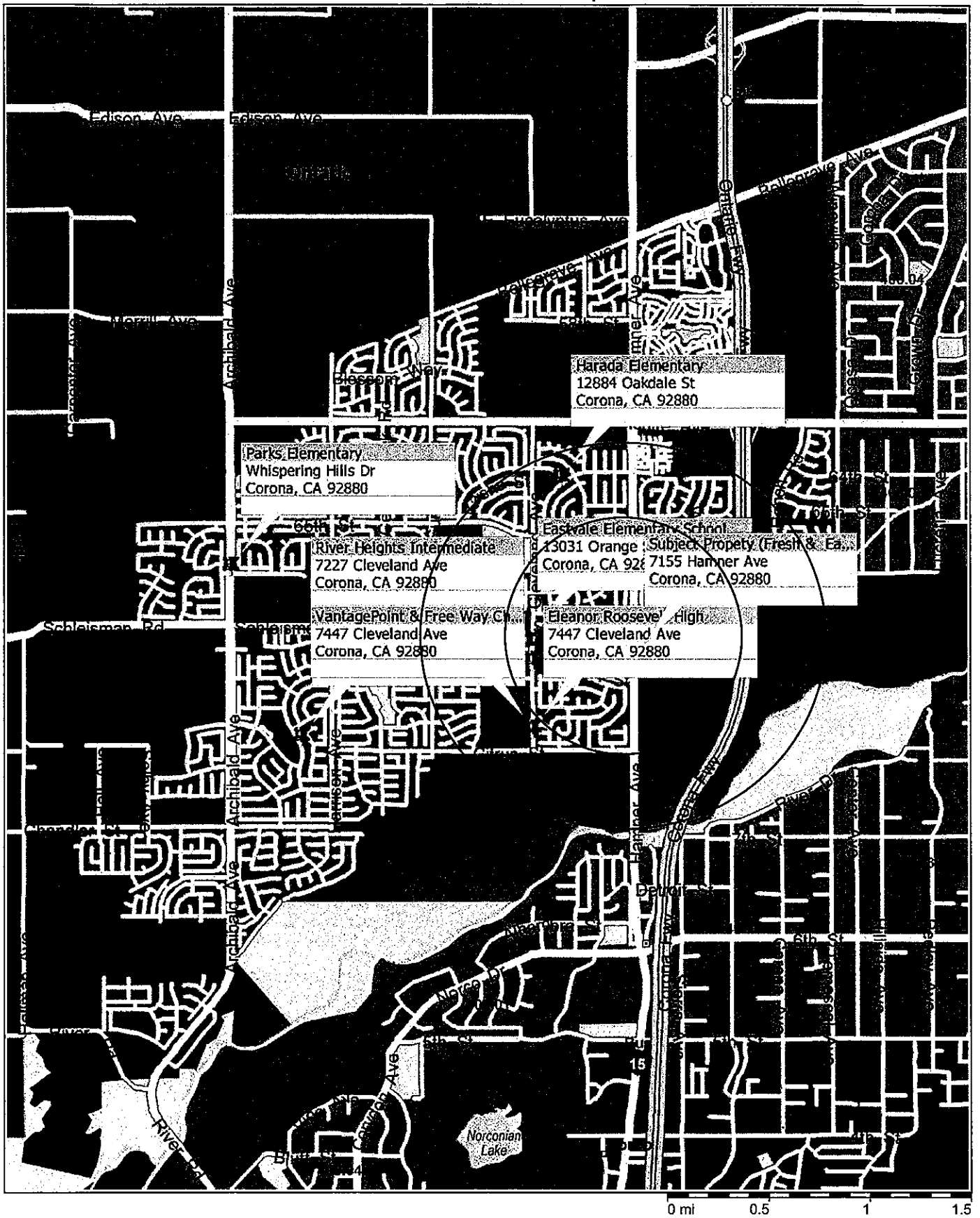
[Handwritten Signature]

Census Tract Map 406.02



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 Certain mapping and direction data © 2009 NAVTEQ. All rights reserved. The data for areas of Canada includes information taken with permission from Canadian authorities, including: © Her Majesty the Queen in Right of Canada, © Queen's Printer for Ontario, NAVTEQ and NAVTEQ ON BOARD are trademarks of NAVTEQ. © 2009 Tele Atlas North America, Inc. All rights reserved. Tele Atlas and Tele Atlas North America are trademarks of Tele Atlas, Inc. © 2009 by Applied Geographic Systems. All rights reserved.

Exhibit 2 Radius Map





**California Department of Alcoholic Beverage
Control
For the County of RIVERSIDE - (Off-Sale Licenses)
and Census Tract = 0406.02**

Report as of 1/5/2010

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	15366	ACT	20	7/27/1970	6/30/2010	GALLEANO WINERY INC 4231 WINEVILLE AVE MIRA LOMA, CA 91752 Census Tract: 0406.02	GALLEANO WINERY INC		3300
2)	348596	ACT	20	12/21/1998	11/30/2010	PATEL MADHUR 5800 HAMNER AVE MIRA LOMA, CA 91752 Census Tract: 0406.02	LAKE MART		3300
3)	367474	ACT	20	8/7/2000	7/31/2010	SANNY INC 14449 CHANDLER ST CORONA, CA 92880-9793 Census Tract: 0406.02	BRAZIL MARKET		3300
4)	387594	ACT	20	6/26/2002	6/30/2010	COSTCO WHOLESALE CORPORATION 11600 RIVERSIDE DR MIRA LOMA, CA 91752 Census Tract: 0406.02	COSTCO WHOLESALE 960	999 LAKE DR ISSAQUAH, WA 98027-8990	3300
5)	404778	ACT	21	2/2/2005	6/30/2010	RALPHS GROCERY COMPANY 12660 LIMONITE AVE CORONA, CA 92880 Census Tract:	RALPHS 45	PO BOX 54143 LOS ANGELES, CA 90054-0143	3306

						0406.02			
6)	412910	ACT	21	8/18/2004	6/30/2010	VONS COMPANIES INC THE 6170 HAMNER AVE MIRA LOMA, CA 91752 Census Tract: 0406.02	VONS 2688	618 MICHILLINDA AVE ARCADIA, CA 91007-6300	3300
7)	425618	ACT	20	6/24/2005	5/31/2010	TARGET CORPORATION 12471 LIMONITE AVE MIRA LOMA, CA 91752 Census Tract: 0406.02	TARGET T- 1961	1000 NICOLLET MALL MINNEAPOLIS, MN 55403-2542	3300
8)	444396	ACT	20	12/20/2006	11/30/2010	APS MIRA LOMA INC 10015 BELLGRAVE AVE MIRA LOMA, CA 91752-3519 Census Tract: 0406.02	APS MIRA LOMA INC	PO BOX 1809 YUCCA VALLEY, CA 92886-1809	3300
9)	444882	ACT	21	10/2/2007	9/30/2010	BEVERAGES & MORE INC 6477 PATS RANCH RD MIRA LOMA, CA 91752 Census Tract: 0406.02	BEVERAGES & MORE INC	1470 ENEA CIR CONCORD, CA 94520-5242	3300
10)	448169	ACT	20	3/13/2007	6/30/2010	7 ELEVEN INC 7014 ARCHIBALD AVE CORONA, CA 92880 Census Tract: 0406.02	7 ELEVEN STORE 2171 33560A	PO BOX 2245 BREA, CA 92822-2245	3300
11)	449911	R65	21	3/19/2007	6/30/2010	NEW ALBERTSONS INC 7070 ARCHIBALD ST CORONA, CA 92880-8718 Census Tract: 0406.02	ALBERTSONS 6641	PO BOX 20 BOISE, ID 83726-0200	3306

12)	457456	ACT	20	5/9/2008	4/30/2010	FRANK & HUMPHREY INC 12411 LIMONITE AVE MIRA LOMA, CA 91752-2457 Census Tract: 0406.02	WINE STYLES	PO BOX 6945 NORCO, CA 92860-8065	3300
13)	480315	ACT	21	8/11/2009	6/30/2010	NEW ALBERTSONS INC 7070 ARCHIBALD ST CORONA, CA 92880-8718 Census Tract: 0406.02	ALBERTSONS 6641	PO BOX 20 BOISE, ID 83726	3306

--- End of Report ---

For a definition of codes, view our [glossary](#).



October 21, 2008

County of Riverside
Planning Department
4080 Lemon St., 9th Floor
Riverside, CA 92502-1409

Re: Fresh and Easy Neighborhood Market on the northwest corner of Hamner Avenue and Schleisman Road, in the unincorporated city of Mira Loma.

To Whom It May Concern:

We represent Fresh and Easy Neighborhood Market, Inc., which would like to open a grocery store in Mira Loma. It is our understanding that a finding of Public Convenience or Necessity is essential for obtaining a liquor license at the northwest corner of Hamner Avenue and Schleisman Road in the unincorporated City of Mira Loma. We appreciate your time reviewing our justification letter and look forward to your approval.

PREMISES DESCRIPTION

The premises is located on the northwest corner of Hamner Avenue and Schleisman Road in the unincorporated City of Mira Loma, 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

BERGMAN
4300 Edison Ave. 909-548-3651 /P
Chino, California 91710 909-627-5425 /F

thebergman.com

LICENSE# 436418

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.

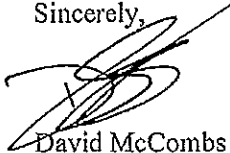
CONCLUSION

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 Mira Loma. 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,

A handwritten signature in black ink, appearing to read 'David McCombs', written over a horizontal line.

David McCombs
Executive Vice President

DM/kr

TENTATIVE LEGAL DESCRIPTION OF SHOPPING CENTER PROPERTY

Parcel A

That portion of Lot 57 of Map of the Kingston Tract, as shown by map filed in book 12 of Maps at page 6 thereof, Records of San Bernardino County, California, together with that portion of Parcel 1 of Lot Line Adjustment No. 4552 recorded August 08, 2003 as Instrument No. 2003-603330, Official Records of Riverside County, California, said portions being described as follows:

COMMENCING at the southeast corner of said Lot 57, said point being on the centerline of Hamner Avenue (formerly Adams Avenue) per said Map of the Kingston Tract;

Thence South $89^{\circ}57'39''$ West along the south line of said Lot 57 a distance 30.00 feet to the **TRUE POINT OF BEGINNING**, said point being on the westerly line of that certain parcel of land conveyed to the state of California by deed recorded November 04, 1942 in book 558 at page 420 thereof, Official Records of Riverside County, California;

Thence continuing South $89^{\circ}57'39''$ West along said south line of said Lot 57 a distance of 46.00 feet to a point on a line parallel with and distant westerly 76.00 feet, measured at a right angle, from said centerline of Hamner Avenue;

Thence South $00^{\circ}05'54''$ East along said parallel line, a distance of 38.40 feet, to an angle point;

Thence South $44^{\circ}54'06''$ West, a distance of 19.80 feet, to an angle point;

Thence South $89^{\circ}54'06''$ West, a distance of 15.00 feet to the beginning of a tangent curve concave northeasterly and having a radius of 1824.00 feet;

Thence westerly along said tangent curve an arc distance of 292.26 feet, through a central angle of $09^{\circ}10'50''$, to the beginning of a non-tangent line, a radial bearing through said point bears South $09^{\circ}04'56''$ West;

Thence northerly, northeasterly, and northwesterly along the following seven (7) courses:

1. Thence North 09°35'16" East, a distance of 60.48 feet;
2. Thence North 80°24'44" West, a distance of 37.34 feet;
3. Thence North 00°00'00" West, a distance of 145.99 feet;
4. Thence North 39°45'32" East, a distance of 163.52 feet;
5. Thence North 00°00'00" West, a distance of 91.90 feet;
6. Thence North 43°03'38" West, a distance of 75.18 feet;
7. Thence North 00°00'00" East, a distance of 205.09 feet, to a point on the north line of said Lot 57:

Thence easterly along said north line North 89°54'47" East, a distance of 338.32 feet to the westerly line conveyed to the State of California by deed recorded November 29, 1941 in book 525 Page 160, Official Records of Riverside County;

Thence southerly along said westerly line South 00°05'54" East, a distance of 660.35 feet to the **TRUE POINT OF BEGINNING**;

The above described parcel of land contains approximately 240,651 square feet more or less.

Parcel "B"

That portion Lot 57 of Map of the Kingston Tract, as shown by map filed in book 12 of Maps at page 6 thereof, Records of San Bernardino County, California, together with that portion of Parcel 1 of Lot Line Adjustment No. 4552 recorded August 08, 2003 as Instrument No. 2003-603330, Official Records of Riverside County, California, said portions being described as follows:

COMMENCING at the southeast corner of said Lot 57, said point being on the centerline of Hamner Avenue (formerly Adams Avenue) per said Map of the Kingston Tract;

Thence South 89°57'39" West along the south line of said Lot 57 a distance 30.00 feet, said point being on the westerly line of that certain parcel of land conveyed to the state of California by deed recorded November 04, 1942 in book 558 at page 420 thereof, Official Records of Riverside County, California;

Thence continuing South 89°57'39" West along said south line of said Lot 57 a distance of 46.00 feet to a point on a line parallel with and distant westerly 76.00 feet, measured at a right angle, from said centerline of Hamner Avenue;

Thence South 00°05'54" East along said parallel line, a distance of 38.40 feet, to an angle point;

Thence South 44°54'06" West, a distance of 19.80 feet, to an angle point;

Thence South 89°54'06" West, a distance of 15.00 feet to the beginning of a tangent curve concave to the northeasterly and having a radius of 1824.00 feet;

Thence westerly along said tangent curve an arc distance of 292.26 feet, through a central angle of 09°10'50", to the **TRUE POINT OF BEGINNING**, a radial bearing through said point bears South 09°04'56" West;

Thence northerly, northeasterly, and northwesterly along the following seven (7) courses:

1. Thence North 09°35'16" East, a distance of 60.48 feet;
2. Thence North 80°24'44" West, a distance of 37.34 feet;
3. Thence North 00°00'00" West, a distance of 145.99 feet;
4. Thence North 39°45'32" East, a distance of 163.52 feet;
5. Thence North 00°00'00" West, a distance of 91.90 feet;
6. Thence North 43°03'38" West, a distance of 75.18 feet;
7. Thence North 00°00'00" East, a distance of 205.09 feet, to a point on the north line of said Lot 57;

Thence westerly along said north line South 89°54'47" West, a distance of 291.20 feet to the west line of said Lot 57;

Thence southerly along said west line South 00°05'22" East, a distance of 626.47 feet to the beginning of a non-tangent curve concave easterly and having a radius of 1824.00 feet, a radial bearing through said point bears South 17°36'13" West;

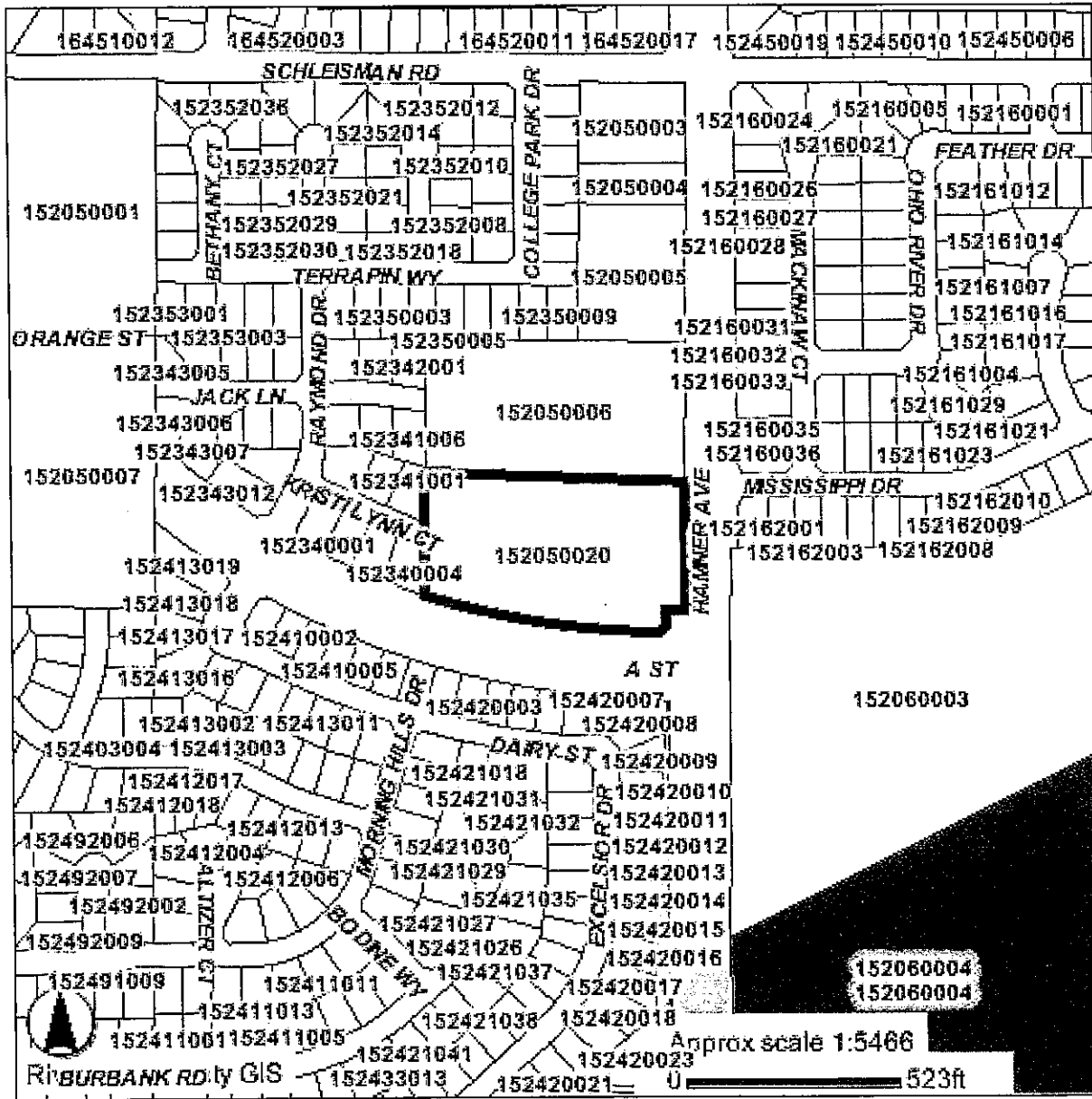
Thence southeasterly along said non-tangent curve an arc distance of 271.28 feet, through a central angle of 08°31'17" to the **TRUE POINT OF BEGINNING**;

The above described parcel of land contains approximately 189,736 square feet more or less.

Subject to: Covenants, conditions, restrictions, reservations, easements and Right of Ways of record, if any.

As shown on Exhibit "B" attached hereto and made a part hereof.

Hamner and Schleisman



Selected parcel(s):
152-050-020

LEGEND

- SELECTED PARCEL
- PARCELS
- CITIES
- CIRCULATION ELEMENT
- ULTIMATE RIGHT-OF-WAY (APPROX)
- PARKS/NAT'L FORESTS/NAT'L MONUMENTS

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.

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APN information