

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

919
A



FROM: TLMA - Planning Department

SUBMITTAL DATE:
October 17, 2011

SUBJECT: Determination of Public Convenience and Necessity (PNC-66) for the Oasis Bar located at the southwesterly corner of Monterey Avenue and Ramon Road, within the community of Thousand Palms.

RECOMMENDED MOTION:

That the Board of Supervisors, based on the findings below, make a determination of Public Convenience and Necessity so that the California Department of Alcoholic Beverage Control (ABC) can issue an upgraded Alcoholic Beverage license, replacing the existing ABC License Type 42 (On Sale Beer & Wine – Public Premises), with an ABC License Type 48 (On Sale General – Public Premises) which would allow the sale of beer, wine, and distilled spirits for

Gregory A. Neal

Gregory A. Neal Deputy Planning Director, for
Carolyn Syms Luna, Planning Director

Initials: DM
CSL:dm

(continued on attached page)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 537	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	11/12

SOURCE OF FUNDS: Deposit Based Funds from HR02059 (100%) (Applicant fees.)	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

- Dep't Recomm.: Consent Policy
- Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.

District: Fourth

Agenda Number:

ATTACHMENTS FILED

WITH THE CLERK OF THE BOARD

3.10

Departmental Concurrence

consumption on the premises, and the sale of beer and wine for consumption off premises where sold, where food service is not required.

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 upgrade an ABC license for the bar located at the southwesterly corner of Monterey Avenue and Ramon Road, Riverside County Assessor’s Parcel No. 693-032-005, in the Fourth 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 bar is requesting to upgrade from an existing Type 42 ABC license, which allows for the sale of beer and wine for consumption on or off the premises where sold; but no distilled spirits may be kept on the premises, and minors are not allowed to enter and remain, and food service is not required. The proposed ABC License Type 48 (On Sale General – Public Premises) would allow the sale of beer, wine, and distilled spirits for consumption on the premises, and allow the sale of beer and wine for consumption off premises where sold. Food service would not be required.
2. The project site is designated Community Development: Commercial Retail (CD:CR) on the Western Coachella Valley Area Plan.
3. The existing use, a bar 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 defined as a neighborhood retail commercial use, and is therefore consistent with the Community Development: Commercial Retail (CD:CR) designation.
4. The proposed upgraded Alcoholic Beverage license to allow the sale of beer, wine, and distilled spirits for consumption on the premises, and the sale of beer and wine for consumption off premises where sold, where food service is not required (ABC License Type 48 (On Sale General – Public Premises)) is also consistent with in the Community Development: Commercial Retail (CD:CR) designation.
5. The zoning classification for the subject site is Scenic Highway Commercial (C-P-S).
6. A bar is a listed use identified under Section 9.50. A.11 (Bars and Cocktail Lounges) of County Ordinance No. 348 and is therefore a permitted use, subject to approval of a Plot Plan, in the Scenic Highway Commercial (C-P-S) zone.

7. The Planning Department approved Plot Plan No. 17362 on March 28, 2002, which was conditioned (10. PLANNING. 17) to allow an ABC License Type 48; therefore issuance of an upgraded ABC license on the property to a Type 48 license will not require additional land use approval.
8. However, in accordance with Section 18.48. of County Ordinance No. 348, the sale of alcoholic beverages for off-premises consumption shall only be allowed in the Scenic Highway Commercial (C-P-S) zone provided a conditional use permit has been approved. Since the existing bar was permitted by a Plot Plan, and not a conditional use permit, the bar is not permitted to sell alcoholic beverages for off-premises consumption.
9. A radius map buffering 1,000 feet from the subject site was prepared by Riverside County Geographic Information Systems (GIS) and concluded that no public elementary school or secondary school district is within 1,000 feet of the site.
10. A radius map buffering 1,000 feet from the subject site was prepared by Riverside County Geographic Information Systems and identified one church (St. Raphael Antiochian Orthodox Mission) within 1,000 feet of the site. The church is located approximately 235 feet westerly of the project site at 72910 Haskell Road (APN: 693-032-013). No playgrounds or parks were identified within 1,000 feet of the site.
11. The bar is primarily engaged in the sale and consumption of beer and wine in conjunction with an accessory dance/band area and billiards area.
12. The project is 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.
13. Based upon existing regulations, a maximum of 5 Alcohol and Beverage Control (ABC) on-site licenses are allowed within Census Tract 0445.05.
14. Currently seven (7) Alcohol and Beverage Control (ABC) on-site licenses have been issued in Census Tract 0445.05. Approval of Public Convenience and Necessity No. 66 would not increase the number of existing On Sale licenses since the upgrading from a License Type 42 to a License Type 48 will cause no net increase in the number of licenses.
15. Upon a determination by the Riverside County Board of Supervisors to grant a determination of "public necessity and convenience" for a new or additional license within this Census Tract, the State Department of Alcoholic Beverage Control may grant such a license.

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

- Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
 - Part 2 is to be completed by the applicant, and returned to ABC.
 - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

KEK Alliance Group LLC

2. PREMISES ADDRESS (Street number and name, city, zip code)

32025 Monterey Ave., Thousand Palms, CA 92276-3604

3. LICENSE TYPE

48

4. TYPE OF BUSINESS

<input type="checkbox"/> Full Service Restaurant	<input type="checkbox"/> Hofbrau/Cafeteria	<input checked="" type="checkbox"/> Cocktail Lounge	<input type="checkbox"/> Private Club
<input type="checkbox"/> Deli or Specialty Restaurant	<input type="checkbox"/> Comedy Club	<input type="checkbox"/> Night Club	<input type="checkbox"/> Veterans Club
<input type="checkbox"/> Cafe/Coffee Shop	<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Tavern: Beer	<input type="checkbox"/> Fraternal Club
<input type="checkbox"/> Bed & Breakfast:	<input type="checkbox"/> Theater	<input type="checkbox"/> Tavern: Beer & Wine	<input type="checkbox"/> Wine Tasting Room
<input type="checkbox"/> Wine only <input type="checkbox"/> All			
<input type="checkbox"/> Supermarket	<input type="checkbox"/> Membership Store	<input type="checkbox"/> Service Station	<input type="checkbox"/> Swap Meet/Flea Market
<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Department Store	<input type="checkbox"/> Convenience Market	<input type="checkbox"/> Drive-in Dairy
<input type="checkbox"/> Drug/Variety Store	<input type="checkbox"/> Florist/Gift Shop	<input type="checkbox"/> Convenience Market w/Gasoline	
<input type="checkbox"/> Other - describe:			

5. COUNTY POPULATION

N/A

6. TOTAL NUMBER OF LICENSES IN COUNTY

N/A

On-Sale Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

N/A

On-Sale Off-Sale

8. CENSUS TRACT NUMBER

15.05

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

5

On-Sale Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

7

On-Sale Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- Yes, the number of existing licenses exceeds the number allowed
- No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- Yes (Go to Item #13) No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

14. TOTAL NUMBER OF REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

16. AVERAGE NO. OF OFFENSES PER DISTRICT

17. 120% OF AVERAGE NUMBER OF OFFENSES

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
- No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

Souk Thao

PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do *not* proceed to Part 3.

22. APPLICANT SIGNATURE

23. DATE SIGNED

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance.

Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

Yes
 No
 See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED



**California Department of Alcoholic Beverage
Control
For the County of RIVERSIDE - (On-Sale Licenses)
and Census Tract = 445.05**

Report as of 11/4/2011

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	370349	ACTIVE	47	5/21/2001	4/30/2012	ROMO, CELIA MARTINEZ 72450 RAMON RD, STE 101 THOUSAND PALMS, CA 92276 Census Tract: 0445.05	TAQUERIA SAN MIGUEL 2		3300
2)	426636	ACTIVE	47	9/1/2005	1/31/2012	GEURRERO FAMILY ENTERPRISE 72246 VARNER RD THOUSAND PALMS, CA 92276 Census Tract: 0445.05	TAQUERIA GUERRERO		3300
3)	426636	SUREND	41	9/1/2005	8/31/2012	GEURRERO FAMILY ENTERPRISE 72246 VARNER RD THOUSAND PALMS, CA 92276 Census Tract: 0445.05	TAQUERIA GUERRERO		3300
4)	453434	ACTIVE	47	12/3/2007	11/30/2011	CLUB AT SHENANDOAH SPRINGS VILLAGE INC THE 32700 DESERT MOON DR THOUSAND PALMS, CA 92276-3713 Census Tract: 0445.05	CLUB AT SHENANDOAH SPRINGS VILLAGE THE		3300
5)	480858	ACTIVE	47	9/16/2009	11/30/2011	PERAZA, CARLOS REINALDO 72390 RAMON	EL PATIO MEXICAN FOOD & BAR	3600 E RAMON RD PALM SPRINGS,	3300

						RD THOUSAND PALMS, CA 92276-3328 Census Tract: 0445.05		CA 92264- 1151	
6)	486730	ACTIVE	42	2/10/2010	2/29/2012	ELIASON, ROBERT LEE 32025 MONTEREY AVE THOUSAND PALMS, CA 92276-3604 Census Tract: 0445.05	OASIS BAR		3300

--- End of Report ---

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