

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



ITEM
3.19
(ID # 9017)

MEETING DATE:

Tuesday, March 26, 2019

FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: Determination of Public Convenience and Necessity (PNC-67) – CEQA EXEMPT - Applicant: Granite Mountain, LLC – Engineer/Representative: David Landeros – Third Supervisorial District – Idyllwild District – REMAP Area Plan: Community Development: Commercial Retail – .71 Net Acres – Zoning: C-P-S (Scenic Highway Commercial) – REQUEST: For the Board of Supervisors to make a Determination of Public Convenience and Necessity for beer and wine sales for on-site consumption for “The Wine Finch” beer and wine lounge in the Community of Idyllwild. APN: 563-313-006. District 3. [Applicant fees 100%.]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the project is EXEMPT from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) based on the findings and conclusions herein; and
2. Make a determination of Public Convenience and Necessity, based on the findings provided below, in order for the California Department of Alcoholic Beverage Control (ABC) to issue a Type-42 License to The Wine Finch for the sale of beer and wine for on-site consumption.

ACTION:Policy

Charissa Leach, Assistant TLMA Director

3/20/2019

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Hewitt, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: March 26, 2019
xc: Planning

Kecia Harper
Clerk of the Board
By:
Deputy
3.19

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: Deposit Based Funds 100%			Budget Adjustment: No	
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

In accordance with Business and Professions Code Section 23958.4, the California Department of Alcoholic Beverage Control (ABC) may deny an application for an ABC license if there is an "undue concentration of licenses" in a particular area. An "undue concentration" exists if proposed licensee is located in a census tract where the ratio of on-site or off-site retail ABC licenses to population exceeds the ratio of on-site or off-site 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. Therefore, a "public convenience and necessity" determination is required to establish an ABC license for "The Wine Finch" located northerly of Ridgeview Drive, southerly of North Circle Drive, easterly of Highway 243, and westerly of Park Lane, addressed at 54225 North Circle Drive, Suite #13, Riverside County Assessor's Parcel No. 563-313-006, in the Third Supervisorial District, may be issued. The California Department of ABC is requiring 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).

The proposed use, "The Wine Finch", will be located in the "Center of Idyllwild" shopping center which was permitted under Plot Plan No. 11064. The shopping center has many allowable/permitted uses under Plot Plan No. 11064 listed in the zone which it is located, Scenic Highway Commercial (C-P-S). The proposed Wine Finch would fall under section 9.50.A.11 Bars and Cocktail Lounges. Under the Shopping Center's Plot Plan, The Wine Finch would only be allowed to have beer and wine consumption on site, and that is the current proposal from the applicant. The Type-42 permit required from ABC does not distinguish between on sale or off sale for beer and wine sales. However, to sell beer and wine off sale per the C-P-S zone in Riverside County, the applicant would need to acquire a Conditional Use Permit. The applicant has expressed a desire to pursue a Conditional Use Permit in the future to be able to sell beer and wine off site.

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FINDINGS:

1. Currently, two (2) Alcohol and Beverage Control (ABC) licenses are allowed in Census Tract 0444.05; however twenty (20) licenses have been issued. Approval of Public Convenience and Necessity No. 67 would increase the number of existing ABC licenses from twenty (20) to twenty-one (21).
2. The proposed project provides public necessity and convenience for the residents of the surrounding community. The Project provides additional local retail services for the surrounding community in line with the General Plan. In addition, the Project will provide a convenience to local residents, jobs, and overall economic growth in the community.
3. The proposed project also provides public necessity and convenience for visitors to the community. Due to the tourist nature of this community there are a disproportionate number of existing licenses compared to typical census tracts to service visitors to the community. The proposed project follows this trend of providing additional liquor consumption opportunities to the visitors of this community and thus furthering the economic stimulation that results from servicing these visitors.
4. Plot Plan No. 11064 permits the operation of a lounge with concurrent sales of beer and wine for on-site consumption under Ordinance No. 348 section 9.50.A.11 Bars and Cocktail Lounges.
5. The subject property is designated Community Development: Commercial Retail (CD:CR) on the Riverside Extended Mountain Area Plan and zoned Scenic Highway Commercial (C-P-S).
6. The project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Existing Facilities), as well as the Common Sense Exemption because there is no new construction being proposed. In addition, no expansion of use is being proposed beyond what was approved under Plot Plan No. 11064.
7. A radius map buffering 1,000 feet from the subject site was prepared and concluded that no public elementary school or secondary school district is within 1,000 feet of the site. See Attachment A.
8. A radius map buffering 1,000 feet from the subject site was prepared and concluded that one (1) Playground (Idyllwild Community Center Kid's Playground) and no parks are within 1,000 feet of the site. See Attachment A.
9. "The Wine Finch" beer and wine lounge is requesting a Type-42 license to allow for the sale of beer and wine for consumption on premises. No distilled spirits may be on the premises. Minors are not allowed to enter and remain. Food service is not required.

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10. "The Wine Finch" beer and wine lounge is primarily engaged in the sale and consumption of beer and wine in conjunction with or without food items.
11. 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.
12. No displays of beer, wine or other alcoholic beverages shall be located on the exterior of the building or within window areas.

Impact on Residents and Businesses

Economic stimulation from a new business opening in the Idyllwild community is anticipated. Also, additional access to beer and wine will occur for the residents if the findings for project are made by the Board of Supervisors.

SUPPLEMENTAL:

Additional Fiscal Information

All fees are paid by the applicant. There is no General Fund obligation.

ATTACHMENTS:

ATTACHMENT A – The Wine Finch 1000 ft. map
ATTACHMENT B – ABC Form 245 – Tract 0444.05
ATTACHMENT C – PCN Application
ATTACHMENT D – Floor Plan

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

GRANITE MOUNTAIN LLC

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

54225 N CIRCLE DR., #13, IDYLLWILD, CA 92549

3. LICENSE TYPE

42

4. TYPE OF BUSINESS

<input type="checkbox"/> Full Service Restaurant	<input type="checkbox"/> Hofbrau/Cafeteria	<input 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 checked="" 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

7. RATIO OF LICENSES TO POPULATION IN COUNTY

On-Sale Off-Sale N/A On-Sale Off-Sale

8. CENSUS TRACT NUMBER

[0444.05]

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

2

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

X On-Sale Off-Sale 20 x 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

N/A

14. TOTAL NUMBER OF REPORTING DISTRICTS

N/A

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

N/A

16. AVERAGE NO. OF OFFENSES PER DISTRICT

N/A

17. 120% OF AVERAGE NUMBER OF OFFENSES

N/A

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

N/A

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)

GRACIELA GREEN

ABC-245 (rev. 01-11)

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

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):

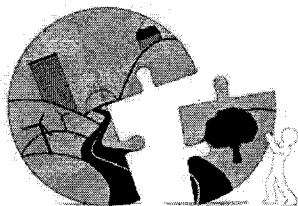
26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED



RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.
Assistant TLMA Director

APPLICATION FOR DETERMINATION OF PUBLIC CONVENIENCE AND NECESSITY

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

APPLICATION INFORMATION

Applicant Name: Granite Mountain, LLC

Contact Person: David Landeros

E-Mail: landeros.david@gmail.com

Mailing Address: 2436 E 4th St, #218

Street

Long Beach, CA 90814

City

State

ZIP

Daytime Phone No: (323) 646-2616

Fax No: (888) 662-8860

Engineer/Representative Name: _____

Contact Person: _____

E-Mail: _____

Mailing Address: _____

Street

City

State

ZIP

Daytime Phone No: ()

Fax No: ()

Property Owner Name: 54225 N Circle Drive LLC

Contact Person: Noelle Pugh

E-Mail: noelle930@gmail.com

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 77-588 El Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

APPLICATION FOR DETERMINATION OF PUBLIC CONVENIENCE AND NECESSITY

Mailing Address: 9735 Wilshire Blvd, Penthouse

Beverly Hills, CA 90212

City

State

ZIP

☐ Check this box if additional persons or entities have an ownership interest in the subject property(ies) in addition to that indicated above; and attach a separate sheet that references the property address and/or assessor's parcel number and list those names, mailing addresses, phone and fax numbers, and email addresses; and provide signatures of those persons or entities having an interest in the real property(ies) involved in this application.

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, and in accordance with Govt. Code Section 65105, acknowledge that in the performance of their functions, planning agency personnel may enter upon any land and make examinations and surveys, provided that the entries, examinations, and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof.

(If an authorized agent signs, the agent must submit a letter signed by the owner(s) indicating authority to sign on the owner(s)'s behalf, and if this application is submitted electronically, the "wet-signed" signatures must be submitted to the Planning Department after submittal but before the subdivision is ready for public hearing.)

Robin Chamberlain

PRINTED NAME OF PROPERTY OWNER(S)

[Signature]
SIGNATURE OF PROPERTY OWNER(S)

PRINTED NAME OF PROPERTY OWNER(S)

SIGNATURE OF PROPERTY OWNER(S)

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 applicant 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 this application, the applicant 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.

APPLICATION FOR DETERMINATION OF PUBLIC CONVENIENCE AND NECESSITY

PROJECT INFORMATION

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

Wine Tasting Room, Beer and Wine lounge

Identify the particular type of license is being sought from the California Department of Alcoholic Beverage Control (ABC): Type 42

Are there previous development applications filed on the subject property: Yes ☐ No ☒

If yes, provide Application No(s). _____
(e.g. Tentative Parcel Map, Zone Change, etc.)

Initial Study (EA) No. (if known) _____ EIR No. (if applicable): _____

Have any special studies or reports, such as a traffic study, biological report, archaeological report, geological or geotechnical reports, been prepared for the subject property? Yes ☐ No ☒

If yes, indicate the type of report(s) and provide a signed copy(ies): _____

PROPERTY INFORMATION

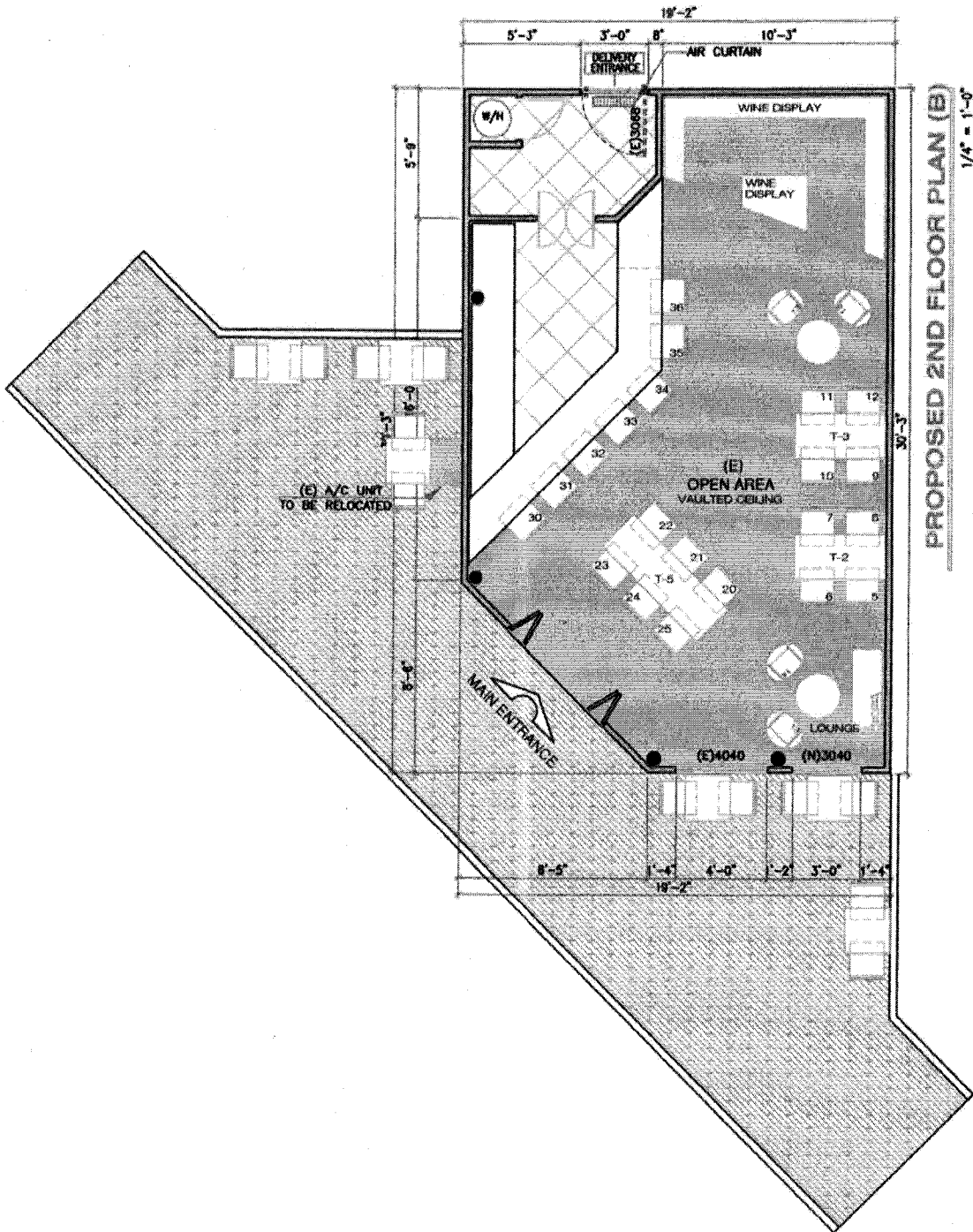
Assessor's Parcel Number(s): 563-313-006

Approximate Gross Acreage: 0.71

General location (nearby or cross streets): North of Ridgeview Dr, South of
North Circle Dr, East of HWY 243, West of Park Ln.

This completed application form, together with all of the listed requirements provided on the Public Convenience and Necessity Application Filing Instructions Handout, are required in order to file an application with the County of Riverside Planning Department.

Y:\Current Planning\LMS Replacement\Condensed P.D. Application Forms\295-1023 PCN Condensed Application.docx
Created: 07/07/2015 Revised: 07/30/2018



PROPOSED 2ND FLOOR PLAN (B)
1/4" = 1'-0"

T D P J A N O S	tdplanner&associates	PROJECT	THE WINE FINCH	DATE	18004
	DAVID LANDEROS (323) 646-2616	OWNER	54225 N Circle Dr. #16 Idyllwild, Ca 92540 (323) 646-2616	CONTACT	740 E. Howe St. Pasadena, Ca 91766 Southern California USA Tel: 818.797.2024 Fax: 818.797.2024 mailto:info@tdplanner.com
		PROPOSED :	(N) Floor Plan		
		CHARACTER	INDICATED		