CITY OF BANNING
PLANNING COMMISSION AGENDA

REGULAR MEETING - Tuesday, May 4, 2010 @ 6:30 PM
City Council Chambers, 99 E. Ramsey Street
Banning, CA 92220

I. CALL TO ORDER: Chairman Hawkins
   ➢ Pledge of Allegiance: Commissioner Arterberry
   ➢ Roll Call: Chairman Hawkins, Commissioner Arterberry; Commissioner Barsh; Commissioner Escandel; Commissioner Siva

II. PUBLIC COMMENTS:

At this time, the general public is invited to address the Planning Commission concerning any items that are not listed on the agenda, which are not public hearings or other items under the jurisdiction of the Planning Commission. Comments from the public of any non-agenda items will be limited to three (3) minutes in accordance with City policy.

III. CONSENT CALENDAR ITEMS:

   Note: All items listed on the Consent Calendar may be enacted by a single motion without separate discussion. If a discussion or a separate vote on any item is desired by a Planning Commissioner, that item may be removed from the Consent Calendar and considered separately. All remaining items not removed from the Consent Calendar by a Planning Commissioner shall be voted on prior to discussion of the item(s) requested to be pulled.

1. Approval of the January 5, 2010 Planning Commission Minutes

IV. ELECTION OF OFFICERS

Page 1

Page 4
V. PUBLIC HEARINGS

1. Resolution No. 2010-03: A Resolution of the Planning Commission of the City of Banning, California approving Conditional Use Permit No. 10-801, a request by Walgreens to approve the offsite sale of beer and wine from the existing store located at 60 N. Highland Springs Avenue (APN 419-111-001, -002); and a determination of public convenience and necessity.

2. Request for Continuation: Tentative Parcel Map #36056 / Initial Study & Draft Mitigated Negative Declaration: Tentative Parcel Map #36056 is a request to subdivide an approximately 64 acre site into 9 lots for the development of a business park and five lettered lots for street purposes, which includes office, manufacturing and warehouse uses.

Design Review #07-708 /: Design Review # 07-708 is a request to review the design of the project and site development to ensure conformity with the City’s development standards and design guidelines. The Banning Business Park proposal will consist of 12 office/warehouse buildings and associated parking on approximately 63.98 acres. The proposed project is located approximately 1,090 feet north of the northeast corner of Hathaway Street and Ramsey Street / APN 532-110-003, 532-110-008, 532-110-009 and 532-110-010.

VI. PLANNING COMMISSIONER COMMENTS

VII. COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

1. City Council Actions from previous meetings on Planning-Related Items (Oral Report)

VIII. TENTATIVE PROJECTS SCHEDULED FOR JUNE 1, 2010

1. CUP # 09-806 – Royal Street Communications: Cell tower in Holiday Inn Express

IX. ADJOURNMENT

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of June 1, 2010 starting at 6:30 p.m. in the City Council Chambers.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department (951) 922-3125. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA title II]
City of Banning

PLANNING COMMISSION MINUTES

January 5, 2010

A regular meeting of the City of Banning Planning Commission was held on Tuesday, January 5, 2010 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Vice-Chairman Escandel
Comissioner Arterberry
Commissioner Barsh
Commissioner Siva

Commissioners Excused: Chairman Hawkins

Staff Present: Community Development Director Abu Bakar
Assistant Planner Guillot
Recording Secretary Sorenson

I. CALL TO ORDER

II. PUBLIC COMMENT

No one came forward.

III. CONSENT CALENDAR

1. Review of Minutes (December 1, 2009)

ACTION (BARSH / SIVA): A motion was moved, seconded and carried that item 1 be approved as presented.

(Motion carried 4-0) (Chairman Hawkins was excused)
IV. PUBLIC HEARINGS

1. Zone Text Amendment No. 09-97506:
   Amendment to Municipal Code Section 17.44.010, pertaining
to Table 17.44.010 Review Authority for Tentative Parcel Maps
and Amendments to Municipal Code Title 16 Subdivisions.

Assistant Planner Guillot presented the staff report and stated that this zone text
amendment is basically just changing the review authority, the approval, for tentative
parcel maps. Mr. Guillot discussed the exhibit that was passed out to the Commissioners
tonight. Included in this exhibit is attachment 3, this is a copy of the Municipal Code that
we are recommending revision. On page 494, Section 16.08.030, gives the Community
Development Director authority to approve tentative parcel maps. The issue with that is
that the City Engineer is usually responsible for reviewing maps, in that he goes over the
technical aspects of it and other issues related to the Subdivision Map Act. Staff is
recommending that parcel maps be approved in the same manner that tract maps are, so the
review authority is the same. Also included in the exhibit is the revised Section 16.08.030
which has new language inserted by the City Attorney to read, "The city engineer shall
determine whether the proposed subdivision of land into four or less lots is in conformity
with law and subdivisions code; and, whether the proposed lots will have adequate access
to public streets, sanitary sewer lines, water mains, fire hydrants, drainage structures and
utilities. The community development director shall determine whether the size of the
proposed lots is in conformance with the zoning code." This amendment will provide that
tentative tract maps and tentative parcel maps will follow the same process and that is to be
reviewed by the Planning Commission and then their recommendation will be considered
by the City Council. Staff recommended approval of this amendment.

1. ACTION (BARSH / ARTERBERRY): A motion was moved, seconded and
carried that the Planning Commission Adopt a Categorical Exemption in
compliance with CEQA Guidelines Section 15061(b)(3); and

(Motion carried 4 – 0) (Chairman Hawkins was excused)

2. ACTION (BARSH / ARTERBERRY): Adopt PC Resolution No. 2010-02
   (Attachment 1 – Revised, including Attachment 3) approving Zone Text
Amendment No. 09-97506 amending Municipal Code Section 17.44.010,
pertaining to Table 17.44.010 Review Authority for Tentative Parcel Maps
and Amendments to Municipal Code Title 16 Subdivisions.

(Motion carried 4 – 0) (Chairman Hawkins was excused)
V. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. City Council Actions from previous meetings on Planning-Related Items

Nothing to report at this time regarding Council actions.

VI. TENTATIVE PROJECTS SCHEDULED FOR FEBRUARY 2, 2010

1. ZTA #09-97505 – Massage Ordinance

Community Development Director Abu Bakar stated that the Massage Ordinance may not be ready for the February meeting – we are still in discussions with the City Attorney. Due to this delay, there will probably not be a February meeting. We will also need to postpone the re-organization of the Commission to the March meeting and we will keep the Commissioners informed.

VII. PLANNING COMMISSIONER COMMENTS

Commissioner Siva commented that he did not receive his packet and he will call and let us know where to deliver the next one.

VIII. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 6:45 p.m. to the Planning Commission meeting on February 2, 2010 at 6:30 p.m.

Respectfully submitted,

Gini Sorensen
Recording Secretary
OUTLINE OF PROCEDURES FOR ELECTION OF OFFICERS

Chairperson: Nominations for the office of Chairperson are now open. A second to the nominations is not required.

(Commissioners shall nominate the person of their choice.)

Chairperson: Are there any further nominations? If not, I will entertain a motion that the nominations be closed.

(motion is made)

Is there a second?

All those in favor say Aye, those opposed No.

Chairperson: I will take a roll call vote. Please signify your choice for Chairperson when your name is called. The roll call will be in alphabetical order.

<table>
<thead>
<tr>
<th>ROLL CALL VOTE</th>
<th>Commissioner Arterberry</th>
<th>Commissioner Barsh</th>
<th>Commissioner Escandel</th>
<th>Commissioner Hawkins</th>
<th>Commissioner Siva</th>
</tr>
</thead>
</table>

Chairperson: The vote is in favor of Commissioner ______ who is our newly elected Chairperson. Chairperson ______ shall now preside over the election of Vice-chairperson. (Repeat this procedure for Vice-chairperson.)
CITY OF BANNING
PLANNING COMMISSION REPORT

DATE: May 4, 2010

TO: Mr. Chairman and Members of the Planning Commission

FROM: Zai Abu Bakar, Community Development Director

SUBJECT: CONDITIONAL USE PERMIT NO. 10-801/DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY:
A REQUEST BY WALGREENS TO APPROVE THE OFFSITE SALE OF BEER AND WINE FROM THE EXISTING RETAIL STORE LOCATED AT 60 N. HIGHLAND SPRINGS AVENUE (APN 419-111-001, -002); AND, A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY.

STAFF RECOMMENDATION:

The Planning Division recommends the Planning Commission take the following actions:

1. Adopt a Class I Categorical Exemption in compliance with CEQA Guidelines Section 15301 (Existing Facilities); and,

2. Adopt PC Resolution No. 2010-03 (Attachment 1) approving Conditional Use Permit No. 10-801 subject to conditions that includes a determination of public convenience or necessity.

PROJECT/APPLICANT INFORMATION:

Project Location: 60 N. Highland Springs Avenue
APN Information: 419-111-001,-002
Project Applicant: Walgreens through its agent Luce, Forward, Hamilton & Scripps, LLP
Redevelopment Area: Yes
Specific Plan: No
PROJECT BACKGROUND AND DESCRIPTION:

Project Description

Walgreens opened their store at the northeast corner of Highland Springs Avenue and Ramsey Street in the year 2000 (see Exhibit 2 Location Map). At that time it was permitted for a 24-hour, seven days a week, 15,120 square foot, single story retail prescription pharmacy with dual drive through lanes. On March 1, 2010 the City received an application for a Conditional Use Permit in order for the applicant to sell beer and wine for off-site consumption. In addition to the State of California Department of Alcoholic Beverage Control (ABC) license requirement, Section 17.12.020 of the Zoning Code requires approval of a Conditional Use Permit by the Planning Commission. Please note that this request involves no new construction, only the reorganization of the existing shelf space to accommodate alcohol sales.

The project area actually consists of two parcels under separate ownership; the northerly half owned by Walgreens and the southerly half owned by the Volk Living Trust. The subject parcels are described as portions of the west half of the northwest quarter of Section 12, Township 3 South, Range 1 West, San Bernardino Base and Meridian. The project area is approximately 288 feet wide by 296 feet deep (85,248 square total project area) with the land sloping to the southeast. Both the frontages along Highland Springs Avenue and Ramsey Street are fully improved. The parking area is paved with landscaping improvements.

Surrounding Land Use Information

The project area is located in the General Commercial (GC) Zone. North of the site is the San Gorgonio Pass Memorial Hospital campus with frontage on Highland Springs Avenue, Wilson Street and extending easterly at Ramsey Street. West of the site across Highland Springs Avenue are a gas station with a mini market and an auto parts store both located in the City of Beaumont. Immediately east of the site is a vacant lot. South of the site across Ramsey Street is a strip mall containing several retail stores including a fast food restaurant. Interstate 10 is located approximately 800 feet to the south along Highland Springs Avenue. The nature of the surrounding uses, Zoning and General Plan land use designations are delineated in the following table.

Land Use Summary Table

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>San Gorgonio Memorial Hospital</td>
<td>Specific Plan</td>
<td>Professional Office</td>
</tr>
<tr>
<td>South</td>
<td>Strip Mall</td>
<td>General Commercial</td>
<td>General Commercial</td>
</tr>
<tr>
<td>East</td>
<td>Vacant Lot</td>
<td>General Commercial</td>
<td>General Commercial</td>
</tr>
<tr>
<td>West</td>
<td>Gas Station/Auto Parts</td>
<td>City of Beaumont</td>
<td>City of Beaumont</td>
</tr>
</tbody>
</table>
PROJECT ANALYSIS:

Zoning Analysis

The project area is located in the General Commercial (GC) Zone. This district is the broadest of the City’s commercial districts, and allows food and drug stores; home improvement; auto sales, leasing, service and repair; department and general retail outlets; merchandise leasing; neighborhood serving retail and services; restaurants; entertainment uses; gas stations; general offices (secondary to retail); mixed uses; and financial institutions.

The City issued a building permit for the subject property on January 6, 2000 and, upon occupancy, the use has existed continuously as a retail store with a pharmacy since that time.

Below is a chart showing the minimum development standards for the General Commercial (GC) zone (Table 17.12.030); and, how the proposed project meets the standards.

<table>
<thead>
<tr>
<th>Development Standards</th>
<th>Required</th>
<th>Provided</th>
<th>Complies With Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Setback</td>
<td>10 feet</td>
<td>88 feet</td>
<td>Yes*</td>
</tr>
<tr>
<td>Side Setback (street)</td>
<td>5 feet</td>
<td>94 feet</td>
<td>Yes*</td>
</tr>
<tr>
<td>Side Setback</td>
<td>0 feet</td>
<td>0 feet</td>
<td>Yes*</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>0 feet</td>
<td>79 feet</td>
<td>Yes*</td>
</tr>
<tr>
<td>Max. Bldg. Coverage (%)</td>
<td>35%</td>
<td>18%</td>
<td>Yes*</td>
</tr>
<tr>
<td>Required Parking</td>
<td>One space each 250 square feet of floor area (61 spaces required)</td>
<td>83 spaces</td>
<td>Yes*</td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>6,000 square feet</td>
<td>42,032/43,216 square feet*</td>
<td>Yes*</td>
</tr>
</tbody>
</table>

*The project area consists of two separate parcels under separate ownership. It appears that the existing building crosses over onto both parcels. For this reason, compliance with development standards is different than what would be typical on a given single parcel.

Conditional Use Permit

Table 17.12.020 “Permitted, Conditional and Prohibited Commercial and Industrial Uses” of the Zoning Code requires that a Conditional Use Permit be approved by the Planning Commission for alcoholic beverage sales, on or off-site. Additionally, Section 17.12.050(B)(2) of the Zoning Code requires the following:

1. Establishments shall not be located within 500 feet of any religious institution, school, or public park within the City.
2. The license application shall be reviewed by the Police Department prior to Planning Commission approval.

A review of properties within 500 feet of the site reveals that there are no existing religious institutions, schools, or public parks. Additionally, a copy of the application materials was sent to the Police Department on March 3, 2010 with a request for comments. The Police Department
submitted the crime statistics that are included in the analysis for the ABC licensing discussed further below.

A conditional use permit review shall determine whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use against any negative or undesirable impacts which it may cause. Limits which staff is recommending include conditions that help make the use compatible with the existing and nearby land uses. These conditions include restrictions on the container type, quantity, and size of alcohol offered for sale. Requirements for employee training, limits on the hours that alcohol is offered for sale, and other conditions designed to address the over concentration of ABC licenses in that area discussed in further detail below. Staff recommends the adoption of the conditions of approval as listed in Planning Commission Resolution No. 2010-03 (see Exhibit 1).

Additionally, the applicant has indicated that the following corporate policies and procedures are in place to counter negative impacts:

1. Employees at each store must undergo training prior to beer and wine being made available for sale at the store.
2. Each cash register clerk must submit a policy acknowledgement as part of daily log-in, log-out process.
3. Each cash register clerk must request identification and proof of age for any customer attempting to purchase beer and wine who appears to be under the age of 40. Pre-programmed cash register prompts will remind the clerks to request this proof.
4. Any under-aged employees will be required to involve the manager or assistant manager for the sale of beer or wine. However, staff is recommending in Condition of Approval # that only employees over the age of 21 sell alcoholic beverages.

The applicant has stated that the training of Walgreens employees is accomplished through an internal alcohol training sales program. The program focuses on recognizing and preventing sales of alcohol that may be detrimental to the public welfare (i.e. the sale of alcohol to minors and intoxicated persons).

**Alcoholic Beverage Control (ABC) Licensing**

ABC licenses are required for any business wishing to sell alcoholic beverages. These licenses are issued by the State of California, Department of Alcoholic Beverage Control. The ABC office that regulates the City of Banning is located at 34-160 Gateway Drive, Suite 120, Palm Desert, California.

On January 1, 1998 Section 23817.5 of the Business and Professions Code was amended to permanently establish a moratorium on the issuance of offsite sale of beer and wine licenses (Type 20) in cities where the ratio of Type 20 licenses exceeds one for each 2,500 inhabitants. The Department of Alcoholic Beverage Control (ABC) listed the City of Banning as a moratorium city (see Exhibit 6). Listed below is a table identifying all ABC permits located in census tract 0441.03, the census tract where Walgreens is located. Census tract 0441.03 is bounded by Highland Springs Avenue to the west, Sunset Avenue to the east, Interstate 10 to the south and 14th Street (Oak Valley Parkway, City of Beaumont) to the north (see Exhibit 7).
## Existing ABC Licenses-Census Tract 0441.03

<table>
<thead>
<tr>
<th>ABC License #</th>
<th>Type</th>
<th>Business Name</th>
<th>Business Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>299182</td>
<td>41</td>
<td>The Farmhouse Restaurant</td>
<td>6261 Joshua Palmer Way</td>
</tr>
<tr>
<td>468356</td>
<td>41</td>
<td>Tortillas Restaurant</td>
<td>3505 W. Ramsey Street</td>
</tr>
<tr>
<td>384550</td>
<td>20</td>
<td>G &amp; M Oil (Chevron)</td>
<td>3230 W. Ramsey Street</td>
</tr>
<tr>
<td>485410</td>
<td>20</td>
<td>Río Ranch Market</td>
<td>3317 W. Ramsey Street</td>
</tr>
<tr>
<td>456765</td>
<td>42</td>
<td>Smith Creek Saloon</td>
<td>4296 W. Ramsey Street</td>
</tr>
<tr>
<td>411528</td>
<td>20</td>
<td>Ramsey Mini Mart</td>
<td>5140 W. Ramsey Street</td>
</tr>
<tr>
<td>313066</td>
<td>51</td>
<td>Eagles Lodge</td>
<td>5200 W. Ramsey Street</td>
</tr>
<tr>
<td>443872</td>
<td>41</td>
<td>Guys Italian Restaurant</td>
<td>5970 W. Ramsey Street</td>
</tr>
</tbody>
</table>

**License type:**
- **41** = On-Sale Beer and Wine for Bona Fide Public Eating Place
- **20** = Off-Sale Beer and Wine
- **42** = On-Sale Beer and Wine for Public Premises
- **51** = Club

The closest Business with a Type 20 off-sale ABC licenses outside Census Tract 0441.03 is the Beaumont Gas Mart (Arco) across Highland Springs Avenue (City of Beaumont). Additionally, Stater Bros Market located at 1661 E. 6th Street (City of Beaumont) and Food 4 Less located at 1691 E. 6th Street (City of Beaumont) have Type 21 (off-site general) licenses.

Section 23817.7 of the Alcoholic Beverage Control Act allows exceptions to the moratorium if certain findings can be made with regard to the crime rates in the census tract where the permit will be located, the ratio of permits in the census tract compared to the average for the county, and a determination that public convenience or necessity would be served. The applicant is requesting that exemption.

### Local Crime Statistics

Because of the moratorium, the applicant’s premises must be located in a low crime reporting district. A report from the Police Department reveals that the crime rates in District 94 (the reporting district where the site is located) are well below the average for the City. For the whole City there were a total of 3,361 Part 1 crimes in the year 2009. Part 1 crimes include homicide, sexual assault, robbery, aggravated assault, larceny, and auto theft; and, includes all felony and misdemeanor arrests. A total of 7 Part 1 crimes occurred in District 94 for the year 2009 and there were only two public intoxication arrests. Therefore, the Police Department does not have any objection to the issuance of the offsite license to sell beer and wine at this location.

### ABC License Concentration Levels

Because of the moratorium, the applicant’s premises must be located in an area that falls below the concentration levels for the county in which it is located. City Staff contacted the Palm Desert ABC Office and they stated that there are three existing Type 20 licenses; and, that any additional licenses will not be approved by ABC in the census tract where Walgreens is located. Therefore, at this time the only option available for the applicant is to purchase one of the existing Type 20 licenses and transfer that license to the Walgreens store. The concentration of Type 20 permits is illustrated in the table below.
### Concentration Level Analysis

<table>
<thead>
<tr>
<th>Location</th>
<th>Number of off-sale retail license</th>
<th>Population</th>
<th>Ratio</th>
</tr>
</thead>
</table>
| Census Tract 0441.03 | 3  
1 Source State of California, Department of Alcoholic Beverage Control, Website [http://www.abc.ca.gov/dataportal/QSMMenu.html](http://www.abc.ca.gov/dataportal/QSMMenu.html) | 3,999  
2 Source 2000 Census, Website [http://factfinder.census.gov](http://factfinder.census.gov) | .00075  |
| Riverside County  | 672  
3 Source State of California, Department of Alcoholic Beverage Control, Alcoholic Beverage Licenses as of June 30, 2009. | 1,545,387  
4 Source YR 2000 Benchmark, State of California, Department of Finance, Population Research Unit. | .00043  |

### Determination of Public Convenience or Necessity

Because of the moratorium, ABC may only approve the transfer of a Type 20 license (offsite beer and wine sales) if the Planning Commission (or City Council) determines that the public convenience or necessity would be served at this location. This determination is a tool for the local agency (City) to directly have a part in the ABC licensing process. A determination of public convenience and necessity is demonstrated when the applicant proves that the business operation will provide some kind of benefit to the surrounding community. A summary of the justifications for such a determination as provided by the applicant is listed as follows:

1. **The Addition of Beer and Wine Sales at the Existing Walgreens Store Will Not Be Detrimental To the Character or Development in the Immediate Neighborhood and Will Be in Harmony With the Overall Objectives of the General Plan.**

Walgreens is a national chain of retail drugstores selling prescription and over-the-counter medicines as well as a variety of general merchandise, sundries and grocery items to the public. From its store at the 60 N. Highland Springs Avenue, Walgreens has been successfully meeting the needs of residents of and visitors to the City of Banning since 2000. By adding beer and wine to the general merchandise already offered in the store, Walgreens can even better serve the surrounding community by providing customers with the convenience of “one-stop” shopping.

Because it is part of a larger retail operation and Walgreens' standard business practices, the sale of beer and wine also will not be harmful to the health, safety and general welfare of the public or otherwise detrimental to the environment or the character of development in the immediate area. Walgreens endeavors to sell alcoholic beverage in a highly responsible and conscientious manner. Detailed, corporate policies and procedures are already in place and will be strictly enforced.

Training will be accomplished through a Walgreens internal alcohol sales training program, which is required for all cashiers and managers. The training program focuses on recognizing and preventing sales of alcohol that may be detrimental to the public welfare (i.e., the sale of alcohol to minors and intoxicated persons). Implementation of this program will help ensure that the sale of alcohol at the store will not be detrimental to residents, shoppers, or other business in the vicinity of this store. To prevent abuses, Walgreens will also only sell beer in 6 packs, 12 packs, 18 packs and cases. Walgreens will not sell beer by the individual can or bottle.

In addition to the various steps that Walgreens has and will take to avoid detrimental impacts to the character of development in the immediate neighborhood, a determination of public
convenience or necessity is appropriate because the Walgreens store is not located in close proximity to any schools, churches, residences or other sensitive land uses. The store is surrounded by similarly scaled commercial retail uses to the south and west. The property immediately to the east is vacant. Medical offices are located immediately north of the store. San Gorgonio hospital and Loma Linda University Medical Center are also in the vicinity. The nearest sensitive land use for ABC purposes is the Church of Jesus Christ of LDS on West Wilson Street. That church is separated from Walgreens by nearly 900 feet, far outside the 600-foot radius the ABC considers in making licensing determinations.

With respect to the City General Plan, the Vision Statement promotes “well-balanced commercial development, where revenue generating commercial neighborhoods provide a diversified economy and a wide range of jobs.” Similarly, the General Plan’s Land Use Element identifies a goal of creating a “balanced, well planned community including businesses which provide a functional pattern of land uses” and a policy of promoting the “highest quality” of development. The existing Walgreens operations already serve those goals and policies by providing access to a pharmacy and other general merchandise in a modern facility located in close proximity to a number of the City’s medical facilities. The addition of beer and wine sales would facilitate even greater harmony with the General Plan by providing more convenient, “one-stop” shopping for Walgreens’ many customers in the City of Banning and further diversifying the area’s economic base.

2. **Beer and Wine Sales at Walgreens Will Generate Economic Benefits and They Are Not Likely to Result in Negative Impacts to the Community as a Whole.**

As described above, the sale of beer and wine by Walgreens would be conducted in a manner that maximizes public safety and minimizes public nuisance at a location that is very well suited for alcohol sales. Therefore, the project is not likely to generate negative community impacts. Economically, an average Walgreens store generates approximately $9,000,000 in annual sales and Walgreens estimates that beer and wine sales will not exceed 5% of total sales. Given the stores proximity to the City of Beaumont, and the fact that beer and wine sales will make Walgreens a more attractive “one stop” option for shoppers, it is likely that Walgreens will generate additional sales tax revenue for the City of Banning that was previously lost to its neighboring city.

Further, Walgreens currently employs approximately 40 people at the Banning store. While beer and wine sales are not likely to be significant enough to necessitate the hiring of additional staff, especially during these difficult economic times, any additional revenue from beer and wine sales is important to Walgreens. The beer and wine sales will make it that much more likely that the Banning store will continue to succeed so that the City can continue to receive sales tax revenue from Walgreens and Walgreens can maintain its existing employment levels.

3. **Sale of Beer and Wine by Walgreens at 60 N. Highland Avenue Will Provide Needed Service to the Area That Are Not Clearly Met By Other Existing Alcohol Sales Establishments.**

The Walgreens store at 60 N. Highland Avenue is an attractive, well lit and modern facility at a very visible corner. With good frontage along both Highland Springs Road and Ramsey Street, and given its proximity to Interstate 10, the Walgreens store is easily accessible for the City’s residents as well as others visiting the area. The concentration of medical uses in
the immediate vicinity, including the San Gorgonio hospital and the Loma Linda University Medical Center, also make this location unique. Having a full service pharmacy in this location is important and the addition of beer and wine sales will make the Walgreens store an even more attractive destination. These complimentary uses will help reduce vehicle miles traveled because customers will now be able to meet even more of their shopping needs without having to travel to multiple locations.

Also, Walgreens brings a well trained staff, security features such as video cameras and the placement of beer and wine at locations away from store entrances and a reputation and policies that make Walgreens a good corporate citizen, Walgreens will be unique in the way it handles the sale of beer and wine. Further, Walgreens will dedicate no more than 1.65% (250 square feet) of its floor area to the sale and storage of beer and wine thereby minimizing the risk of potential adverse impacts. Therefore, the addition of beer and wine sales at the existing Walgreens store will provide services to the area in a way not clearly met by others.

The statements made by the applicant in connection with the determination of public convenience and necessity are further reinforced by the conditions of approval listed in Planning Commission Resolution No. 2010-03. Thus, the City along with the ABC licensing program (State of California) serve together to regulate alcohol sales at this location. Additional information regarding the determination of public convenience or necessity as prepared by the California Council on Alcohol Policy is included in Exhibit 8.

Based on the foregoing and with implementation of the conditions of approval, staff is of the opinion that a Planning Commission determination that the public convenience or necessity would be served is appropriate. Staff believes the proposed increase to the business operation will provide a benefit to the surrounding community by providing one stop shopping for residences, thereby having the potential to reduced vehicular trips; and promoting and maintaining a successful business in the City, thereby having the potential to protect existing jobs in the City.

Conclusion

Staff recommends approval of the subject conditional use permit as the proposed project is consistent with the requirements of the Zoning Code, while not significantly effecting the environment. If approved, the project has the potential to produce additional sales tax revenue for the City. Any negative impacts that may occur due to project approval will likely be mitigated or eliminated by the conditions of approval listed in Planning Commission Resolution No. 2010-03 and the regulation of alcohol sales by the Department of Alcoholic Sales (ABC) licensing program. Additionally, staff recommends the determination of public convenience or necessity because the project involves the transfer of an existing permit within census tract 0441.03 and no increase in Type 20 licensing will occur.

ENVIRONMENTAL DETERMINATION:

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines, the recommendation of the Planning Division as provided in this Staff Report dated May 4, 2010 and documents incorporated herein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:
1. **California Environmental Quality Act (CEQA)**

(a) The project is Categorically Exempt from CEQA in accordance with Section 15301 (Existing Facilities-Class 1) in that the staff report submitted by the Planning Division and other findings made in this Resolution demonstrate that Conditional Use Permit #10-801 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the City of Banning building permit issued January 6, 2000. Examples include the exterior alterations involving such things as electrical conveyances; existing facilities of both investor and publicly-owned utilities used to provide public utility services; and, additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.

(b) None of the exceptions to the Categorical Exemptions contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15301 from exempting the project for the following reasons:

(i) The project is not a Class 3, 4, 5, 6, or 11 project; and, therefore is not subject to the exception pertaining to projects located in particularly sensitive environments.

(ii) The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. Most notably, this will not increase the number of off-sale beer and wine licenses in the City rather will simply involve the transfer of an existing license to the applicant. The General Commercial (GC) zoning standards regulates the land use around the site. North of the site is the San Gorgonio Memorial Healthcare District campus consisting of the hospital and related health care facilities. West of the site across Highland Springs Avenue are a gas station with a convenience market and an auto parts store. East of the site is a vacant lot. South of the site and across Ramsey Street is a strip mall containing several retail stores and a fast food restaurant. Interstate 10 is located approximately 800 feet to the south along Highland Springs Avenue. This is a long-established, freeway-adjacent, commercial area along Highland Springs Avenue, one of the City’s major commercial corridors.

(iii) There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment because the existing retail store/pharmacy is not in itself a hazardous use; the City’s utilities and roads are adequate to serve the project and the surrounding properties are not environmentally sensitive properties.

(iv) The project will not result in damage to scenic resources within a designated state scenic highway because there is no designated state scenic highway in the project area.

(v) The project site has not been listed as a hazardous waste and substance facility or site by the Department of Toxic Substances Control pursuant to California Government Code Section 659625.

(vi) The project will not cause a substantial adverse change to the significance of a historical resource. The site is developed as a retail store/pharmacy and a historical resource or its immediate surroundings will not be demolished,
destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.

2. Multiple Species Habitat Conservation Plan (MSHCP).

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT NO. 10-801:

The Zoning Ordinance requires that each Conditional Use Permit application meet certain findings in Section 17.52.050 in order to be approved by the Planning Commission. The following findings are provided for Commission consideration:

Finding No. 1: The proposed project is consistent with the General Plan.

Findings of Fact: The project is consistent with General Plan Economic Development Element Policy #2 which states: “The City shall take a proactive role in the retention of existing businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes and contribute to City General Fund revenues”. In a tough economic climate, the existing businesses that are successful enough to expand their business may do so, rather than having to relocate in order to expand. The sale of beer and wine for offsite consumption will contribute to increased income for the Walgreens store, which will contribute to City General Fund Revenues. Additionally, the location of the existing store at the intersection of Highland Springs Avenue and Ramsey Street is one of the most highly traveled areas in the City; and, therefore may be more convenient than other locations being accessible to a larger customer base (Highland Springs Avenue is estimated at 31,930 average daily traffic; and, Ramsey Street is estimated at 22,082 average daily traffic (2006 General Plan, Table III-16)).

Finding No. 2: The proposed use (alcohol sales) is conditionally permitted within the subject land use district.

Findings of Fact: The land-use designation of General Commercial (GC) allows the sale of alcohol for offsite consumption requiring review and approval of a conditional use permit by Planning Commission (see Table 17.12.020 Permitted, Conditional and Prohibited Commercial and Industrial Uses of the Zoning Code). The Walgreens store is located within the GC land use district and Resolution No. 2010-03 includes conditions specific to this permit.

Finding No. 3: The proposed use would not impair the integrity and character of the land use district in which it is to be located.

Facts of Fact: The proposed use will not impair the integrity and character of the General Commercial (GC) land use district in which it is to be located because it is surrounded by improved commercial land; north of the site is the San Gorgonio Memorial Healthcare District campus consisting of the hospital and related health care facilities; west of the site across Highland Springs Avenue are a gas station with a convenience market and an auto
parts store; south of the site and across Ramsey Street is a strip mall containing several retail stores and a fast food restaurant.

**Finding No. 4: The subject site is physically suitable for the type and intensity of land use being proposed.**

Findings of Fact: The subject site is currently developed as a retail store/pharmacy. The 1.96 acre land area is of adequate size to accommodate the existing retail store/pharmacy with additional alcohol sales, if approved. The site has adequate areas for parking and includes landscaping. There is adequate access from Ramsey Street and Highland Springs Avenue.

**Finding No. 5: There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.**

Findings of Fact: The site is served by the public and private utilities, including the City’s water and electrical utilities. The site is accessed and served from Ramsey Street and Highland Springs Avenue, existing developed roadways with existing utilities. Additionally, conditions of approval include the requirement to maintain adequate lighting in the parking area that serves the retail store/pharmacy.

**Finding No. 6: There will not be significant harmful effects upon environmental quality, natural resources or neighborhood characteristics.**

Findings of Fact: The site is fully improved. There is no evidence that the offsite sale of beer and wine will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The surrounding neighborhood is developed. The parcels are flat (unable to support bodies of water).

**Finding No. 7: The proposed location, size, design and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.**

Findings of Fact: The structure is existing and involves no new construction, only the reorganization of the interior existing shelf space to accommodate alcohol sales. The existing site complies with the Zoning Code development standards.

Furthermore, limits on project approval include conditions that help make the use compatible with the existing neighborhood. These conditions include restrictions on the container type, quantity, and size of alcohol offered for sale. Requirements for employee training, limits on the hours that alcohol is offered for sale, and other conditions designed to address the over concentration of ABC licenses in that area. Also, alcohol sales are regulated by the State of California, Department of Alcoholic Sales (ABC) licensing program.
REQUIRED FINDINGS FOR A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY:

In accordance with Section 23817.7(3) of the Business and Professions Code the following findings are made regarding the determination of public convenience or necessity:

Finding No. 1: The Addition of Beer and Wine Sales at the Existing Walgreens Store Will Not Be Detrimental To the Character or Development in the Immediate Neighborhood and Will Be in Harmony With the Overall Objectives of the General Plan.

Finding of Fact: Walgreens is a national chain of retail drugstores selling prescription and over-the-counter medicines as well as a variety of general merchandise, sundries and grocery items to the public. From its store at the 60 N. Highland Springs Avenue, Walgreens has been successfully meeting the needs of residents of and visitors to the City of Banning since 2000. By adding beer and wine to the general merchandise already offered in the store, Walgreens can even better serve the surrounding community by providing customers with the convenience of “one-stop” shopping.

Because it is part of a larger retail operation and Walgreens’ standard business practices, the sale of beer and wine also will not be harmful to the health, safety and general welfare of the public or otherwise detrimental to the environment or the character of development in the immediate area. Walgreens endeavors to sell alcoholic beverage in a highly responsible and conscientious manner. Detailed, corporate policies and procedures are already in place and will be strictly enforced. The policies and procedures may include requirements such as:

- Employees at each store must undergo training prior to beer and wine being made available for sale at the store;
- Each cash register clerk must submit a policy acknowledgement as part of the daily log-in and log-out process;
- Each cash register clerk must request identification and proof of age for any customer attempting to purchase beer or wine who appears to be under the age of 40. Pre-programmed cash register “prompts” will remind the clerks to request this proof;

Training will be accomplished through a Walgreens internal alcohol sales training program, which is required for all cashiers and managers. The training program focuses on recognizing and preventing sales of alcohol that may be detrimental to the public welfare (i.e., the sale of alcohol to minors and intoxicated persons). Implementation of this program will help ensure that the sale of alcohol at the store will not be detrimental to residents, shoppers, or other business in the vicinity of this store. To prevent abuses, Walgreens will also only sell beer in 6 packs, 12 packs, 18 packs and cases. Walgreens will not sell beer by the individual can or bottle.

In addition to the various steps that Walgreens has and will take to avoid detrimental impacts to the character of development in the immediate neighborhood, a determination of public convenience or necessity is appropriate because the Walgreens store is not located in close proximity to any schools, churches, residences or other sensitive land uses. The store is surrounded by similarly scaled commercial retail uses to the south and west. The property immediately to the east is vacant. Medical offices are located immediately north of the store. San Gorgonio hospital and Loma Linda University Medical Center are also in the vicinity. The nearest sensitive land use for ABC purposes is the Church of Jesus Christ of LDS on
West Wilson Street. That church is separated from Walgreens by nearly 900 feet, far outside the 600-foot radius the ABC considers in making licensing determinations.

With respect to the City General Plan, the Vision Statement promotes “well-balanced commercial development, where revenue generating commercial neighborhoods provide a diversified economy and a wide range of jobs.” Similarly, the General Plan’s Land Use Element identifies a goal of creating a “balanced, well planned community including businesses which provide a functional pattern of land uses” and a policy of promoting the “highest quality” of development. The existing Walgreens operations already serve those goals and policies by providing access to a pharmacy and other general merchandise in a modern facility located in close proximity to a number of the City’s medical facilities. The addition of beer and wine sales would facilitate even greater harmony with the General Plan by providing more convenient, “one-stop” shopping for Walgreens’ many customers in the City of Banning and further diversifying the area’s economic base.

Finally, Walgreen’s sale of beer and wine at the location would not result in an increase in the number of locations selling beer and wine instead it would involve the transfer of an existing permit within census tract 0441.03.

Finding No. 2: Beer and Wine Sales at Walgreens Will Generate Economic Benefits and They Are Not Likely to Result in Negative Impacts to the Community as a Whole.

Finding of Fact: As described above, the sale of beer and wine by Walgreens would be conducted in a manner that maximizes public safety and minimizes public nuisance at a location that is very well suited for alcohol sales. Therefore, the project is not likely to generate negative community impacts. Economically, an average Walgreens store generates approximately $9,000,000 in annual sales and Walgreens estimates that beer and wine sales will not exceed 5% of total sales. Given the stores proximity to the City of Beaumont, and the fact that beer and wine sales will make Walgreens a more attractive “one stop” option for shoppers, it is likely that Walgreens will generate additional sales tax revenue for the City of Banning that was previously lost to its neighboring city.

Further, Walgreens currently employs approximately 40 people at the Banning store. While beer and wine sales are not likely to be significant enough to necessitate the hiring of additional staff, especially during these difficult economic times, any additional revenue from beer and wine sales is important to Walgreens. The beer and wine sales will make it that much more likely that the Banning store will continue to succeed so that the City can continue to receive sales tax revenue from Walgreens and Walgreens can maintain its existing employment levels.

Finding No. 3: Sale of Beer and Wine by Walgreens at 60 N. Highland Avenue Will Provide Needed Service to the Area That Are Not Clearly Met By Other Existing Alcohol Sales Establishments.

Finding of Fact: The Walgreens store at 60 N. Highland Avenue is an attractive, well lit and modern facility at a very visible corner. With good frontage along both Highland Springs Road and Ramsey Street, and given its proximity to Interstate 10, the Walgreens store is easily accessible for the City’s residents as well as others visiting the area. The concentration of medical uses in the immediate vicinity, including the San Gorgonio hospital and the Loma Linda University Medical Center, also make this location unique. Having a full service
pharmacy in this location is important and the addition of beer and wine sales will make the Walgreens store an even more attractive destination. These complimentary uses will help reduce vehicle miles traveled because customers will now be able to meet even more of their shopping needs without having to travel to multiple locations.

Also, Walgreens brings a well trained staff, security features such as video cameras and the placement of beer and wine at locations away from store entrances and a reputation and policies that make Walgreens a good corporate citizen, Walgreens will be unique in the way it handles the sale of beer and wine. Further, Walgreens will dedicate no more than 1.65% (250 square feet) of its floor area to the sale and storage of beer and wine thereby minimizing the risk of potential adverse impacts. Therefore, the addition of beer and wine sales at the existing Walgreens store will provide services to the area in a way not clearly met by others.

PUBLIC COMMUNICATION:

The proposed project was advertised in the Record Gazette newspaper, and notices were mailed to all property owners within a 300-foot radius of the site on April 23, 2010. As of the date of this report, staff has not received any verbal or written comments for or against the proposed project.
Prepared By:

Brian Guillot
Assistant Planner

Approved By:

Zai Abu Bakar
Community Development Director

PC Attachments:

1. Resolution No. 2010-03 (with Conditions of Approval)
2. Location Map
3. Aerial Photograph
4. Site Photographs
5. Project plans; existing Site Plan; Floor Plan
6. ABC 2005 Moratorium Cities
7. Map Census Tract 0441.03
Attachment 1

(Resolution No. 2010-03 with Conditions of Approval)
RESOLUTION NO. 2010-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 10-801 A REQUEST BY WALGREENS TO APPROVE THE OFFSITE SALE OF BEER AND WINE FROM THE EXISTING RETAIL STORE LOCATED AT 60 N. HIGHLAND SPRINGS AVENUE (APN 419-111-001, -002); AND, A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY

WHEREAS, State of California, Department of Alcoholic Beverage Control licenses are required for any business wishing to sell such beverages on-site, or off-site. As indicated in Table 17.12.020 of the Zoning Code, a Conditional Use Permit is required by the City in addition to the State license; and

WHEREAS, an application for a Conditional Use Permit including a request for a determination of public convenience or necessity has been duly filed by:

Project Applicant: Walgreens through its agent Luce, Forward, Hamilton & Scripps, LLP


APN 419-111-002 Keith W. Volk, Trustee of the Keith W. Volk Living Trust dated July 18, 2008.

Project Location: 60 N. Highland Springs Avenue

APN Information: 419-111-001,-002

Redevelopment Area: Yes

Specific Plan: No

Lot Size: 1.96 acres (85,248 square feet)

WHEREAS, the Planning Commission has the authority per Chapter 17.52 of the Banning Municipal Code to take action on Conditional Use Permit No. 10-801 for off-site alcohol sales in the General Commercial (GC) Zone; and

WHEREAS, on April 23, 2010 the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered; and

WHEREAS, on May 4, 2010 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Conditional
Use Permit #10-801 and the determination of public convenience or necessity, and at which
meeting the Planning Commission considered the Conditional Use Permit and determination of
public convenience or necessity; and

WHEREAS, the Community Development Director has reviewed the project’s potential
effects on the environment and has recommended that the project is categorically exempt from
the California Environmental Quality Act (“CEQA”) under CEQA Guidelines Section 15301
“Existing Facilities” and the exceptions to the categorical exemptions contained in CEQA
Guidelines Section 15300.2 are not applicable to the project.

NOW THEREFORE, the Planning Commission of the City of Banning does hereby
Resolve, Determine, Find, and Order as follows:

SECTION 1: ENVIRONMENTAL DETERMINATION.

The Planning Commission, in light of the whole record before it, including but not limited to, the
City’s Local CEQA Guidelines, the recommendation of the Planning Division as provided in this
Staff Report dated May 4, 2010 and documents incorporated herein by reference, and any other
evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the
record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. California Environmental Quality Act (CEQA)

(a) The project is Categorically Exempt from CEQA in accordance with Section 15301
(Existing Facilities-Class 1) in that the staff report submitted by the Planning Division
and other findings made in this Resolution demonstrate that Conditional Use Permit
#10-801 consists of the operation, repair, maintenance, permitting, leasing, licensing, or
minor alteration of existing private structures, facilities, mechanical equipment, or
topographical features, involving negligible or no expansion of use beyond that existing
at the time of the City of Banning building permit issued January 6, 2000. Examples
include the exterior alterations involving such things as electrical conveyances; existing
facilities of both investor and publicly-owned utilities used to provide public utility
services; and, additions to existing structures provided that the addition will not result
in an increase of more than 50 percent of the floor area of the structures before the
addition, or 2,500 square feet, whichever is less.

(b) None of the exceptions to the Categorical Exemptions contained in CEQA Guidelines
Section 15300.2 prevent CEQA Guidelines Section 15301 from exempting the project
for the following reasons:

(vii) The project is not a Class 3, 4, 5, 6, or 11 project; and, therefore is not subject to
the exception pertaining to projects located in particularly sensitive
environments.

(viii) The nature of the project is such that significant cumulative impacts will not
occur from successive projects of this type occurring in the same location over
time. Most notably, this will not increase the number of off-sale beer and wine
licenses in the City rather will simply involve the transfer of an existing license to the applicant. The General Commercial (GC) zoning standards regulates the land use around the site. North of the site is the San Gorgonio Memorial Healthcare District campus consisting of the hospital and related health care facilities. West of the site across Highland Springs Avenue are a gas station with a convenience market and an auto parts store. East of the site is a vacant lot. South of the site and across Ramsey Street is a strip mall containing several retail stores and a fast food restaurant. Interstate 10 is located approximately 800 feet to the south along Highland Springs Avenue. This is a long-established, freeway-adjacent, commercial area along Highland Springs Avenue, one of the City’s major commercial corridors.

(ix) There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment because the existing retail store/pharmacy is not in itself a hazardous use; the City’s utilities and roads are adequate to serve the project and the surrounding properties are not environmentally sensitive properties.

(x) The project will not result in damage to scenic resources within a designated state scenic highway because there is no designated state scenic highway in the project area.

(xi) The project site has not been listed as a hazardous waste and substance facility or site by the Department of Toxic Substances Control pursuant to California Government Code Section 659625.

(xii) The project will not cause a substantial adverse change to the significance of a historical resource. The site is developed as a retail store/pharmacy and a historical resource or its immediate surroundings will not be demolished, destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.

2. Multiple Species Habitat Conservation Plan (MSHCP).

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 2: REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT NO. 10-801.

Pursuant to Banning Municipal Code Chapter 17.52 and in light of the record before it including the staff report dated May 4, 2010, all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

Finding No. 1: The proposed project is consistent with the General Plan.

Findings of Fact: The project is consistent with General Plan Economic Development Element Policy #2 which states: “The City shall take a proactive role in the retention of existing businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes and contribute to City General Fund revenues”. In a tough
economic climate, the existing businesses that are successful enough to expand their business may do so, rather than having to relocate in order to expand. The sale of beer and wine for offsite consumption will contribute to increased income for the Walgreens store, which will contribute to City General Fund Revenues. Additionally, the location of the existing store at the intersection of Highland Springs Avenue and Ramsey Street is one of the most highly traveled areas in the City; and, therefore may be more convenient than other locations being accessible to a larger customer base (Highland Springs Avenue is estimated at 31,930 average daily traffic; and, Ramsey Street is estimated at 22,082 average daily traffic (2006 General Plan, Table III-16)).

Finding No. 2: The proposed use (alcohol sales) is conditionally permitted within the subject land use district.

Findings of Fact: The land-use designation of General Commercial (GC) allows the sale of alcohol for offsite consumption requiring review and approval of a conditional use permit by Planning Commission (see Table 17.12.020 Permitted, Conditional and Prohibited Commercial and Industrial Uses of the Zoning Code). The Walgreens store is located within the GC land use district and Resolution No. 2010-03 includes conditions specific to this permit.

Finding No. 3: The proposed use would not impair the integrity and character of the land use district in which it is to be located.

Facts of Fact: The proposed use will not impair the integrity and character of the General Commercial (GC) land use district in which it is to be located because it is surrounded by improved commercial land; north of the site is the San Gorgonio Memorial Healthcare District campus consisting of the hospital and related health care facilities; west of the site across Highland Springs Avenue are a gas station with a convenience market and an auto parts store; south of the site and across Ramsey Street is a strip mall containing several retail stores and a fast food restaurant.

Finding No. 4: The subject site is physically suitable for the type and intensity of land use being proposed.

Findings of Fact: The subject site is currently developed as a retail store/pharmacy. The 1.96 acre land area is of adequate size to accommodate the existing retail store/pharmacy with additional alcohol sales, if approved. The site has adequate areas for parking and includes landscaping. There is adequate access from Ramsey Street and Highland Springs Avenue.

Finding No. 5: There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

Finding of Fact: The site is served by the public and private utilities, including the City’s water and electrical utilities. The site is accessed and served from Ramsey Street and Highland Springs Avenue, existing developed roadways with existing utilities. Additionally,
conditions of approval include the requirement to maintain adequate lighting in the parking area that serves the retail store/pharmacy.

Finding No. 6: There will not be significant harmful effects upon environmental quality, natural resources or neighborhood characteristics.

Finding of Fact: The site is fully improved. There is no evidence that the offsite sale of beer and wine will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The surrounding neighborhood is developed. The parcels are flat (unable to support bodies of water).

Finding No. 7: The proposed location, size, design and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Finding of Fact: The structure is existing and involves no new construction, only the reorganization of the interior existing shelf space to accommodate alcohol sales. The existing site complies with the Zoning Code development standards.

Furthermore, limits on project approval include conditions that help make the use compatible with the existing neighborhood. These conditions include restrictions on the container type, quantity, and size of alcohol offered for sale. Requirements for employee training, limits on the hours that alcohol is offered for sale, and other conditions designed to address the over concentration of ABC licenses in that area. Also, alcohol sales are regulated by the State of California, Department of Alcoholic Sales (ABC) licensing program.

SECTION 3: REQUIRED FINDINGS FOR A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY:

Pursuant to Section 23817.7(3) of the Business and Professions Code, and in light of the record before it including the staff report dated May 4, 2010, all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

Finding No. 1: The Addition of Beer and Wine Sales at the Existing Walgreens Store Will Not Be Detrimental To the Character of Development in the Immediate Neighborhood and Will Be in Harmony With the Overall Objectives of the General Plan.

Finding of Fact: Walgreens is a national chain of retail drugstores selling prescription and over-the-counter medicines as well as a variety of general merchandise, sundries and grocery items to the public. From its store at the 60 N. Highland Springs Avenue, Walgreens has been successfully meeting the needs of residents of and visitors to the City of Banning since 2000. By adding beer and wine to the general merchandise already offered in the store,
Walgreens can even better serve the surrounding community by providing customers with the convenience of “one-stop” shopping.

Because it is part of a larger retail operation and Walgreens’ standard business practices, the sale of beer and wine also will not be harmful to the health, safety and general welfare of the public or otherwise detrimental to the environment or the character of development in the immediate area. Walgreens endeavors to sell alcoholic beverage in a highly responsible and conscientious manner. Detailed, corporate policies and procedures are already in place and will be strictly enforced. The policies and procedures may include requirements such as:

- Employees at each store must undergo training prior to beer and wine being made available for sale at the store;
- Each cash register clerk must submit a policy acknowledgement as part of the daily log-in and log-out process;
- Each cash register clerk must request identification and proof of age for any customer attempting to purchase beer or wine who appears to be under the age of 40. Pre-programmed cash register “prompts” will remind the clerks to request this proof;

Training will be accomplished through a Walgreens internal alcohol sales training program, which is required for all cashiers and managers. The training program focuses on recognizing and preventing sales of alcohol that may be detrimental to the public welfare (i.e., the sale of alcohol to minors and intoxicated persons). Implementation of this program will help ensure that the sale of alcohol at the store will not be detrimental to residents, shoppers, or other business in the vicinity of this store. To prevent abuses, Walgreens will also only sell beer in 6 packs, 12 packs, 18 packs and cases. Walgreens will not sell beer by the individual can or bottle.

In addition to the various steps that Walgreens has and will take to avoid detrimental impacts to the character of development in the immediate neighborhood, a determination of public convenience or necessity is appropriate because the Walgreens store is not located in close proximity to any schools, churches, residences or other sensitive land uses. The store is surrounded by similarly scaled commercial retail uses to the south and west. The property immediately to the east is vacant. Medical offices are located immediately north of the store. San Gorgonio hospital and Loma Linda University Medical Center are also in the vicinity. The nearest sensitive land use for ABC purposes is the Church of Jesus Christ of LDS on West Wilson Street. That church is separated from Walgreens by nearly 900 feet, far outside the 600-foot radius the ABC considers in making licensing determinations.

With respect to the City General Plan, the Vision Statement promotes “well-balanced commercial development, where revenue generating commercial neighborhoods provide a diversified economy and a wide range of jobs.” Similarly, the General Plan’s Land Use Element identifies a goal of creating a “balanced, well planned community including businesses which provide a functional pattern of land uses” and a policy of promoting the “highest quality” of development. The existing Walgreens operations already serve those goals and policies by providing access to a pharmacy and other general merchandise in a modern facility located in close proximity to a number of the City’s medical facilities. The addition of beer and wine sales would facilitate even greater harmony with the General Plan.
by providing more convenient, "one-stop" shopping for Walgreens’ many customers in the City of Banning and further diversifying the area’s economic base.

Finally, Walgreen’s sale of beer and wine at the location would not result in an increase in the number of locations selling beer and wine instead it would involve the transfer of an existing permit within census tract 0441.03.

**Finding No. 2: Beer and Wine Sales at Walgreens Will Generate Economic Benefits and They Are Not Likely to Result in Negative Impacts to the Community as a Whole.**

Finding of Fact: As described above, the sale of beer and wine by Walgreens would be conducted in a manner that maximizes public safety and minimizes public nuisance at a location that is very well suited for alcohol sales. Therefore, the project is not likely to generate negative community impacts. Economically, an average Walgreens store generates approximately $9,000,000 in annual sales and Walgreens estimates that beer and wine sales will not exceed 5% of total sales. Given the stores proximity to the City of Beaumont, and the fact that beer and wine sales will make Walgreens a more attractive “one stop” option for shoppers, it is likely that Walgreens will generate additional sales tax revenue for the City of Banning that was previously lost to its neighboring city.

Further, Walgreens currently employs approximately 40 people at the Banning store. While beer and wine sales are not likely to be significant enough to necessitate the hiring of additional staff, especially during these difficult economic times, any additional revenue from beer and wine sales is important to Walgreens. The beer and wine sales will make it that much more likely that the Banning store will continue to succeed so that the City can continue to receive sales tax revenue from Walgreens and Walgreens can maintain its existing employment levels.

**Finding No. 3: Sale of Beer and Wine by Walgreens at 60 N. Highland Avenue Will Provide Needed Service to the Area That Are Not Clearly Met By Other Existing Alcohol Sales Establishments.**

Finding of Fact: The Walgreens store at 60 N. Highland Avenue is an attractive, well lit and modern facility at a very visible corner. With good frontage along both Highland Springs Road and Ramsey Street, and given its proximity to Interstate 10, the Walgreens store is easily accessible for the City’s residents as well as others visiting the area. The concentration of medical uses in the immediate vicinity, including the San Gorgonio hospital and the Loma Linda University Medical Center, also make this location unique. Having a full service pharmacy in this location is important and the addition of beer and wine sales will make the Walgreens store an even more attractive destination. These complimentary uses will help reduce vehicle miles traveled because customers will now be able to meet even more of their shopping needs without having to travel to multiple locations.

Also, Walgreens brings a well trained staff, security features such as video cameras and the placement of beer and wine at locations away from store entrances and a reputation and policies that make Walgreens a good corporate citizen, Walgreens will be unique in the way
it handles the sale of beer and wine. Further, Walgreens will dedicate no more than 1.65% (250 square feet) of its floor area to the sale and storage of beer and wine thereby minimizing the risk of potential adverse impacts. Therefore, the addition of beer and wine sales at the existing Walgreens store will provide services to the area in a way not clearly met by others.

SECTION 4: PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. Notice of Exemption. In accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062 the Planning Commission hereby approves a categorical exemption under CEQA Guidelines Section 15301 and directs the Planning Director to prepare and file with the Clerk for the County of Riverside a notice of exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

1. Conditional Use Permit. (CUP) #10-801 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Attachment “A”.

2. A determination of public convenience or necessity is hereby approved subject to the transfer of one of the three existing Type 20 ABC licenses within census tract 0441.03; and, the Community Development Director is hereby ordered to deliver a copy of this resolution to the State of California, Department of Alcoholic Beverage Control in its entirety.
PASSED, APPROVED AND ADOPTED this 4th day of May, 2010.

Buddy Hawkins, Chairman
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Christy Marie Lopez
Aleshire & Wynder, LLP
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2010-03 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of May, 2010 by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
PROJECT #:    Conditional Use Permit #10-801
SUBJECT:   Alcoholic Beverage Sales (Type 20-Beer and Wine) for offsite consumption
APPLICANT:  Walgreens
LOCATION:  60 N. Highland Springs Avenue

CONDITIONS OF APPROVAL

Planning

THE APPLICANT MAY CONTACT THE PLANNING DIVISION, (951) 922-3125, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

A. General Requirements

1. The applicant shall indemnify, protect, defend, and hold harmless the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City’s defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.
2. This Conditional Use Permit shall be exercised by the Applicant upon the Department of Alcoholic Beverage Control (ABC) approval of a transfer of an existing off-site beer and wine license (Type 20) within two (2) years from the date of approval, or the Conditional Use Permit shall become null and void. Extension: The Community Development Director may, upon an application being filed 30 days prior to expiration and for good cause, grant one time extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Conditional Use Permit complies with all current Ordinance provisions.

3. The issuance of these Conditions of Approval does not negate the requirements of State of California, Department of Alcoholic Beverage Control requirements or regulations.

4. A copy of the signed Resolution of Approval and/or Community Development Director's letter of approval, and all Standard Conditions, shall be maintained for review at the location 60 N. Highland Springs Avenue.

5. The applicant is responsible for paying all charges related to the processing of this discretionary case application within 30 days of the issuance of the final invoice or prior to the issuance of building permits for this project, whichever occurs first. Failure to pay all charges shall result in delays in the issuance of required permits or the revocation of the approval of this application.

6. If there are any future issues that arise with the use that is the subject of this discretionary approval (e.g., complaints from neighboring residents or businesses) the Community Development Director or other appropriate City designee has the authority to require that the Conditional Use Permit be brought back before the Planning Commission for immediate remedy which may include, but not necessarily be limited to, the imposition of additional conditions of approval.

B. Site Development

7. The site shall be developed and maintained in accordance with the approved plans which include site plans, and floor plans on file in the Planning Division, the conditions contained herein, and zoning code regulations.

8. All site landscaping and irrigation, area lighting, and parking lot improvements shall be maintained in a reasonable manner and in accordance with Zoning Code provisions or this Conditional Use Permit may be subject to revocation.

9. Graffiti shall be removed within 72 hours or within 24 hours of notice from the City.

10. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.
C. Alcoholic Beverage Sales

11. The applicant shall obtain a Type 20 (beer and wine-offsite) license from the Department of Alcoholic Beverage Control (ABC) and keep said license in full force and effect; otherwise, this Conditional Use Permit is null and void.

12. Sales and service of alcoholic beverages shall not be permitted between the hours of 1:00 a.m. and 7:00 a.m. each day of the week.

13. The sale of distilled spirits is prohibited.

14. The amount of floor area dedicated to alcohol sales and storage shall not exceed 250 square feet.

15. A video surveillance system shall be used to monitor/record all alcohol sales. The video data shall be maintained for at least 30 days and shall be provided to law enforcement upon request.

16. Sales and service of alcoholic beverages shall be restricted to, and within, the confines of the building portion of the premises. The sales and service of alcoholic beverages through any pass-out or drive-up window is prohibited.

17. There shall be no amusement machines or video game devices in the premises except those offered for sale and in original manufacture's packaging.

18. The consumption of alcoholic beverages on-site shall be strictly prohibited.

19. Said alcoholic beverage license shall not be transferred to another location within the City of Banning without the approval of the City.

20. The parking lot area 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 area. Additionally, the position of such lighting shall not spill onto or disturb the normal privacy and use of neighboring residences. The lighting system shall be fully operational at all times the store is open for business.

21. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.

22. No person under 21 years of age shall sell or deliver alcoholic beverages.

23. Employees shall undergo training prior to selling, or offering the sale of beer and wine.

24. No pay phone shall be maintained on the interior or exterior of the premises.
25. At the request of the Police Department, the applicant shall post and maintain a professional quality sign(s) facing the premises parking lot that reads as follows:

- NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES, VIOLATORS ARE SUBJECT TO ARREST

26. Peace officers as well as the Community Development Director or his/her designee and other persons employed by the Department of Alcoholic Beverage Control are hereby permitted by to inspect the premises at any time for compliance with these conditions of approval.
Attachment 2

(Location Map)
Attachment 3

(Aerial Photo)
Attachment 4

(Site Photographs)
Looking northeasterly from the corner (main entrance).

Looking northwesterly from Ramsey Street (drive-up window).
Looking southeasterly from Highland Springs Avenue
(trash enclosure & loading zone).
Attachment 5

(Project Plans; existing Site Plan; Floor Plan)
Attachment 6

(ABC 2005 Moratorium Cities)
2005 Moratorium Counties/Cities

2005 Moratorium Figures - Section 23817.5 B & P Code

On January 1, 1998, Section 23817.5 was amended to permanently establish a moratorium on the issuance of off-sale beer and wine licenses (Type 20) in cities and counties where the ratio of Type 20 licenses exceeds one for each 2,500 inhabitants.

In the city and county of San Francisco, the ratio has been established as one for each 1,250 inhabitants. The San Francisco computation combines off-sale beer and wine license with off-sale general licenses for the purpose of establishing the ratio.

Enclosed are the following lists and a map showing the new Type 20 license limitation data:

- List of Counties with their moratorium status.
- List of Cities in Counties with partial moratorium status.
- Summary of Changes to Moratorium Counties/Cities.

Please note the changes in moratorium counties compared to the 2000 list. San Bernardino has been added to the list of non-moratorium counties and Marin has been changed to a moratorium county. In addition, there have been changes in some of the cities within the current 11 non-moratorium counties.

The new moratorium lists are effective as of January 1, 2005 and will be in effect for five years. The moratorium lists will be recalculated every five years in accordance with Section 23817.9.

The enclosed lists and map may be distributed to all interested parties.

If you have any question or need additional information, please contact Judy Gabrielli:

Email: Judy.Gabrielli@abc.ca.gov
Phone: (916) 419-2530
## Orange County

<table>
<thead>
<tr>
<th>City</th>
<th>Moratorium</th>
<th>City</th>
<th>Moratorium</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aliso Viejo</td>
<td>NO</td>
<td>Lake Forest</td>
<td>NO</td>
</tr>
<tr>
<td>Anaheim</td>
<td>NO</td>
<td>La Palma</td>
<td>NO</td>
</tr>
<tr>
<td>Brea</td>
<td>NO</td>
<td>Los Alamitos</td>
<td>NO</td>
</tr>
<tr>
<td>Buena Park</td>
<td>NO</td>
<td>Mission Viejo</td>
<td>NO</td>
</tr>
<tr>
<td>Costa Mesa</td>
<td>YES</td>
<td>Newport Beach</td>
<td>NO</td>
</tr>
<tr>
<td>Cypress</td>
<td>NO</td>
<td>Orange</td>
<td>NO</td>
</tr>
<tr>
<td>Dana Point</td>
<td>NO</td>
<td>Placentia</td>
<td>NO</td>
</tr>
<tr>
<td>Fountain Valley</td>
<td>NO</td>
<td>Rancho Santa Margarita</td>
<td>NO</td>
</tr>
<tr>
<td>Fullerton</td>
<td>YES</td>
<td>San Clemente</td>
<td>NO</td>
</tr>
<tr>
<td>Garden Grove</td>
<td>NO</td>
<td>San Juan Capistrano</td>
<td>NO</td>
</tr>
<tr>
<td>Huntington Beach</td>
<td>NO</td>
<td>Santa Ana</td>
<td>NO</td>
</tr>
<tr>
<td>Irvine</td>
<td>NO</td>
<td>Seal Beach</td>
<td>NO</td>
</tr>
<tr>
<td>Laguna Beach</td>
<td>NO</td>
<td>Stanton</td>
<td>YES</td>
</tr>
<tr>
<td>Laguna Hills</td>
<td>NO</td>
<td>Tustin</td>
<td>NO</td>
</tr>
<tr>
<td>Laguna Niguel</td>
<td>NO</td>
<td>Villa Park</td>
<td>NO</td>
</tr>
<tr>
<td>Laguna Woods</td>
<td>NO</td>
<td>Westminster</td>
<td>NO</td>
</tr>
<tr>
<td>La Habra</td>
<td>NO</td>
<td>Yorba Linda</td>
<td>NO</td>
</tr>
</tbody>
</table>

## Riverside County

<table>
<thead>
<tr>
<th>City</th>
<th>Moratorium</th>
<th>City</th>
<th>Moratorium</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banning</td>
<td>YES</td>
<td>Lake Elsinore</td>
<td>YES</td>
</tr>
<tr>
<td>Beaumont</td>
<td>YES</td>
<td>La Quinta</td>
<td>NO</td>
</tr>
<tr>
<td>Blythe</td>
<td>YES</td>
<td>Moreno Valley</td>
<td>NO</td>
</tr>
<tr>
<td>Calimesa</td>
<td>YES</td>
<td>Murrieta</td>
<td>NO</td>
</tr>
<tr>
<td>Canyon Lake</td>
<td>NO</td>
<td>Norco</td>
<td>YES</td>
</tr>
<tr>
<td>Cathedral City</td>
<td>YES</td>
<td>Palm Desert</td>
<td>YES</td>
</tr>
<tr>
<td>Coachella</td>
<td>YES</td>
<td>Palm Springs</td>
<td>NO</td>
</tr>
<tr>
<td>Corona</td>
<td>NO</td>
<td>Perris</td>
<td>NO</td>
</tr>
<tr>
<td>Desert Hot Springs</td>
<td>YES</td>
<td>Rancho Mirage</td>
<td>NO</td>
</tr>
<tr>
<td>Hemet</td>
<td>YES</td>
<td>Riverside</td>
<td>NO</td>
</tr>
<tr>
<td>Indian Wells</td>
<td>NO</td>
<td>San Jacinto</td>
<td>YES</td>
</tr>
<tr>
<td>Indio</td>
<td>YES</td>
<td>Temecula</td>
<td>NO</td>
</tr>
</tbody>
</table>
COUNTIES WITH MORATORIUM = UNSHADED
COUNTIES WITH PARTIAL MORATORIUM = SHADED

SACRAMENTO:
Galt
Isleton
Sacramento

SOLANO:
Benicia
Dixon
Rio Vista

CONTRA COSTA:
Brentwood
Pittsburg
Pleasant Hill
San Pablo

ALAMEDA:
Albany
Berkeley
Emeryville
Livermore

SAN MATEO:
Brisbane
Colma
Half Moon Bay
Menlo Park

SANTA CLARA:
Campbell
Gilroy
Los Gatos
Morgan Hill

SAN BERNARDINO:
Barstow
Big Bear Lake
Chino
Colton
Grand Terrace
Montclair
Needles
Ontario
San Bernardino
Victorville
Yucca Valley

ORANGE:
Costa Mesa
Fullerton
Stanton

RIVERSIDE:
Banning
Beaumont
Blythe
Calimesa
Cathedral City
Coachella
Desert Hot Springs
Hemet
Indio
Lake Elsinore
Norco
Palm Desert
San Jacinto

SAN DIEGO:
El Cajon
Escondido
La Mesa

LOS ANGELES:
Avalon
Azusa
Bell
Bell Gardens
Commerce
Cudahy
Duarte
El Segundo
Hawaiian Gardens
Hermosa Beach
Hidden Hills
Huntington Park
Industry
Inglewood
Irwindale
Lawnsdale
Malibu
Maywood
Paramount
Pico Rivera
San Fernando
Santa Fe Springs
Signal Hill
South El Monte
South Gate
Verdugo

47
Attachment 7

(Map Census Tract 0441.03)
Attachment 8

(Guide prepared by California Council on Alcohol Policy)
"PUBLIC CONVENIENCE OR NECESSITY"

A GUIDE FOR LOCAL GOVERNMENT AND INTERESTED CITIZENS

COMMUNITY PREVENTION INSTITUTE

CARS

CALIFORNIA COUNCIL ON ALCOHOL POLICY • REVISED MARCH 2006

Bar
“PUBLIC CONVENIENCE OR NECESSITY”
A GUIDE FOR LOCAL GOVERNMENT AND INTERESTED CITIZENS

AUTHORS’ BIOGRAPHIES

VICTOR COLMAN, B.A., J.D.
In his twenty-two plus years in the public health field, Victor Colman has been a policy analyst, project director, trainer, curricula developer, lobbyist, researcher, manager, and bureau chief. Victor has worked for academic and non-profit corporations as well as local and state government. Currently, Victor is the senior policy advisor with the Washington State Department of Health in the Division of Community and Family Health.

MICHAEL SPARKS, M.A.
Michael Sparks serves as the Policy Director at the Center for Community Action and Training (CCAT). Michael has expertise in the alcohol policy field as well as in the areas of community building, using local control strategies to manage problematic alcohol and drug environments, the legislative process, neighborhood revitalization, and management of non-profit corporations. He has provided training in the areas of community organizing, alcohol policy, using the legislative process to reduce alcohol and other drug problems, and leadership development. He was the first Executive Director of the Marin Institute for the Prevention of Alcohol and Other Drug Problems and one of four founders of that organization in 1987.

BACKGROUND:
WHY WRITE THIS GUIDE?
As the title suggests, this guide is written for those who work in local government and for those community members seeking to engage in licensing and land use regulation of retail alcohol outlets in California. Limiting alcohol problems in our communities through environmental strategies can be highly effective, but understanding how to accomplish this can be daunting. We are committed to helping you be an effective participant in these strategies, particularly as they relate to public convenience or necessity, a relatively new tool that can directly engage communities and local government into state liquor licensing processes. This is our effort to deconstruct these processes and offer some experience-based input and advice.

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REGULATING RETAIL ALCOHOL OUTLETS IN CALIFORNIA: CHALLENGES AND OPPORTUNITIES

While the licensing and land use regulation of retail alcohol outlets in California is complex, local communities and their governments can exert some influence in newly proposed liquor license applications. However, perhaps the greatest challenge is curtailing the sheer number of retail alcohol licenses across the state. While many states place ceilings on the number of liquor licenses in a given community, California is still a state where on-sale beer and wine licenses enjoy no restrictions — see table below.

<table>
<thead>
<tr>
<th>LICENSES</th>
<th>ON-SALE</th>
<th>OFF-SALE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beer, Wine and Distilled Spirits (“General License”)</td>
<td>1 license for every 2,000 residents</td>
<td>1 license for every 2,500 residents</td>
</tr>
<tr>
<td>Beer and Wine Only</td>
<td>No state limit</td>
<td>1 license for every 2,500 residents or 1 license for every 1,250 residents when combined with off-sale general licenses</td>
</tr>
</tbody>
</table>

And because there is no state limit placed upon on-sale beer and wine licenses, communities will continue to see new applications filed with the Department of Alcoholic Beverage Control on a regular basis. Some localities have filled this vacuum by utilizing their local land use powers. Under state law, the ABC may not issue a liquor license if it violates an existing local zoning ordinance (CA Business & Professions Code 23790). Thus, to obtain a state liquor license, the applicant must first have all necessary local zoning permits in order. This statutory scheme gives real power to localities with strong zoning ordinances specific to retail alcohol outlets. When properly constructed and deployed, local zoning laws can be a very powerful tool. It is generally easier to be successful at policy change at the local level than at the state level. Check to see if your city or county has a strong zoning ordinance that directly regulates retail alcohol outlets (bars, restaurants, liquor stores, convenience stores). If your locality does not have such an ordinance, your alcohol problems prevention efforts can be greatly aided by enacting such an ordinance. Additional resources include: http://health.org.govpubs/PHD822/sar.aspx and http://resources.prev.org/documents/AlcoholViolenceGruenwald.pdf.

“Public convenience or necessity” is an additional tool for local government and communities that directly ties them into the state liquor licensing process. Current state law limits the issuance of new licenses in geographical regions defined as high crime areas or in areas of “undue concentration” of retail alcohol outlets. However, the law also states these restrictions can be sidestepped in specified circumstances when the state ABC or the local jurisdiction makes a determination that the applicant license proves that the proposed outlet would serve “public convenience or necessity” (PC or N). In other words, “public convenience and necessity” is demonstrated when the liquor license applicant proves that the business operation will provide some kind of benefit to the surrounding community. Thus, in addition to making local zoning decisions about alcohol outlet locations and operations, localities now have formal say into the state liquor license process when they actively utilize their authority to make PC or N determination.

Although this phrase “public convenience or necessity” had been embedded in the “undue concentration” statute well before the adoption of the PC or N law in 1994, neither the ABC Department nor local governing bodies has established definitive and uniform guidelines for defining and applying any version of the “public convenience or necessity” doctrine.
In addition, state judicial and administrative decisions have shed little light on the development of definitions or guidelines. Further, there remains some confusion regarding the exact roles and responsibilities of local governing bodies designated to make the PC or N determination.

RETAIL ALCOHOL AVAILABILITY: PAINTING A REGULATORY PICTURE

In order to understand the implications of the concepts of PC or N, a general understanding of how California governs the commercial sale and service of alcoholic beverages is necessary.

A BRIEF OVERVIEW

The regulation of the sale and service of alcohol involves two separate levels of authority: state and local. The common-sense notion that retail alcohol businesses must be regulated (and be in proportion to the general population) in order to protect the public health and safety is an underlying assumption for each regulatory level. In California, license regulation is handled by a state agency, the Department of Alcoholic Beverage Control (ABC).

State ABC systems can be divided into two basic groups: control and license. In control systems, the state actually owns and operates alcohol retail outlets themselves. In license states (like California), all alcohol businesses must obtain a liquor license from the state as a condition of doing business.

Each state has also shaped its own relationship around local (city and county) power and authority over liquor licensing. States vary widely in defining local powers. Some states place most licensing power with local government; others give all of the power to the state agency. California’s liquor licensing system relies primarily on state authority. There is, however, a major exception to the strong state ABC powers in California, one that has resulted in a great deal of regulatory and community activity at the municipal level. Under California State law, the ABC Department may not issue a liquor license if it violates an existing, valid, local zoning ordinance (CA Business & Professions Code 23790). In locales that have enacted such zoning laws, known as conditional use permits or CUP’s, state liquor licenses may only be issued after all zoning permits are in order.

The CUP is a land use ordinance that provides communities and local governments control over where alcohol outlets may be located, how late they may operate, how they train their sellers/servers, and how citizens may participate in determining if new outlets should open in their neighborhoods. Through the CUP, operating conditions may be placed on new outlets that minimize potential risks to health and safety. The ordinance also provides a simple mechanism for localities to revoke the use permits of outlets operating out of compliance with the conditions set forth in the CUP.

Localities with robust CUP’s enjoy real and sustained benefits -- zoning applicants are thoroughly screened, public input is heightened, and the potentially risky element of retail alcohol sales in a community is explicitly debated. Such local processes allow communities to better shape their retail alcohol availability through active use of existing zoning powers -- both in intervening with problem outlets today and preventing undue concentration problems in the future.

PC OR N: A HISTORY LESSON

ORIGINAL UNDUE CONCENTRATION STATUTE (Before AB 2897 - - CALDERA)

State law attempted to curtail the intensity of too many retail outlets and the associated community problems through its definition of "undue concentration". The ABC-developed formula stated that undue concentration was proved when crime was 20% higher in the specific crime reporting district where the applicant outlet would be located when compared to all crime reporting districts across either the city or county. However, the statute (and its regulatory analogue -- Rule 61.3) was very challenging for potential ABC license applicants and protesters to understand.

The process was triggered by a single liquor license application. Simply put, interested protesters (i.e., individual community members or local government bodies) needed to prove mathematically that having too many liquor licenses in the vicinity had a nexus or relationship to higher crime statistics as described above.

Applying this formula was not impossible but took extensive legwork, and much cooperation from the police department. Some police departments were able to provide the necessary statistics, while others had record systems that make this data impossible to retrieve. However, even if the protestor(s) clearly proved undue concentration using the crime statistic formula described above, complete discretion over liquor license issuance resided with the ABC if they found "public convenience or necessity".

Both public entities and communities grew frustrated with the state’s broad administrative discretion. These frustrations led to various legislative proposals to change the definition of undue concentration and provide a formal role for local input in the determination of PC or N.
PUBLIC CONVENIENCE OR NECESSITY LEGISLATION:
In 1994, the California legislature enacted AB 2897 (Caldera). Business and Professions Code § 23958.4 (http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc &group=23001-24000&file=23950-23962) now prohibits the issuance of new alcohol retail licenses in any area that has an undue concentration of alcohol outlets unless a determination is made that the license would serve public convenience or necessity. The determination of "public convenience or necessity" is either made by the ABC or by a local governing body, depending on the license type.

Undue concentration was redefined in this legislation. Subsection (a) of the code defines "undue concentration" in two specific ways:

- Excess Crime
  Excess Uniform Crime Reporting (UCR) Part 1 crimes (> 20%) reported within the crime reporting district (similar to the prior definition in law) OR

- Ratios (X number of licenses per X number of residents)
  A higher alcohol license/population ratio within the census tract/division than the county alcohol license/population ratio.

Subsection (b) apportions the roles of the state ABC and local governing bodies based upon type of license. See table below for breakdown.

<table>
<thead>
<tr>
<th>JURISDICTIONS</th>
<th>LICENSE TYPES</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Department of Alcoholic Beverage Control</td>
<td>On-Sale</td>
</tr>
<tr>
<td></td>
<td>• Restaurants (bona fide eating places)</td>
</tr>
<tr>
<td></td>
<td>• Lodging-based licenses</td>
</tr>
<tr>
<td></td>
<td>• Non-retail licenses</td>
</tr>
<tr>
<td>Local Governing Body</td>
<td>Off-Sale</td>
</tr>
<tr>
<td></td>
<td>• Liquor stores</td>
</tr>
<tr>
<td></td>
<td>• Convenience stores</td>
</tr>
<tr>
<td></td>
<td>• Bars</td>
</tr>
</tbody>
</table>

So, since 1995 local entities have been given an additional and direct role in the state ABC licensing process for a substantial portion of license types. How communities and their local government bodies can best flex this new muscle is described in detail below.

SUBSEQUENT LEGISLATION:
1995: The Thompson "Wrinde" (SB 408) -- Moratorium Areas
SB 408 (Thompson) amended Business and Professions Code § 23817.5 in 1995. This provision imposes a moratorium on new off-sale retail beer and wine licenses in cities and counties where the number of such licenses exceeds one license for each 2,500 residents. Contact your local ABC office for a current listing of moratorium jurisdictions.

This amendment allows the ABC Department to potentially override the off-sale beer/wine moratorium if the applicant can demonstrate to the local governing body that public convenience or necessity would be served.

1996: The Hoge Amendment (AB 2841) - The 90 Day Limit
After enactment of the new public convenience and necessity provisions in 1994, various pieces of legislation were introduced in the 95-96 session to amend the statutory scheme. AB 2841 was the successfully enacted bill and essentially created a time limit for local governments to make their determination of public convenience and necessity. Local governing bodies now have 90 days in which to make such a determination. Failure to do so in that time frame will then give the ABC the right to make the determination.

Thus, localities and communities must be mindful of the time limits when designing and implementing PC or N processes; otherwise, they will lose the powers gained through the original Caldera bill.

IMPLEMENTATION STRATEGIES
The essence of this portion of the guide is to give the reader some tangible examples of how to implement the PC or N legislation at the local level. Substantive advice is provided that can assist localities and their communities to derive the most benefit from this important (but under-utilized) power.

DETERMINING A LOCAL GOVERNING BODY
Since the Caldera bill was enacted, local government has utilized a number of different options as the official "governing body." We talked to many folks at the local level to determine if there were any preferred approaches. In short, there is no definitive answer at this juncture. Instead, we offer a guiding principle that applies across the
board, to choose a governing body that has functional linkages with other local agencies and, perhaps most importantly, the communities that make up that city or the unincorporated county.

See Appendix D for examples of locally designated entities.

DETERMINING PC OR N: MANDATORY & DISCRETIONARY MODELS

This discussion includes two main sections: (1) highlights of PC or N guidelines (both mandatory and discretionary), and (2) highlighting current procedural models which list both the pros and cons of each. It is important to remember that these are only guidelines or suggestions; control still resides at the local level as to how a community may choose to implement this local component of the state PC or N legislation.

However, the original PC or N legislation explicitly stated that the burden of proof is on the applicant, meaning that the applicant is obliged to demonstrate to the ABC or, if applicable, the local entity, how public convenience or necessity will be served by the existence of this new retail outlet. Note the “OR” in the public convenience or necessity. The applicant does not need to prove both elements — just demonstrating one of the elements is enough to meet the burden of proof.1

A number of potential applicant burdens or obligations have been gleaned from localities using the process around the state. These include:

- Demonstrate how the proposed use will not be detrimental to the character of development in the immediate neighborhood and will be in harmony with the overall objectives of the General Plan.
- Prove/demonstrate the economic benefit outweighs the negative impacts to the community as whole
- Demonstrate how issuance of license will provide a needed service not currently being met in the community
- Identify the special and unusual circumstances present here to justify a new retail alcohol outlet when there are already similar alcohol uses existing nearby
- Prove they cannot operate profitably without a liquor license
- Demonstrate reasonable efforts to seek community input
- Get the approval of redevelopment agency/committee when appropriate

After a local governing body has been identified and a procedural model selected (see SECTION 2, below) then the designated public entity moves on to the question of determining what constitutes public convenience or necessity for their community.

SECTION 1: PC OR N – RECOMMENDED GUIDELINES

There are two basic types of analyses for determining PC or N:

- MANDATORY (or absolute), and
- DISCRETIONARY.

These should not be seen as mutually exclusive; but rather are complementary. Note, however, that if both are to be used it would certainly make sense for the municipality to first assess the PC or N question under the MANDATORY analysis.

SUGGESTED MANDATORY GUIDELINES

Under this type of analysis the city or county should explicitly lay out in writing the criteria for which NO finding of PC or N will be made. Clearly this scenario requires special qualifying factors. Such circumstances can and have occurred. The following examples provide a beginning list of such factors used by some public entities as the basis for immediate rejection of the applicant’s bid to prove PC or N. Any one of these factors should be enough to warrant a no PC or N finding, but the presence of additional factors makes for a stronger finding and will provide less likelihood of a successful appeal.

- Proposed use to be located in an existing targeted law enforcement area
  — as documented by specific and abnormally high general health and safety indicators that have some nexus with alcohol use
  — see Appendix B for links to research findings linking alcohol availability with a variety of alcohol-related problems
- Elevated rates of alcohol-related crime in a defined area or reporting district that encompasses the proposed use
  — significantly higher than average, i.e., 20% greater
  — i.e., disturbing the peace, public intoxication, assault and battery, prostitution, vandalism, graffiti, loitering, pan-handling, all CA Business & Professions code violations, drug violations, driving under the influence (DUI) tracking

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1Note that some localities mistakenly substitute “and” instead of “or” in their PC or N policies and procedures documents. This can result in that locality creating a greater burden to the applicant than originally intended.
• Consistent history of undue concentration
  -- i.e., 20% higher outlet density ratio than the state average for that particular license type
• Proximity to sensitive land uses
  -- examples: schools, churches, residences, parks, senior housing, youth activity centers, hospitals, treatment centers, homeless shelters, child care facilities

**NOTE: DISTANCE REQUIREMENTS SHOULD BE AT LEAST EQUIVALENT OR CLOSER TO STATE REQUIREMENTS -- see Business and Professions Code § 23789**

http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=23001-24000&file=23770-23793

**SUGGESTED DISCRETIONARY GUIDELINES**

It is strongly recommended that all local designated bodies should include at least this level of analysis. Here the designated public entity engages in a type of risk-benefit analysis. Note that license-specific factors are included as well.

It is suggested that the benefits side of the equation be examined first. If no tangible benefits can be discerned, the decision-making body should determine that public convenience or necessity would not be served. So, the applicant retains the burden of proof to make an initial case that there are discernible benefits to the particular use in question. If there are benefits, then the analysis should weigh the risks and focus on whether the business is designed to minimize those risks to the community.

To aid this important decision-making process the following variables should be considered when determining the relative merits and demerits of a proposed liquor license. The usual caveat to any promulgated state-wide guidelines must be applied here -- these are simply guidelines that require adaptation to local circumstances.

**RISK VARIABLES**

In addition to those circumstances cited in the MANDATORY section, the following variables also may be considered in making the PC or N evaluation:

• law enforcement calls for service and Uniform Crime Reporting (UCR) part 1 & 2 crimes higher than average
• ratio (all police service calls for service/alcohol-related service calls)
• possible increase in level of law enforcement capacity
• health indicators (alcoholism rates, homelessness, other)
• youth demographics in immediate area
  -- i.e., "x" percentage of the population in the immediate vicinity of the proposed business is under the age of 21
• business operation variables
  -- i.e., high percentage (more than 50%) of alcohol to non-alcohol sales, late night (after midnight) operations, high percentage (over 50%) of untrained staff, high percentage (over 50%) of underage staff, availability of single servings, sale of inexpensive fortified wines, size of facility, lack of adequate security, lighting.

**BENEFIT (CONVENIENCE) VARIABLES**

As discussed above, the initial inquiry involves determining (with some specificity) what potential benefits the proposed establishment will bring to the community. Again, the burden is on the applicant to provide this information. Some benefit variables include:

• net employment gain (especially of local residents)
• various business taxes
• unique business addition
• enhances and/or increases the public utilization of space
• contribution to the long-term economic development goals of the community
• positive (cultural) entertainment

**SECTION 2: PC OR N PROCEDURAL ISSUES**

The issue of determining PC or N is complicated by questions of procedure and timing.

**TIMING**

As many as three distinct processes may be in play with regard to retail alcohol outlets:

1. a local conditional use permit (if required);
2. a PC or N determination (required within 90 days of a completed PC or N application); and/or,
3. the state ABC liquor license process (protests need to be filed within 50 days of the initial posting date).

Unfortunately, these processes overlap, without any real standardization across localities. This lack of uniformity presents challenges to communities, localities, the state ABC and even the license applicant. Thus, the authors are unable to recommend any specific model. However, a key principle should be applied in all cases: namely, promote transparency in the process in order to ensure maximum citizen input and participation.

Another complexity is the situation where some localities are making "conditional PC or N" determinations -- meaning that the determination is wholly contingent upon the ABC
placing specific conditions upon the liquor license. Consult your local ABC administrator to assess the possibility of using this particular strategy.

**Models:**
For those with existing conditional use permits (CUP's) regulating retail alcohol outlets, there were at least three variations. For those without an existing CUP, at least two variations were delineated. All five variations are described here:

**Existing CUP Jurisdictions — Models:**
- Administrative determination of PC or N
- Determination coordinated with CUP hearing process
- Determination subsequent to CUP hearing process

**Non-CUP Jurisdictions — Models:**
- Administrative determination of PC or N
- PC or N determination based on public hearing

**PC OR N: PROCEDURAL OPTIONS**
To reiterate, public entities must determine who shall serve as the designated local governing body. Appendix D provides current examples of various designated bodies.

A quick review of those local governing bodies that have begun to develop their own definitions of public convenience or necessity revealed no clear procedural model. Each local governing body should determine which model best fits their circumstances.

# EXISTING VARIATIONS WITH CUP'S

<table>
<thead>
<tr>
<th>A) ADMINISTRATIVE DETERMINATION OF PC OR N</th>
</tr>
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<tbody>
<tr>
<td>Here, staff of the designated department or agency makes a determination without any public hearing process.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PRO:</th>
<th>CON:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• fast, simple, less expensive</td>
<td>• no input from community at front end of procedure</td>
</tr>
<tr>
<td>• individual agency representative can be utilized as &quot;designated&quot; department</td>
<td>• lack of public process may give business applicant unfair advantage</td>
</tr>
<tr>
<td></td>
<td>• more difficult for community to appeal</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B) DETERMINATION COORDINATED WITH CUP HEARING PROCESS²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public notification and hearing are needed for both matters at hand (PC or N and zoning). Staff input can be directed to both questions.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PRO:</th>
<th>CON:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• most efficient process when faced with mandatory public hearing processes</td>
<td>• may confuse CUP issue (for staff, community, and members of relevant decision-making board)</td>
</tr>
<tr>
<td>• other interested departments able to provide formal input</td>
<td>• difficult to untangle the two processes, possibly creating sense of not having a fair hearing on the part of the applicant</td>
</tr>
<tr>
<td>• allows formal input from community on both CUP and PC or N findings.</td>
<td></td>
</tr>
</tbody>
</table>

² **NOTE:** If this variation is to be used, it is suggested that the issue of public convenience or necessity be taken up first. If PC or N is determined not to exist, the local zoning issue becomes moot.
PUTTING THIS HANDBOOK TO USE

DISSEMINATION
As with the original handbook, it is anticipated that this document will be broadly disseminated across a number of key sectors, including but not limited to:

- Chiefs of Police
- Planners
- City Managers
- City Attorneys
- City Councils
- County Supervisors Association & all related organizations including sheriffs, planners, boards of supervisors, city administrators
- American Planning Association
- California Peace Officers Association
- Interested businesses and business trade associations
- Alcohol prevention groups and organizations
- Interested citizens and community activists

GETTING STARTED IN YOUR COMMUNITY
If you are interested in getting your local government to pay more attention to the issues of retail alcohol availability, we suggest contacting the Community Prevention Institute for possible support for technical assistance and training. They can be found at http://www.ca-cpi.org or by calling 916.983.8929.

IMPROVING THE STATE ABC LICENSING PROCESS: POSSIBLE ADMINISTRATIVE AND POLICY REMEDIES
A recent statewide meeting of ABC constituents and interested individuals representing neighborhoods and organizations using the PC or N process was held in order to shape the revision of this document. Emerging from the discussion was a number of key policy issues of concern to the participants. Of course, in any policy development process, one must first define the problem or issue area. In this arena, there are two overarching themes: 1) strengthening the information flow from state ABC to communities; and, 2) better demarcation of the state liquor licensing process and the local PC or N process.

The ideas listed below are not necessarily endorsed by any particular organizations but do point out areas of debate and concern. These ideas could take the shape of bills, rules changes, or simply shifts in operational policy. Sketches of several ideas include:

- ABC should require applicants to mail notice of license applications to a broader spectrum of community members. Participants expressed that the notices often fail to get into the hands of the residents that live near and also frequently leave insufficient time for community members to act should they wish to protest the license.
- Specific ideas include: expand the area that applicants are required to disseminate the notices; provide a more timely process for distribution; and develop multiple communication avenues to ensure actual resident notification.
- Communities are confused about the interface between licensing and local land use powers. Examples of ABC District Offices initiating the processing of license applications before local government bodies have had time to determine if a Conditional Use Permit will be awarded were raised and discussed.
- One solution offered was for the ABC not to begin processing (or even accepting) liquor license applications until local land use decisions are made.
- Participants agreed that the posting of ABC transmittals (updated information on pending license applications, transfers, etc.) and master list of conditions on the ABC Website would be a very useful tool.
- Also discussed was the possibility of using a different baseline for the calculation of population ratios for the determination of “undue concentration.”
- Suggestions included using population ratios derived from multiple sources (e.g., census tracts, zip codes, planning districts, crime reporting districts, etc.) rather than solely the County population at large.
- Participants felt the ABC should have the statutory authority to place conditions on license even when an applicant disagrees with the conditions.
- ABC licensees are allowed to make annual requests to have current conditions removed from their license. Similarly, localities and communities would like a similar process established to request additional conditions on a license when justified.
- Given the interface between licensing and exercising of local land use prerogatives, participants would like the ABC to take a supportive or, at worst, a neutral position in reference to the land use conditions that a local jurisdiction may choose to place on a use permit.
APPENDICES

APPENDIX A ........................................... GLOSSARY

APPENDIX B ........................................... SAMPLE OF WEB LINKS TO CITIES WITH ACTIVE PCORN PROCESSES

APPENDIX C ........................................... KEY RESEARCH FINDINGS RELATED TO RETAIL ALCOHOL AVAILABILITY

APPENDIX D ........................................... EXAMPLES OF DESIGNATED AGENCIES AND DEPARTMENTS

APPENDIX E ........................................... LIST OF ABC-APPROVED CONDITIONS
APPENDIX A

GLOSSARY

ABC:
The Department of Alcoholic Beverage Control, the state agency responsible for licensing and regulation of alcoholic beverages http://www.abc.ca.gov.

Alcohol:
Includes alcohol (distilled spirits, liqueur, wine, wine coolers, or beer) in any liquid or solid containing at least one-half of 1 percent (0.05%) or more of alcohol by volume.

Alcohol Availability:
A public health term referring to how alcohol is made available or accessible in a defined area or community. Availability may be based on location, price, advertising, and promotion.

Alcohol Outlet:
A retail business that sells alcohol beverages to the public or to a select membership. Under the 21st Amendment, each state has the power to control the means by which alcohol is made available to the public. (See also Off-sale & On-sale Outlets)

Applicant:
One who is applying for a state liquor license.

Bona Fide Public Eating Place:
A technical name for "restaurant." The business must have full kitchen facilities and serve meals on a regular basis.

California Department of Alcoholic Beverage Control:
The state agency that has the constitutional authority to regulate the manufacturing, wholesaling, and retailing of alcohol. See also “ABC” http://www.abc.ca.gov.

Conditions:
Those agreed upon conditions of doing business that are attached to either a liquor license or a zoning permit.

Fortified Wines:
Products made from both wine and spirits. Can include very inexpensive products generally found only in economically depressed communities or more expensive products (i.e., ports and brandies) found in most liquor stores.

General License:
A license to sell or serve beer, wine, and distilled spirits.

ID:
Identification used to verify a person's age.

Incident Log:
A daily record of any events occurring in an establishment that could result in legal action.

Intoxication:
The condition of physical and mental impairment resulting from consumption of alcohol and/or other drugs.

Licensee:
An individual who has applied for and received a liquor license from the State of California.

License Exchange:
When a retail alcohol outlet changes its liquor license type from one kind to another (for example, from a beer and wine license to a general license).

License Transfer:
When a retail alcohol outlet transfers from one location to another and takes the liquor license with them.

License Types:
A specific kind or class of license. For instance, Type 20 refers to an off-sale beer and wine license and Type 21 refers to an off-sale general license.

Local Control:
Local city or county governments have many powers to establish laws and policies regarding retail alcohol establishments and sales. Local control refers to this particular arena of local policymaking.

Malt Liquor:
A beer product with higher alcohol content (e.g., Olde English, St. Ides, Schlitz Malt Liquor).

Minor:
Any person less than 21 years of age.

Off-Sale Outlets:
Those establishments licensed by the state to sell alcohol for consumption away from the premises (e.g., liquor stores, convenience stores, grocery stores).
On-Sale Outlets:
Those establishments licensed by the state to sell alcohol for consumption on the premises (e.g., bars, restaurants, nightclubs).

Premises:
Any business establishment that has a license to sell alcohol.

Protestants:
Individuals who are formally protesting either a zoning permit at the local level or a liquor license application at the state level.

Responsible Beverage Service (RBS) Training:
A professional training program for managers, sellers, and servers of alcohol. Some cities and states require training as a precondition for employment or even as a condition preceding the issuance of a local zoning ordinance. As of March 2006, there are no state laws that require training in California.

Sale or Service:
Any transaction where alcohol is exchanged for something of value from one person to another.

Undue Concentration:
Subsection (a) of the code defines “undue concentration” in two specific ways:

- Excess Crime
  Excess Uniform Crime Reporting (UCR) Part 1 crimes (> 20%) reported within the crime reporting district (similar to the prior definition in law) OR
- Ratios (X number of licenses per X number of residents)
  A higher alcohol license/population ratio within the census tract/division than the county alcohol license/population ratio.

Zoning:
The means by which cities and counties regulate the different types of land uses (residential or commercial) within their boundaries.
APPENDIX B

SAMPLE OF WEB LINKS TO CITIES WITH ACTIVE PCORN PROCESSES:

Citrus Heights:
http://www.ci.citrus-heights.ca.us/docs/item_12-east-meets-west-asian-imports.pdf#search="public%20convenience%20or%20necessity%20alcohol"

Concord:

Davis:
http://www.city.davis.ca.us/cmo/citycode/detail.cfm?p=40&q=2073

Diamond Bar:
http://www.ci.diamond-bar.ca.us/docs/15331913120068.1.pdf

Encinitas:
http://www.ci.encinitas.ca.us/NR/rdonlyres/EBEE7F08-4BA8-4FC4-85BA-DA319305A440/0/WEBPUBCONV ABCFORM.pdf

Manhattan Beach:
http://www.ci.manhattan-beach.ca.us/agenda/1999/Ag-Min19990601/19990601-13.html

Salinas:
http://www.ci.salinas.ca.us/Admin/MuniCodes/CodeFiles_DATA/CHAP33/Sec_33.21.1_Requirements_for.html

San Mateo:
http://www.ci.sanmateo.ca.us/dept/codes/ch10-38.html

San Diego City:
http://clerkdoc.sandnet.gov/RightSite/getcontent/local.pdf?DMW_OBJECTID=090014518007d1f4

San Diego County:

Temecula:
http://www.cityoftemecula.org/cityhall/CommDevDivision/Planning/Permits/pdfs/Public%20Convenience%20and%20Necessity-Revised%2009-05.pdf

Yucca Valley:

APPENDIX C

KEY RESEARCH FINDINGS RELATED TO RETAIL ALCOHOL AVAILABILITY – WEB LINKS:

- http://www.publicstrategies.org/pdfs/fact_sheet_outlet_density_2_03.pdf
## APPENDIX D

### EXAMPLES OF DESIGNATED AGENCIES AND DEPARTMENTS

<table>
<thead>
<tr>
<th>DESIGNATED AGENCY OR DEPARTMENT</th>
<th>CITY OR COUNTY</th>
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<tbody>
<tr>
<td><strong>AGENCY</strong></td>
<td></td>
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<tr>
<td>Law Enforcement</td>
<td>Alameda (city); Hemet; Mendocino County (Sheriff); Oceanside; Sacramento (city); San Diego (city); Santa Rosa; Ventura (city)</td>
</tr>
<tr>
<td>City Manager</td>
<td>Bakersfield; Berkeley</td>
</tr>
<tr>
<td>City Attorney</td>
<td>Simi Valley</td>
</tr>
<tr>
<td>Director of Public Works/City Engineer</td>
<td>La Palma</td>
</tr>
<tr>
<td>Community Development/Neighborhood Services</td>
<td>Union City; San Francisco</td>
</tr>
<tr>
<td>Planning</td>
<td>Colusa County; Larkspur; Los Angeles County; Oakland; San Ramon; Vallejo</td>
</tr>
<tr>
<td><strong>ELECTED:</strong></td>
<td></td>
</tr>
<tr>
<td>City Council</td>
<td>Long Beach; Los Angeles City; Reedley; Vista</td>
</tr>
<tr>
<td>Board of Supervisors</td>
<td>Fresno County; Kern County; Ventura County</td>
</tr>
<tr>
<td><strong>OTHER:</strong></td>
<td></td>
</tr>
<tr>
<td>Shared</td>
<td>San Leandro (Community Services Director/Chief of Police)</td>
</tr>
</tbody>
</table>
APPENDIX E

List of ABC-approved conditions. This list is not exhaustive. Local officials may request the ABC place additional conditions on a new or transferred license; these conditions would not be ABC approved, but would be used at the local level as part of a conditional use permit process.

ON SALE PREMISES:

TO BE USED FOR LOCATIONS WHICH HAVE DIFFERENT HOURS ON DIFFERENT DAYS OF THE WEEK

Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of __ and ___.

TO BE USED FOR ON SALE LOCATIONS WITH THE SAME HOURS EACH DAY OF THE WEEK.

Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of __ and __ each day of the week.

Sales, service and consumption of alcoholic beverages shall be permitted in the patio area only between the hours of __ and __ each day of the week.

OFF SALE PREMISES:

TO BE USED FOR LOCATIONS WHICH HAVE DIFFERENT HOURS ON DIFFERENT DAYS OF THE WEEK

Sales and service of alcoholic beverages shall be permitted only between the hours of __ and ___.

TO BE USED FOR OFF SALE LOCATIONS WITH THE SAME HOURS EACH DAY OF THE WEEK.

Sales and service of alcoholic beverages shall be permitted only between the hours of __ and __ each day of the week.

The sale of distilled spirits by the bottle for same day or future consumption is prohibited.

There shall be no bar or lounge area upon the licensed premises maintained for the purpose of sales, service or consumption of alcoholic beverages directly to patrons for consumption.

If the premises do not open until 9:00 p.m., full and complete meals must be served whenever the privileges of the license are being exercised.

The premises shall be maintained as a bona fide food restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurants.

The petitioner(s) shall stock and offer for sale a substantial assortment of food and/or merchandise commonly associated with and sold to persons in the community of extraction.

Any graffi painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within hours of being applied.

No “happy hour” type of reduced price alcoholic beverage promotion shall be allowed.

No refrigerated or otherwise chilled alcoholic beverages shall be sold or maintained on the licensed premises.

The use of any amplifying system or device is prohibited on ___, and the use of any such system or device inside the premises shall not be audible outside the premises.

During normal meal hours, at least the premises seating shall be designed and used for and must possess the necessary utensils, table service, and condiment dispensers with which to serve meals to the public.

At all times when the premises are open for business the sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage.

There shall be no amplified music on the premises at any time.

Sales, delivery and consumption of alcoholic beverages will be restricted to and within the confines of the building portion of the premises and sales or delivery of alcoholic beverages through any pass-out window is prohibited.

The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.

There will be no dancing allowed on the premises.

The door(s) shall be kept closed at all times during the operation of the premises except in cases of emergency. Said door(s) not to consist solely of a screen or ventilated security door.

The door(s) shall be kept closed at all times during the operation of the premises except in cases of emergency and to permit deliveries. Said door(s) not to consist solely of a screen or ventilated security door.
The rear doors of the premises shall be equipped on the inside with an automatic locking device and shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation.

There shall be no amusement machines or video game devices in the premises at any time.

There shall be no more than ___ amusement machine or video game devices in the premises at any time.

No pool or billiard tables may be maintained on the premises.

A single jukebox or stereo may be maintained upon the premises; however, the music shall not be audible outside the premises.

Entertainment provided shall not be audible beyond the area under the control of the licensee(s) as defined on the ABC-257 dated and ABC-253 dated ____.

Live entertainment provided shall be limited to _____. No noise from said entertainment shall be heard beyond feet from the exterior of the premises in any direction.

There shall be no live entertainment of any type, including but not limited to live music, disc jockey, karaoke, topless entertainment, male or female performers or fashion shows.

There shall be no ____ permitted on the premises at any time.

Between the hours of ____ and ____ or at any time the premises are providing ___, the petitioner(s) shall provide __ licensed uniformed security guard(s) in the parking lot and shall maintain order therein and prevent any activity which would interfere with the quiet enjoyment of their property by nearby residents.

Petitioner(s) shall provide uniformed security guard(s) between the hours of ____ to ____.

Petitioner(s) shall provide uniformed security guard(s) from ____ to ____ after closing.

Between the hours of ____ and ____ or at any time the premises are providing ___, the petitioner(s) shall provide security personnel in the parking lot and shall maintain order therein and prevent any activity which would interfere with the quiet enjoyment of their property by nearby residents. Said personnel shall be clothed in such a manner as to be readily identifiable as security.

The sale of alcoholic beverages for consumption off the premises is strictly prohibited.

The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premise.

The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, as depicted on the ABC-257 dated and ABC-253 dated ____.

The petitioner(s) shall provide off-street parking spaces for vehicles for use by patrons of the premises.

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.

Trash shall not be emptied between the hours of ____ nor later than ____.

Trash pickup at the premises will be made no earlier than ____ nor later than ____.

Trash shall not be emptied into outside trash containers between the hours of ____ nor later than ____.

The petitioner(s) shall construct and maintain a solid block or brick fence not less than ____ feet along the boundary of the premises parking lot.

No wine shall be sold with an alcoholic content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles.

No beer or malt beverage products shall be sold, regardless of container size, in quantities of less than six per sale.

---

5 If you want guards in full uniform, use the phrase "licensed uniform guards(s)". If full uniforms are not required, use the phrase "security personnel".
The sales of beer or malt beverages in quantities of quarts, 22 oz., 32 oz., 40 oz., or similar size containers is prohibited. No beer or malt beverages shall be sold in quantities of less than six per sale.

Beer, malt beverages, and wine coolers in containers of 16 oz. or less cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.

There shall be no cups, glasses, or similar receptacles commonly used for the drinking of beverages, sold, furnished, or given away at the petitioner's premises in quantities of less than twenty-four in their original multi-container package.

No alcoholic beverages shall be sold in bottles or containers smaller than 750 ml. and wine-coolers, beer coolers, or pre-mixed distilled spirit cocktails (if allowed by the license) must be sold in manufacturer pre-packaged multi-unit quantities.

No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee(s) as depicted on the ABC-257 dated and ABC-253 dated ______.

There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.

No person under the age of 21 shall sell or deliver alcoholic beverages.

No pay phone will be maintained on the interior or exterior of the premises.

All ice shall be sold at or about prevailing prices in the area and in quantities of not less than ______ pounds per sale and shall not be given away free.

Sales and delivery of alcoholic beverages to customers shall be made from behind a counter where a clerk will obtain the product; no self-service of alcoholic beverages will be permitted.

Not more than ____% of the square footage of the premises will be used for the display of alcoholic beverages.

The licensee(s) or an employee of the licensee(s) will be present in the patio at all times that alcoholic beverages are being served or consumed.

No person shall be excluded from membership in the club on the basis of race, color, sex, religion, ancestry, disability, marital status or national origin.

Petitioner(s) shall furnish four additional keys and/or passes to the Department of Alcoholic Beverage Control. Such keys or passes shall not be marked or prepared in any manner so as to distinguish the bearer's official capacity. In addition, said keys or passes shall contain random, non-consecutive numbers, various dates of issuance and shall not be identified on any membership lists so as to distinguish the listed member's official capacity.

Petitioner(s) shall police the area under their control in an effort to prevent the loitering of persons about the premises as depicted on ABC-253, dated ______.

Loitering is prohibited on or around these premises or this area under the control of the licensee(s) as depicted on the ABC-257 dated and ABC-253 dated ______.

The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages is prohibited on or around these premises as depicted on ABC-253, dated ______.

The licensee shall keep the property, adjacent to the licensed premises and under the control of the licensee(s) as depicted on ABC-253, dated ______, clear of newspaper racks, benches, pay telephones, bicycle racks, and any other objects which may encourage loitering.

There shall be no sales of alcoholic beverages while the boat is at any dock, except sales to passengers one-half hour prior to departing on scheduled trips or charters, and one-half hour after returning to designated commercial docks pursuant to (A) or (B).

(A) In addition to its primary home port dock, a licensee may designate up to ten (10) commercial docks each year at which it intends to embark or disembark passengers.

(B) A licensee may designate any public commercial dock within the state. Such designation shall be in writing.

The applicant corporation shall report to the Department in writing any changes in directors, managing officers, and/or the issuance or transfer of shares of stock which results in a person or entity not previously approved owning 10% or more of its stock. This report shall be made within 30 days of issuance, transfer, or change.

The Department of Alcoholic Beverage Control will be notified in writing of any change in the trustees under Trust dated ______.
That ___ shall have no interest directly or indirectly in the ownership nor act as a manager or consultant in the operation or control of the licensed premises or business activities conducted in said premises.

That ___ shall not be employed in any capacity in the operation or control of the licensed premises.

That ___ shall not violate any laws or have any determination by law, by plea of guilty, bail forfeiture, conviction, or nolo contendere of any crime or commit any act involving the intemperate use of alcohol for a period of ___ years from the signing of this petition.

The sale of products, other than beer & wine, measured by gross receipts on an annual basis, shall exceed the annual sales of beer & wine products, measured by gross receipts.

Off-sale privileges under this license are restricted to sale of malt and vinous beverages containing not more than 5.2 percent of alcohol by weight, and to the sale of beer.

Peace officers, as listed in Section 830.1 of the California Penal Code, and the Director and other persons employed by the Department of Alcoholic Beverage Control for the administration and enforcement of the Alcoholic Beverage Control Act are hereby authorized to visit and inspect the proposed premises as outlined in red on form ABC-257 dated ___, at any time the undersigned is exercising the privileges authorized by the license on such premises.

Subject premises will be solely a business office and no alcoholic beverages will be possessed, stored, or delivered from this location, nor will there be any direct sales to consumers or retailers from this location.

Sales of alcoholic beverages from a mobile cart are permitted provided there are a substantial assortment of non-alcoholic beverages and snacks offered for sale on the same cart.

Sales of alcoholic beverages from the mobile cart are only permitted at no more than two designated and approved sites on the golf course.

The mobile cart must remain at each designated site for a minimum of four hours.

There is maintained upon the drive-in premises a building or other suitable enclosed structure to be licensed as provided in Section 24040 of the Act, and all sales of alcoholic beverages shall be made from within the licensed enclosure.

No alcoholic beverages shall be sold to any person while such person is in a motor vehicle.

No alcoholic beverages shall be consumed on any portion of the licensed premises or any portion adjacent thereto which is under the control of the licensee.

The sale and delivery of alcoholic beverages shall be made to persons who are within the licensed premises only and not through a pass-out window, or a slide-out tray to the exterior of the premises.

Alcoholic beverages offered for sale at the licensed premises shall be displayed and available for convenient inspection and purchase within the premises by the general public.

No wine tasting is to be permitted at this location.

No retail sales of alcoholic beverages to consumers shall be permitted at this location.

There shall be no importation of beer or malt beverages.

No retail sales of alcoholic beverages to consumers shall be permitted at this location.
CLUB:
Membership in the club shall be non-discriminatory and will not exclude persons because of race, creed, color, sex, religion or national origin.

The sale, service and consumption of alcoholic beverage shall be made only to or by members of the club and bona fide guests.

The sale of alcoholic beverages for consumption off the premises is prohibited.

Keys and/or passes, and/or membership cards shall be furnished to the Department. Such keys, passes and/or membership cards shall not be marked or coded in any way such as to distinguish a bearer's official capacity.

DRIVE IN:
There is maintained upon the drive-in premises a building or other suitable enclosed structure to be licensed as provided in Section 24040 of the Act, and all sales of alcoholic beverages shall be made from within the licensed enclosure.

No alcoholic beverages shall be sold to any person while such person is in a motor vehicle.

No alcoholic beverages shall be consumed on any portion of the licensed premises or any portion adjacent thereto which is under the control of the licensee.

The sale and delivery of alcoholic beverages shall be made to persons who are within the licensed premises only and not through a pass-out window, or a slide-out tray to the exterior of the premises.

OTHER:
Petitioner shall not share any profits, or pay any percentage or commission to a promoter or any other person, based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders, or the sale of drinks.

Petitioner(s) shall not require an admission charge or a cover charge, nor shall there be a requirement to purchase a minimum number of drinks.

The licensee shall not sell and/or offer for sale or display any magazine, video or other printed material which contains pictures depicting:
✓ Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
✓ Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.
✓ Scenes wherein a person displays the vulva or the anus or the genitals.
✓ Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any other prohibited activities described above.

No obstructions shall be attached, fastened or connected to the partitions or ceiling to separate the booths/dining areas within the interior space of the licensed premises.

Partitions separating the booths/dining areas shall not exceed 52” in height.

VIP/Hospitality alcoves constructed on the premises and depicted on diagram dated____, shall have the following characteristics:

(a) No physical obstruction shall be attached, fastened, or connected in any manner to any section of the wall or ceiling at the alcove openings.
(b) No physical obstruction, including but not limited to planters, partitions or items of decor, shall be placed or attached to any section of the floor at the alcove openings.

The licensee(s) shall not maintain or construct any type of enclosed room intended for use by patrons or customers for any purpose.

The licensee shall not permit "Taxi Dancing" to occur on the licensed premises wherein patrons are provided for dancing or social purposes. Social purposes include but are not limited to the soliciting or accepting of any alcoholic beverages from any customers while in the premises.
No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee(s) provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.

No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premises.

Petitioner(s) shall make no changes in the premises interior without prior written approval from the Department.

The Petitioner(s) shall post and maintain a professional quality sign facing the premises parking lot(s) that reads as follows:

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**NO LOITERING, NO LITTERING**

**NO DRINKING OF ALCOHOLIC BEVERAGES**

**VIOLATORS ARE SUBJECT TO ARREST**

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PRODUCTION NOTES

The initial and revised version of this guide was produced by two members of the California Council on Alcohol Policy, Vic Colman and Michael Sparks. In addition, a third member, Brenda Simmons, assisted with the research and writing of this revised version. We would also like to thank Everest Robillard and Sharon O’Hara for their careful editorial review.

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This document is a product of the Community Prevention Institute (CPI), a project of the Center for Applied Research Solutions, to provide no-cost technical assistance and training to communities throughout California. CPI is funded and directed by the California Department of Alcohol and Drug Programs. If you have any technical assistance or training needs regarding this handbook, please contact CPI.

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DATE:      May 4, 2010
TO:        Planning Commission
FROM:      Zai Abu Bakar, Community Development Director
SUBJECT:   TENTATIVE PARCEL MAP #36056 AND DESIGN REVIEW #07-708
           (BANNING BUSINESS PARK, ASSESSORS PARCEL NUMBERS
           532-110-003, 532-110-008, 532-110-009, AND 532-110-010)

REQUEST FOR CONTINUATION:

The Planning Division requests that the Planning Commission continue this item to the June
1, 2010 meeting in order to address air quality concerns raised by SCAQMD on April 27,
2010.

Requested By:

Zai Abu Bakar
Community Development Director