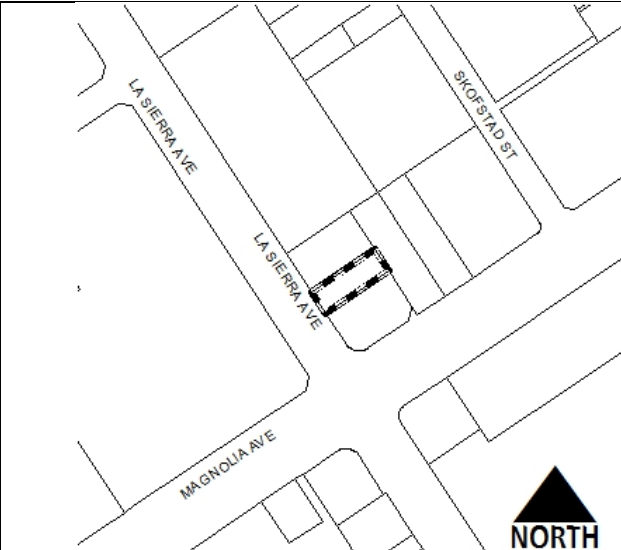




PLANNING COMMISSION HEARING DATE: JULY 9, 2015

AGENDA ITEM NO.: 6

PROPOSED PROJECT

| | | |
|---------------------------------|---|---|
| <i>Case Numbers</i> | P15-0137 (Conditional Use Permit) P15-0138 & P15-0139 (Variances) | |
| <i>Request</i> | Consideration for a Conditional Use Permit and Variances to upgrade current ABC License Type 20 to Type 21 off sale general in an existing TJ Mart. | |
| <i>Applicant</i> | Dick Evitt, All Star Realty | |
| <i>Project Location</i> | 3815 La Sierra Avenue |  |
| <i>APN</i> | 142-262-006 | |
| <i>Project area</i> | Approximately 0.24 acres | |
| <i>Ward</i> | 6 | |
| <i>Neighborhood</i> | La Sierra | |
| <i>Specific Plan</i> | Magnolia Avenue Specific Plan | |
| <i>General Plan Designation</i> | Mixed Use-Village (MU-V) | |
| <i>Zoning Designation</i> | Commercial-Retail (CR) | |
| <i>Staff Planner</i> | Meenaxi R. Panakkal, AICP, Associate Planner; 951-826-5277; mpanakkal@riversideca.gov | |

RECOMMENDATIONS

Pursuant to Chapters 2.40 and 19.050.030 of the Riverside Municipal Code, the Planning Commission is asked review the proposed project subject to its consistency with the Zoning Code (Title 19) and Subdivision Code (Title 18). Specifically, Staff Recommends that the City Planning Commission:

1. **DENY** Planning Case P15-0137 (Conditional Use Permit), P15-0138 and P15-0139 (Variances) based on the findings outlined in the staff report and summarized in the following:
 - a. The proposed use does not comply with the site location standards set forth in the Zoning Code for the sale of alcoholic beverages for off-site consumption. Per Section

19.450.030 (A.) (1.), a minimum of 600 feet of separation is required between the off-sale of alcohol and assemblies of people – non-entertainment, whereas the existing TJ Mart is located approximately 440 feet from the property line of the “My Father’s House Church” at 11140 Magnolia Avenue.

- b. The proposed use does not comply with the site location standards set forth in the Zoning Code for the sale of alcoholic beverages for off-site consumption. Section 19.450.030 (A) (3) requires a minimum of 1,000 feet separation between off-sale general alcohol businesses with less than 15,000 square feet of gross floor area. The existing TJ Mart is located approximately 460-feet from Westgate Liquor located at 3758 La Sierra Avenue.
- c. There are no exceptional circumstances to warrant the granting of the requested variances, based on the staff prepared variance justification findings contained in the case record;
- d. Staff cannot make the necessary findings of public convenience or necessity (PCorN) as set forth in Section 23958.4 of the Business and Professions Code. The site is located in a Census tract already over concentrated with off-sale alcohol licenses and is located adjacent to two other Census tracts which are also over concentrated with off-sale.

Pursuant to Riverside Municipal Code (RMC) Sections 19.650.020, 19.650.030 and 19.760.050, the Planning Commission shall review the proposed application and either deny the request, or recommend approval of the project to the City Council. A recommendation to approve this conditional use permit request requires an affirmative vote of 2/3 of the Commission membership present and voting at the public hearing. Should the Planning Commission wish to consider approval of this request, Staff recommended actions are included in this report. The granting of the Variances applications herein shall only require a simple majority vote.

SITE BACKGROUND

The attached Exhibits 2 - 4 illustrate the project site’s specific location, as well as the subject and surrounding General Plan and Zoning designations.

The 0.24 acre parcel is currently developed with a 2,301 square-foot convenience store (TJ Mart, which was originally established in the early 1970s (Planning Case DR-034-745). The site contains nine (9) parking stalls, including one (1) handicap accessible stall. The current Type 20 off-sale beer & wine license was approved by the Planning Commission in March 2001 (Planning Case CU-051-001).

The existing site appears to contain a significant number of unpermitted temporary signs, and appears to be substandard in compliance with parking lot landscaping standards.

PROPOSAL

The applicant is requesting consideration of a Conditional Use Permit (CUP) to upgrade the existing Type 20 license (sale of beer and wine for off-site consumption) to a Type 21 license (general sale of alcohol for off-site consumption, including beer, wine and distilled spirits) concurrent with the retail activity at the current store.

The existing 2,301 square-foot convenience store operates seven days a week; Monday through Thursday from 6:00 a.m. to 12:00 p.m., and Friday through Sunday from 6:00 a.m. to 1:00 a.m. The applicant proposes to maintain the same hours of operation in conjunction with the request to sell distilled spirits in addition to beer and wine. The facility is staffed by a total of two (2) employees with at least one person at least 21 years in age on site at all times. The proposed store layout details can be seen in Exhibit 5.

PROJECT ANALYSIS

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

| Section 19.450.030 (Alcohol Sales) | | | | | |
|------------------------------------|---|---|-------------------------|--------------------------|-------------------------------------|
| Standard | | Proposed | | Consistent | Inconsistent |
| Locational Criteria | Located at least 600 feet from a place of assembly (non-entertainment) | The business is approximately 440 feet away from “My Father’s House Church” at 11140 Magnolia Avenue. | | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Located at least 1,000 feet from another business licensed for off-sale general alcoholic beverage sales that is <i>less than 15,000 gross floor area</i> | The business is approximately 460 feet from Westgate Liquor store at 3758 La Sierra Avenue. | | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Min. Parking | Parking Spaces Required | | Parking Spaces Provided | Consistent | Inconsistent |
| | 1 space/250 square feet of floor area (2,301 sq.ft.) | 10 required | 9 existing | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Planning Staff has met with the applicant on numerous occasions since the application was originally submitted in November 2014. During discussions with the applicant, staff outlined a number of concerns associated with upgrading to an off-sale general alcohol license at this site. Despite the concerns listed below, the applicant has elected to move forward with the processing of this application.

While Staff acknowledges the subject business contains an off-sale beer and wine license, the basis for the recommendation for denial to upgrade to a general off-sale license is grounded in non-compliance with the development standards, including (1) the proximity to place of assembly (church); (2) the proximity to existing businesses with an off-sale alcohol license (see

table above); and (3) an overconcentration of off-sale alcohol licenses in the subject Census tract.

Location Criteria & Public Convenience or Necessity (PCorN)

As shown on exhibit 7, the following active businesses have an off-sale alcohol license from California Department of Alcohol Beverage Control within Census Tract 0414.07:

- Nice Liquor and Video at 10689 Magnolia Avenue,
- Pacific Mini Mart & Smoke Shop at 10945 Magnolia Avenue, and
- T J Mart at 3815 La Sierra Avenue (Beer & Wine only).

ABC has authorized a maximum of three off-sale licenses in this project's census tract. Therefore, ABC will not issue the additional license unless the City makes a finding of Public Convenience or Necessity (PCorN), as set forth in Section 23958.4 of the Business and Professions Code.

In evaluating this request, conditions do not exist which support the required PCorN findings. TJ Mart is located at the southeastern boundary of Census tract (0414.07), and is located within 1,000 feet of two existing off-sale general licenses within nearby census tracts (0414.06 and 0414.08):

- Westgate Liquor at 3758 La Sierra Avenue at 460-feet separation, and
- Vons at 3840 La Sierra Avenue at 575-feet separation.

As both these establishments are less than the required 1,000-feet from the subject site, it is reasonable to assume that the off-sale of general alcohol at the subject site would not constitute a "necessity" or "convenience" to serve the surrounding area, as other off-sale general alcohol establishments exists in close proximity.

Further, the project site is located approximately 440 feet away from "My Father's House Church" at 11140 Magnolia Avenue, where businesses with an off-sale alcohol license are required to be at least 600 feet from a place of assembly (non-entertainment). Findings to support a variance cannot be made by staff as no unnecessary hardship or unique circumstance exist. The findings necessary to support the applicant's request are defined in the City's Municipal Code Section 19.720.040, as follows:

1. The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code;
2. There are special circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the vicinity and under the identical zoning classification;
3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located; and
4. The granting of the variance will not be contrary to the objectives of any part of the General Plan.

These findings are consistent with Government Code Section 65906, which states: "*Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance*

granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated."

Parking

As shown in the table above, the site has a total of nine (9) parking spaces, including a handicapped stall. However, ten (10) parking spaces are required. Therefore the site is non-conforming to City regulations. As a nonconforming site, staff recommends that any conditional approval that expands the activities on-site should include a requirement that the on-site parking lot be brought into conformity with the current code requirements, if possible. Therefore, should the Planning Commission not support staff's recommendation to deny the applicant's CUP request, staff has included a recommended condition of approval which requires the applicant to submit a parking plan to City staff, so that the staff can determine whether the physical conditions on-site can support an additional parking space. Should the City upon review determine that the site can be restriped to meet current parking requirements, then the applicant shall be required to restripe the site prior to obtaining City approval to sell distilled spirits.

Conclusion

Based on the analysis described above, which addresses the proximity to sensitive receptors and overconcentration of alcohol facilities, introducing distilled alcohol sales for off-site consumption at the subject site could result in undesirable impacts. Further, the site's lack of compliance with signage and landscaping requirements indicates a lack of management control of operations. Additionally, the Conditional Use Permit cannot be approved without granting two variances, for which staff does not believe the mandated findings cannot be made. For these reasons, this request and the Conditional Use Permit cannot be supported.

Should the Planning Commission wish to consider approval of this request, Staff recommends the following:

1. RECOMMEND that the City Council DETERMINE that this proposal is exempt from the California Environmental Quality Act (CEQA) review pursuant to Section 15332 (In-Fill Development);
2. RECOMMEND APPROVAL of Planning Cases Case Numbers: P15-0137 (Conditional Use Permit), P15-0138 (Variance) and P15-0139 (Variance) pursuant to Exhibit 1;
3. RECOMMEND ADOPTION of the necessary findings in support of the requested variances and findings of Public Convenience or Necessity; and
4. RECOMMEND ADOPTION of attached exhibits as approved project plans, subject to recommended conditions of approval.

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site. As of the writing of this report, no responses have been received by Planning Staff.

EXHIBITS LIST

1. Staff Recommended Conditions of Approval
2. Aerial Map
3. General Plan Map
4. Zoning Map
5. Existing Site and Store Layout
6. 100', 600', and 1000' Radius Maps
7. ABC Off-Sale licenses in Census Tract
8. Police Department Calls for Service
9. Applicant prepared Public Convenience or Necessity Findings
10. Existing Site Photos

Report and Recommendations Prepared by:
Report and Recommendations Reviewed by:

Meenaxi Panakkal, AICP, Associate Planner
Kyle Smith, AICP, Senior Planner
Jay Eastman, AICP, Interim City Planner
Emilio Ramirez, Interim Community &
Economic Development Director

Report and Recommendations Approved by:



City of Arts & Innovation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

EXHIBIT 1 - STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

Case Numbers: **P15-0137** (Conditional Use Permit)

P15-0138 & P15-0139 (Variances)

CONDITIONS

Case Specific

The applicant is advised that the business or use for which this conditional use permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the approval of the Community and Economic Development Department, Planning Division.

Staff is recommending denial of this case. However, should the City Planning Commission wish to approve Planning Case P15-0137 (Conditional Use Permit), P15-0138 & P15-0139 (Variances), Staff recommends the following conditions:

- **Planning**

1. The Planning Commission makes the necessary findings in the applicant's favor to grant the following variances:
 - a. To permit an off-sale general alcohol license within 600 feet of an existing place of assembly (non-entertainment);
 - b. To permit an off-sale general alcohol license within 1,000 feet of a business under 15,000 square feet with an off-sale general alcohol license.
2. The Planning Commission makes the necessary findings of Public Convenience or Necessity (PCorN) as set forth in Section 23958.4 of the Business and Professions Code.
3. The approval of Conditional Use Permit P15-0137 shall supersede and render the site's prior alcohol sales conditional use permit (CU-051-001) null and void.

Prior to the City authorizing the sale of distilled spirits:

4. Landscaping and site improvements shall be proposed, approved by Planning Staff and installed. Additional applications and fees apply. Improvements shall be installed prior to commencement of the sale of distilled alcohol.
5. The applicant shall submit to the City's Planning Division a parking plan for review and approval. The City shall determine whether the physical conditions on-site support an additional parking space. Should the City staff determine that the site can be restriped to meet current parking requirements, the applicant shall be required to restripe the site to comply with the City's current parking requirements.

6. A written security plan shall be submitted and approved by the Riverside Police Department and Planning Division.
7. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the parking lot.
8. The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section 9.05.020 of the Municipal Code.
9. A sign shall be posted in the front of the business indicating that no loitering is permitted per the Riverside Municipal Code.
10. Any pay phones shall be removed.

Operational Conditions

11. The required conditional use permit is subject to mandatory six-month review (after commencement of alcohol sales). In addition to any other stipulations made by the Planning Division, three or more verified complaints within any 12-month period received by the Riverside Police Department regarding disturbances caused at the site by patrons or staff shall be grounds for revocation proceedings.
12. The off sale of alcohol shall be limited to Monday through Sunday between the hours of 6:00 a.m. and 10:00 p.m.
13. The subject alcoholic beverage license shall not be exchanged for a public premises type license or operated as a public premise. All alcoholic beverages sold shall be for consumption off the premises.
14. No more than 144 cubic feet of the total shelf area shall include alcoholic beverages.
15. The maximum percentage of alcohol sales to total store sales shall be 30% percent on a retail basis during any consecutive twelve-month period.
16. No displays of alcohol, including beer or wine shall be located within five feet of the store's entrance, windows or checkout counter.
17. Alcohol shall be sold from, or displayed in, the main, permanently affixed electrical coolers only.
18. No lighted advertising for alcohol, including beer or wine shall be located on buildings or in windows.
19. No sale of alcoholic beverages shall be made from a drive-thru window.
20. No single units of beer shall be allowed to be sold.
21. No wine shall be sold in bottles or containers smaller than 750 ml, except for wine coolers sold in quantities of 4 pack lots in which the individual bottles do not contain more than 10% alcohol by volume.

22. Outside security bars on windows shall not be permitted.
23. The business windows shall not be tinted or obscured in any way, including by temporary or painted window signs, and the interior lighting of the lease space shall remain at adequate levels to clearly see into the business from the exterior of the business.
24. There shall be no consumption of alcoholic beverages on the store property and this requirement will be prominently posted throughout the property.
25. Any adult-oriented magazines, video tapes and other similar materials shall be displayed in an area partitioned off from, and not visible to, the general public or minors and shall be labeled "Adults Only".
26. There shall be no coin-operated games maintained upon the premises at any time.
27. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the parking lot.
28. The lighting in the parking lot of the premises shall be directed, positioned and shielded in such a manner so as not to unreasonably illuminate the area or nearby residences.
29. The applicant shall be responsible for maintaining free of litter and graffiti, the area adjacent to the premises over which they have control.
30. The applicant shall be responsible for maintaining free from graffiti, the area adjacent to the premises to which they have control.
31. No loitering shall be permitted on any property adjacent to the licensed premises and under the control of the licensee.
32. The applicant shall provide adequate landscaping and landscape maintenance to maintain a professional property appearance.
33. The management at each location of off-sale of alcoholic beverages pursuant to this section shall be responsible for educating the public regarding drunken driving laws and the related penalties for breaking those laws. (This includes minimum age law, open container law and driving while intoxicated law.) This can be accomplished by posting prominent signs, decals or brochures at the point of purchase and providing adequate training for employees.
34. The licensee/employees shall attend a 3-hour LEAD (License, Education, Alcohol and Drugs) class presented by the Riverside Office of the Alcoholic Beverage Control prior to the commencement of alcohol sales. Employees hired or transferred to this store after commencement of the sale of alcoholic beverages shall attend the LEAD class prior to the start of employment at this facility.
35. Management shall actively participate in Business Watch through the Riverside Police Department.
36. A copy of the Conditional Use Permit and the final Conditions of Approval shall be available at the site and presented to City staff, including the Police Department and Code Enforcement, upon request. Failure to have the latest approved conditions available upon request will be grounds for revocation.

37. The owner and/or occupant shall be liable for the cost of excessive police service or response in accordance with Chapter 9.60 of the Riverside Municipal Code.

Standard Conditions

Planning

37. There shall be a two-year time limit in which to commence the project beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
38. Within 30 days of approval of this case by the City, the developer shall execute an agreement approved by the City Attorney's Office to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the developer of any such claim, action or proceeding and the City will cooperate in the defense of the proceeding.
39. The applicant is advised that the business or use for which this conditional use permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the satisfaction of the Planning Division.
40. This project shall fully and continually comply with all applicable conditions of approval, State, Federal and local laws in effect at the time the permit is approved and exercised and which may become effective and applicable thereafter, and in accordance with the terms contained within the staff report and all testimony regarding this case. Failure to do so will be grounds for Code Enforcement action, revocation or further legal action.
41. This use permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
42. The applicant shall comply with all federal, state and local laws and shall cooperate with the Riverside Police Department (RPD) in the enforcement of all laws relating to this permit. Material violation, as determined by the City Planning Commission, of any laws in connection with this use or failure to cooperate with RPD will be cause for revocation of this permit.
43. This permit is issued based upon the business operations plan and information submitted by the applicant, which has been used as the basis for evaluation of the proposed use in this staff report and for the conditions of approval herein. Permittee shall notify Community Development Department, Planning Division, of any change in operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this conditional use permit.
44. The applicant herein of the business subject to this conditional use permit acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with the full awareness of the provisions of Title 19 of the Riverside Municipal Code. The applicant shall inform all its employees and future operators of the business subject to this permit of the restrictions and conditions of this permit as they apply to the business operations.
45. Failure to abide by all conditions of this permit shall be cause for revocation.
46. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.

47. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the plot plan on file with this case except for any specific modifications that may be required by these conditions of approval.
48. The applicant shall continually comply with all applicable rules and regulations in effect at the time permit is approved and exercised and which may become effective and applicable thereafter.

Public Works

49. No Comments

Fire Department

50. No Comments

Public Utilities

51. No Comments

Park and Recreation

52. No Comments

GENERAL INFORMATION NOTES

1. Appeal Information:
 - a. Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision.
 - b. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

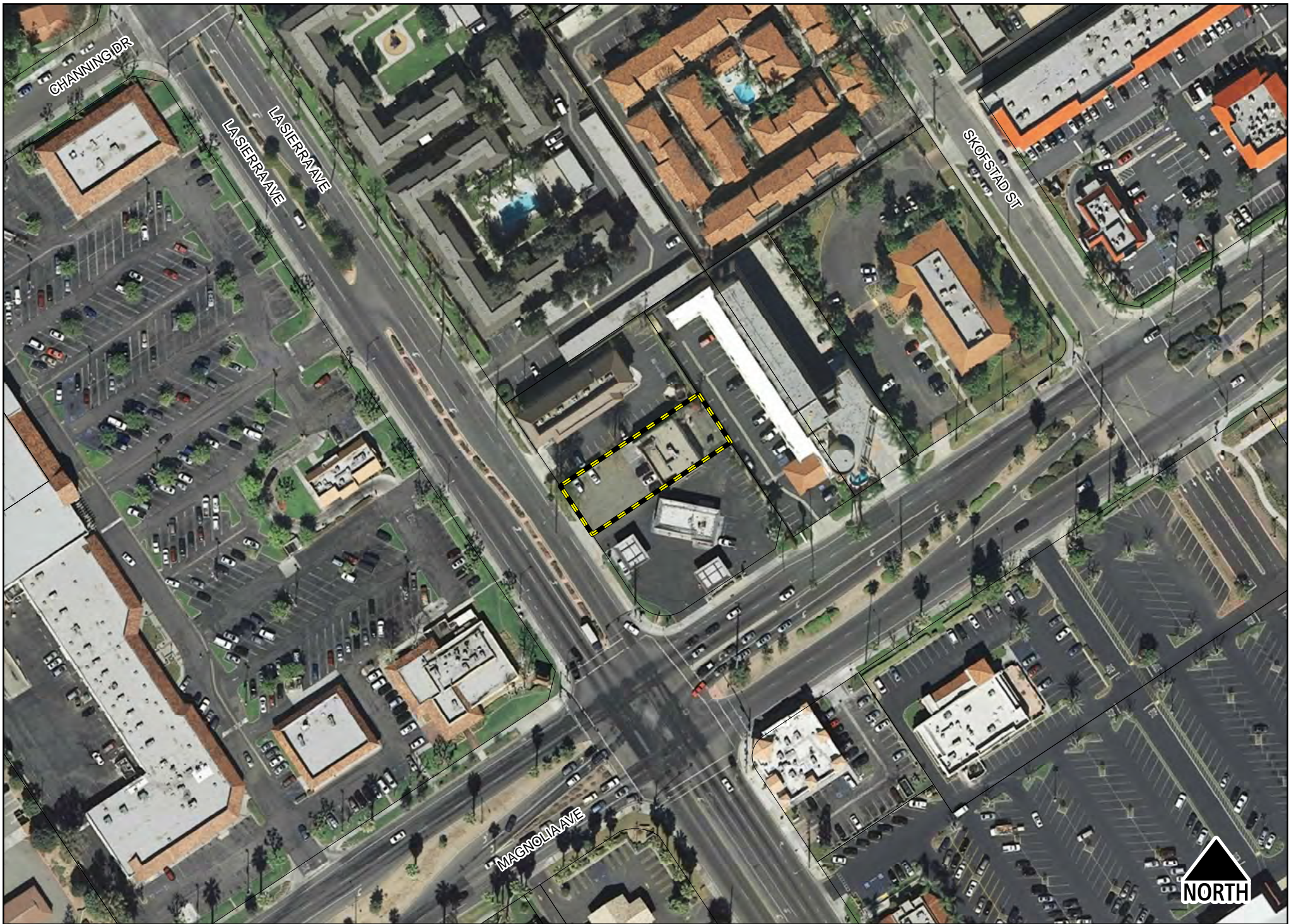
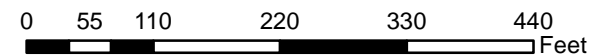


Exhibit 2- P15-0137,-0138, -0139, Aerial Map

0 40 80 160 240 320 Feet



Exhibit 3- P15-0137,-0138, -0139, General Plan Map



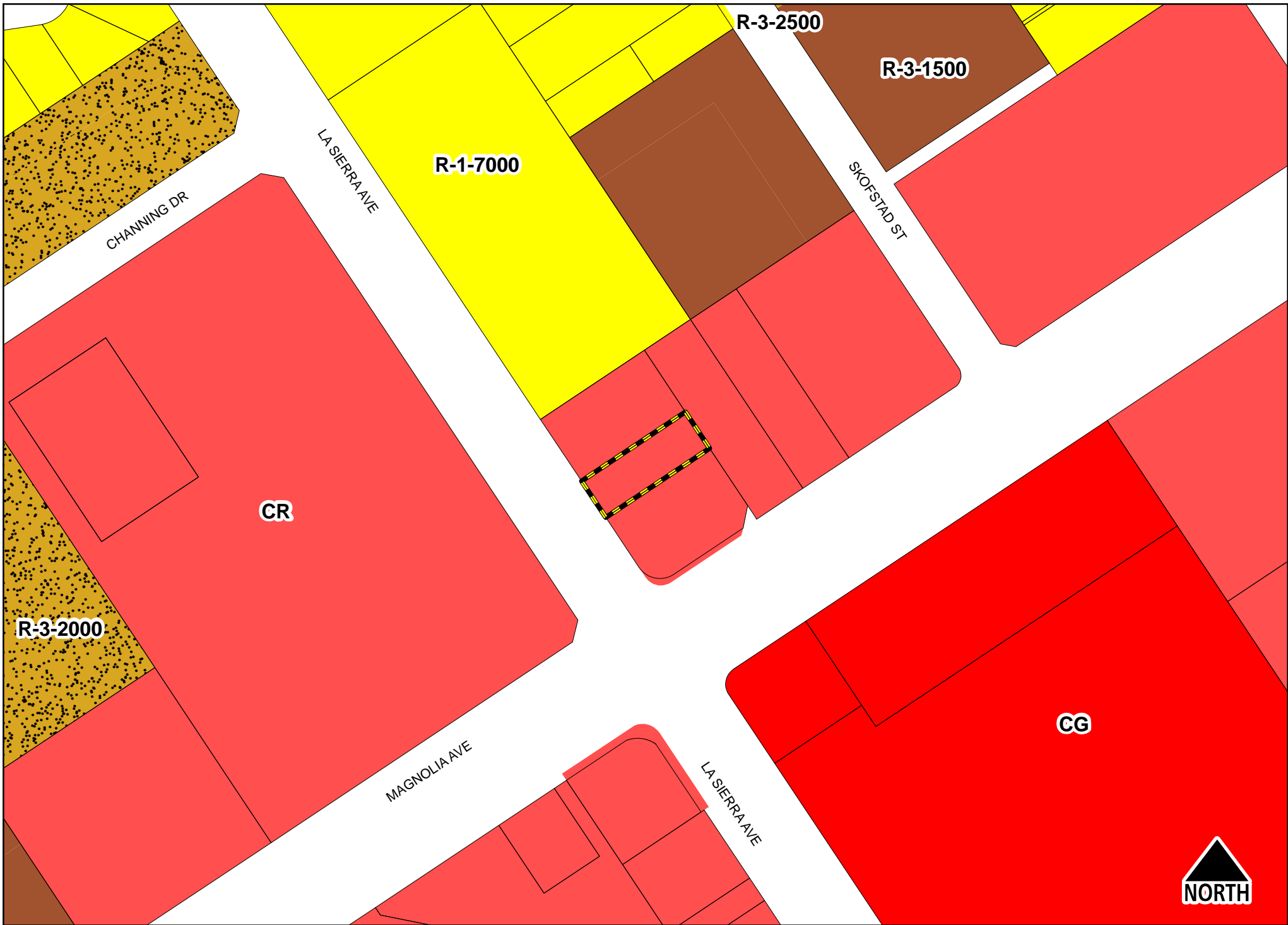


Exhibit 4- P15-0137,-0138, -0139, Zoning Map



Purpose:
CUP required for:
Upgrade current ABC License
Type 20 (Off Sale Beer & Wine) to a
Type 21 (Off Sale General)

Block Wall

Iron Fence

60'

Applicant/Property Owner:
Iasbhinder Singh &
Iaswinder Kaur
3241 Carrotwood CT.
Rancho Cucamonga, CA. 91739
(909) 689-5150

TJ MART
3815 La Serra Avenue
Riverside, CA. 92505-3591
59' X 39'

Consultant:
DICK EVITT
All Star Realty
5905 Wincliff Drive
Riverside, CA. 92509
(909) 821-6426

171.50'

Block Wall

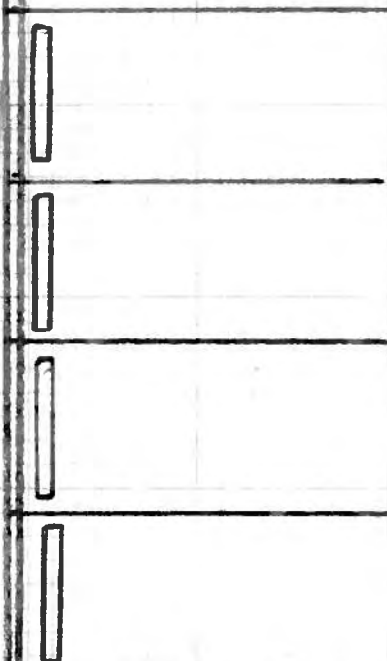
H/C



Closed Gas Station

Parking: 8 - 9' X 20'
H/C 1 - 9' X 20'

Commercial Property



LAND SCAPE 4'

Sidewalk

La Serra Avenue
To Center Line 40'

Purpose:
CUP required for:
Upgrade current ABC License
Type 20 (Off Sale Beer & Wine) to a
Type 21 (Off Sale General)

TJ Mart
3815 La Sierra Avenue
Riverside, CA. 91505-3591

59'

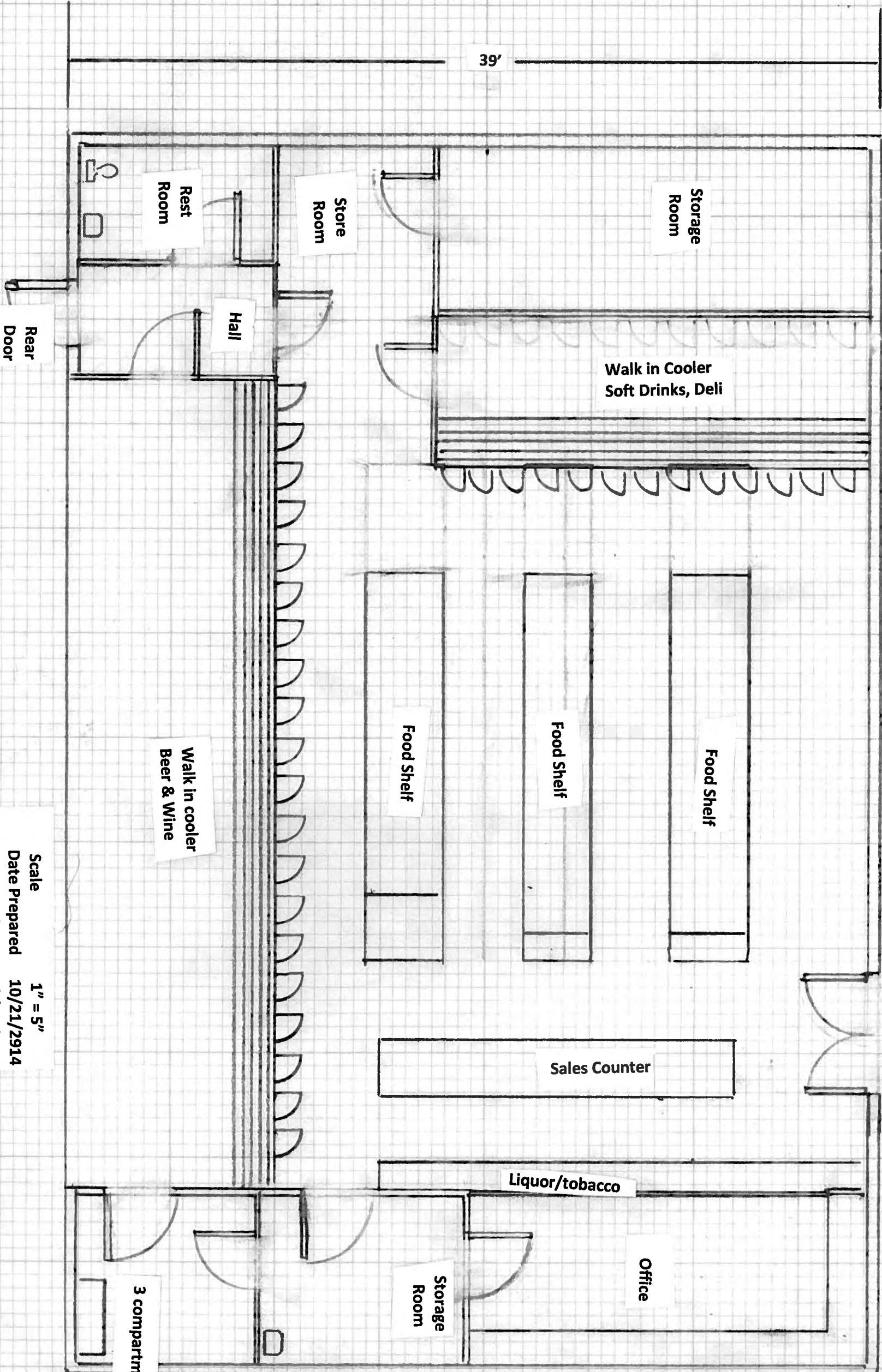
Front Entrance

Applicant/Property Owner:

**Jasbhinder Singh &
Jaswinder Kaur**
6241 Carrotwood Ct.
Rancho Cucamonga, CA. 91739
(909) 689-5150

Consultant:

DICK EVITT
All Star Realty
5905 Wincliff Drive
Riverside, CA. 92509
(909) 821-6426
dickevitt@earthlink.net



39'

Exhibit 5- P15-0137, -0138, -0139, Site & Store Layout

Scale 1" = 5"
Date Prepared 10/21/2914
Prepared by: Dick Evitt



LEGEND

TJ Mart Buffers

distance

100

600

1000

 Selected Parcels



Exhibit 6- P15-0137,-0138, -0139
100 - 600 - 1000 Foot Buffers





**California Department of Alcoholic Beverage Control
For the County of RIVERSIDE - (Off-Sale Licenses)
and Census Tract = 414.07**

Report as of 3/9/2015

| | License Number | Status | License Type | Orig. Iss. Date | Expir Date | Primary Owner and Premises Addr. | Business Name | Mailing Address | Geo Code |
|----|------------------------|--------|--------------|-------------------------|------------|--|--------------------------------|-----------------|----------|
| 1) | 255768 | ACTIVE | 21 | 4/30/1991 | 8/31/2015 | WEN, HUAN CHANG 10689 MAGNOLIA AVE, C & D RIVERSIDE, CA 92505 Census Tract: 0414.07 | NICE LIQUOR & VIDEO | | 3312 |
| 2) | 389736 | ACTIVE | 21 | 9/10/2002 | 3/31/2015 | SINGH, AVTAR 10945 MAGNOLIA AVE RIVERSIDE, CA 92505 Census Tract: 0414.07 | PACIFIC MINI MART & SMOKE SHOP | | 3312 |
| 3) | 520971 | ACTIVE | 20 | 7/13/2012 8:15:40 AM | 6/30/2015 | KAUR, JASWINDER 3815 LA SIERRA AVE RIVERSIDE, CA 92505-3591 Census Tract: 0414.07 | TJ MART | | 3312 |

- - - End of Report - - -

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

CALLS FOR SERVICE & POLICE ACTIVITY
3815 LA SIERRA (TJ Mart)
05/01/2013 - 05/06/2015
(sorted by date)

| Date | Time | Incident # | Final Inc Type | Incident Description | DISPO |
|----------|----------|------------|----------------|--------------------------------|-------|
| 05/13/13 | 22:42:29 | P13067014 | UNKTRB | UNKNOWN TROUBLE | NR |
| 05/18/13 | 13:06:38 | P13069649 | BOYGRL | BOYFRIEND/GIRLFRIEND DISTURBAN | NR |
| 05/21/13 | 09:00:54 | P13071026 | 488J | PETTY THEFT - GENERIC J/O | NR |
| 06/07/13 | 20:45:02 | P13081010 | 911HU | 9-1-1 HANGUP | CAN |
| 06/10/13 | 14:28:09 | P13082285 | 5150 | MENTAL SUBJECT | NR |
| 06/24/13 | 17:01:06 | P13089927 | 647F | INTOXICATED IN PUBLIC | NR |
| 06/24/13 | 22:46:28 | P13090059 | SUBBOT | SUBJECT BOTHERING | NR |
| 06/29/13 | 21:52:22 | P13092752 | 911HU | 9-1-1 HANGUP | NR |
| 06/30/13 | 07:52:06 | P13092962 | SS | SUBJECT STOP | NR |
| 07/05/13 | 15:41:14 | P13096208 | SUBBOT | SUBJECT BOTHERING | NR |
| 07/08/13 | 11:20:53 | P13097701 | SUBBOT | SUBJECT BOTHERING | RPT |
| 07/12/13 | 16:19:58 | P13100031 | SS | SUBJECT STOP | NR |
| 07/17/13 | 15:23:56 | P13102634 | SUBBOT | SUBJECT BOTHERING | NR |
| 07/21/13 | 08:31:13 | P13104600 | SUBBOT | SUBJECT BOTHERING | NR |
| 07/22/13 | 07:14:45 | P13105021 | SUBBOT | SUBJECT BOTHERING | NR |
| 07/25/13 | 11:46:40 | P13106932 | SUBBOT | SUBJECT BOTHERING | NR |
| 07/27/13 | 13:21:07 | P13108105 | SUBBOT | SUBJECT BOTHERING | NR |
| 07/31/13 | 09:49:32 | P13110084 | SS | SUBJECT STOP | NR |
| 08/02/13 | 20:54:10 | P13111426 | SS | SUBJECT STOP | NR |
| 08/07/13 | 17:27:47 | P13113971 | SUBBOT | SUBJECT BOTHERING | NR |
| 08/12/13 | 12:36:24 | P13116404 | 647F | INTOXICATED IN PUBLIC | NR |
| 08/19/13 | 09:46:46 | P13120205 | INC | MISCELLANEOUS INCIDENT | RPT |
| 08/23/13 | 22:30:04 | P13122821 | SUSPER | SUSPICIOUS PERSON | NR |
| 08/27/13 | 12:00:37 | P13124523 | SUBBOT | SUBJECT BOTHERING | NR |
| 09/10/13 | 09:29:54 | P13131876 | 5150 | MENTAL SUBJECT | NR |
| 09/15/13 | 12:57:21 | P13134589 | 415F | DISTURBANCE - FIGHT | NR |
| 09/17/13 | 21:04:55 | P13135704 | SS | SUBJECT STOP | NR |
| 09/25/13 | 08:49:55 | P13139503 | ADV | ADVISED COMPLAINT | NR |
| 10/10/13 | 00:07:48 | P13147256 | T | TRAFFIC STOP | NR |
| 10/25/13 | 07:35:27 | P13154835 | SUSA&O | SUSPICIOUS AUTO AND OCCUPANT | NR |
| 10/25/13 | 12:20:22 | P13154950 | SS | SUBJECT STOP | NR |
| 11/08/13 | 23:49:35 | P13162402 | SUSCIR | SUSPICIOUS CIRCUMSTANCES | CAN |
| 11/20/13 | 16:07:11 | P13168038 | 415V | DISTURBANCE - VERBAL | NR |
| 12/05/13 | 09:56:57 | P13174630 | 415FJ | DISTURBANCE FIGHT J/O | NR |
| 01/18/14 | 15:55:33 | P14008461 | SS | SUBJECT STOP | NR |
| 01/22/14 | 13:17:58 | P14010402 | SS | SUBJECT STOP | NR |
| 01/22/14 | 15:49:14 | P14010524 | 242 | BATTERY | RPT |
| 02/08/14 | 22:01:23 | P14019928 | SS | SUBJECT STOP | NR |
| 02/16/14 | 09:28:39 | P14023758 | 415FM | FIGHT W/MEDICAL AID ENROUTE | RPT |
| 02/18/14 | 22:33:02 | P14025064 | SS | SUBJECT STOP | NR |
| 03/09/14 | 00:48:47 | P14035240 | T | TRAFFIC STOP | NR |
| 03/13/14 | 09:31:49 | P14037611 | T | TRAFFIC STOP | NR |
| 03/13/14 | 11:07:48 | P14037663 | 647F | INTOXICATED IN PUBLIC | NR |
| 03/17/14 | 13:00:36 | P14039764 | 314.1 | INDECENT EXPOSURE | NR |
| 04/25/14 | 08:43:31 | P14060980 | RMC | RIVERSIDE MUNI CODE VIOLATION | RPT |
| 04/28/14 | 19:30:32 | P14062983 | SS | SUBJECT STOP | RPT |
| 05/03/14 | 21:14:53 | P14066198 | 20001J | HIT AND RUN ACC W/INJ J/O | CAN |
| 05/29/14 | 19:36:59 | P14080875 | C5 | STAKE OUT | NR |
| 06/14/14 | 23:43:56 | P14090494 | SUSCIR | SUSPICIOUS CIRCUMSTANCES | NR |
| 06/22/14 | 03:19:49 | P14094401 | CKWEL | CHECK THE WELFARE | NR |

CALLS FOR SERVICE & POLICE ACTIVITY
3815 LA SIERRA (TJ Mart)
05/01/2013 - 05/06/2015
(sorted by date)

| Date | Time | Incident # | Final Inc Type | Incident Description | DISPO |
|----------|----------|------------|----------------|--------------------------------|-------|
| 07/30/14 | 18:06:54 | P14116200 | BOYGRL | BOYFRIEND/GIRLFRIEND DISTURBAN | NR |
| 08/09/14 | 19:24:11 | P14121699 | SS | SUBJECT STOP | NR |
| 08/30/14 | 21:08:57 | P14133275 | SS | SUBJECT STOP | NR |
| 10/01/14 | 11:01:25 | P14150127 | 911HU | 9-1-1 HANGUP | NRNAT |
| 01/09/15 | 21:13:01 | P15004343 | SS | SUBJECT STOP | NRNAT |
| 01/13/15 | 18:23:22 | P15006087 | MISCPD | MISC PD REQUEST | NRNAT |
| 03/07/15 | 11:24:54 | P15034891 | SUBBOT | SUBJECT BOTHERING | NRGOA |
| 03/10/15 | 15:30:55 | P15036638 | T | TRAFFIC STOP | CIT |

mpanakkal @ riversideca.gov

T J Mart
3815 La Serra Avenue
Riverside, CA. 92505

(951) 689-5150

June 1, 2015

City of Riverside, California
Planning Department, 3d Floor
3900 Main Street
Riverside, CA. 92522

Attn: Meena ^{Xi}Panakkal:

Reference CUP P15-0139

I met with Meena ^{Xi}Panakkal on June 1, 2015 approximately 4:00 pm and discussed the CUPP15-0139 and the Varfance Application.

Ms. Panakkal stated the supervisor considering **"DENYING"** this CUP. I requested the reason why his decision which was unclear and unsatisfying.

1. The Convenience Market has been in operation with a type 20 (off Sale Beer & Wine) and will cancel this license when the type 21 (off Sale General) is issued.
2. Many customers have asked the owner if he can obtain a license to sell distilled spirits (Liquor). The reason is very simple, **"CONVENIENCE"** There are many apartments within walking distance to the store. They will not have to drive or walk across La Serra Avenue and Magnolia (two major heavily traveled streets).
3. As I stated before, TJ Market has been in operation for many years and according to Alcoholic Beverage Control (ABC) no violations have occurred with the present owner. The residence within 500 feet have received a letter stating the intention to upgrade the current license from a 20 to 21 license. To my knowledge no one has sent a letter to ABC objection to the change. To my knowledge, the police department has made no comments on the upgrade request.
4. The property line from TJ Market and Shopping (Southwest Corner) is known to be less than 1,000 feet, however, the market and the current liquor store in the shopping

center I well over 1,000 feet. This being the case, consideration should be considered as a convenience for the local customers.

I am enclosing a letter to help the Determination of Public Convenience or Necessary Findings. This letter may help to explain that granting the CUP.

If all if this information does not help to allow the issuance of the CUP then the owner will appeal to the City Council.

Sincerely

A handwritten signature in black ink, appearing to read "Dick Evitt", with a stylized flourish at the end.

Dick Evitt

Agent

Al Star Realty

5905 Winncliff Drive

Riverside, CA. 92509

(909) 821-6426 (Cel;I)

(enclosure (1): Determination of Public Convenience or Necessity Findings

June 1, 2015

To Whom It May Concern:

Determination of Public Convenience or Necessity Findings

The granting of the Conditional Use Permit will not be detrimental to the public welfare and will not unreasonably interfere with the use, possession, and or enjoyment of surrounding and adjacent properties and will not impair the character of the zoning in which it is to be located.

The zoning allows establishments to sell alcohol for off-premises use subject to approval of a Conditional Use Permit granted by the Planning Commission. The sale of beer and wine for off-sale consumption is currently permitted as part of the operations of the convenience store. Conditions may be placed on the CUP by the Planning Commission for the sale of the products. Therefore, the approval of the Off-sale alcoholic license will not be detrimental to the public welfare.

The use is conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this title.

The zoning allows for alcohol sales and services with the approval of a Conditional Use Permit granted by the Planning Commission.

The granting of the Conditional Use Permit will not adversely affect the Comprehensive General Plan. The existing convenience store compatible with the Land Use Element of the City's General Plan which designated this site as Neighborhood Commercial. Uses identified for this land use classification includes services that provide daily or frequent needs to residents in the immediate vicinity. A convenience store falls within that description. The sale of alcoholic beverages within a convenience store is common. Therefore, the sale of alcoholic beverages in conjunction with a convenience store would not adversely affect the Comprehensive General Plan.

Enclosure (1)



Front Elevation



Rear View



South Side View



North Side View
From Neighbored side



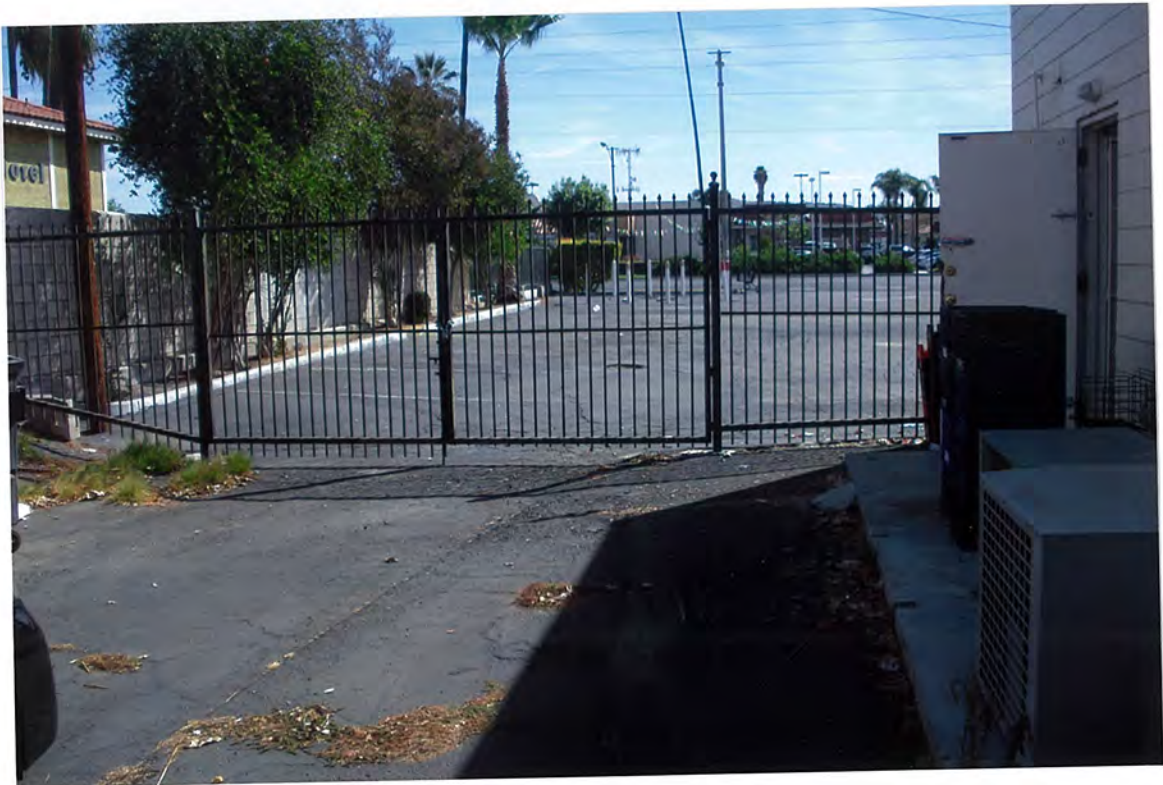
East View



West View



Equipment view
Rear Yard



Iron Fence
Rear Yard



South Side