

KA MANAGEMENT, INC.

AN EQUAL OPPORTUNITY EMPLOYER

ALCOHOL MANAGEMENT HANDBOOK

**CENTRAL & SYCAMORE
RIVERSIDE, CA**

Employee Signature

Date

Manager Signature



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Management Alcohol Plan

Date Revised August 25, 2017

- 1.0 Purpose: To define policies, procedures, and activities specific to our mission to responsibly manage alcohol sales.
- 2.0 Scope: This document and its attachments are to be reviewed and understood by all employees.
- 3.0 Policies: The following policies support our mission and drive our procedures and actions.
 - 3.1 **Customer Safety** is our top priority. Every effort will be made to protect our customers. If a customer arrives obviously impaired we will deny selling them alcohol. We will also make every attempt to ensure that customer leaves in a safe manner. Do not give chase if a crime is committed, chasing puts you and the customer at risk of injury.
 - 3.2 **Excellent Customer Service** is always required. Refusing to make a sale to customer requires the greatest sensitivity, especially if the customer is impaired. Always treat the customer with respect and politeness. Always seek to de-escalate situations.
 - 3.3 **ABC License** to sell alcohol is a privilege and will be protected. We will guard this privilege by knowing what is expected of us, training to those expectations, and monitoring performance against the expectations. Special focus shall be given to:
 - Not selling alcohol to minors (under 21 years old)
 - Not selling to those Obviously Intoxicated
 - Not permitting premises to be used for illegal drug activity
 - Not permitting alcohol consumption on its premises
 - 3.4 **City Agreement** to operate is a privilege and will be protected. We will guard this privilege by knowing what is expected of us, training to this expectation, and monitoring performance against these expectations.
 - 3.5 **Tobacco Products Laws** will be complied with, to include, NO:
 - Tobacco products or paraphernalia sold to anyone under 18
 - Self-service display of tobacco products or paraphernalia
 - Sales of cigarette packs with less than 20 cigarettes & no singles
 - Tobacco samples in store

- Sales of “bidis” (imported hand-rolled cigarette containing tobacco wrapped in temburi or tendu leaf)

Our Tobacco Retail License to be posted in a location visible to customers.

3.6 **Trained Staff** is essential to protect our agreements and the public. Staff will complete the ABC LEAD training within six months of starting. Staff will trained in the following practices before selling alcohol:

- Checking Identification procedure
- Refuse To Sell procedure
- Drug Free Environment
- Management Alcohol Plan
- Clerk’s Affidavit

3.7 **Impaired-Free Workplace** is essential for us to make sound and safe decisions. Staff cannot arrive to work impaired and cannot drink alcohol or consume drugs (legal or illegal) that impair on the job.

3.8 **Signs are Posted** as required by law. Signage includes:

- Notice to Customers (warning customers about laws and penalties)
- STAKE Act (to report unlawful tobacco sale)
- Warning Sign (on alcohol beverages and increased health risks)

3.9 **In Accordance With City Posting** requirements, we shall post educational material for the public regarding drunk driving laws and the related penalties for breaking those laws. (This includes minimum age law, open container law and driving while intoxicated law.) This will be accomplished by either posting prominent signs, decals or brochures at the point of purchase and providing adequate training for employees.

3.10 **Our Neighbors - Our Community** is our concern. Staff will be observant and act to prevent our customers from interfering with our neighbors. If we see an unsafe situation, we will contact authorities as needed.

4.0 **ABC Laws:** Selling alcohol is a privilege granted by both city and state governmental agencies. Authorities have a responsibility to monitor businesses that sell alcohol and take firm action against those businesses that do not fulfill their legal commitments.

Enforcement of Agreements

Cities and counties use police officers or sheriff's deputies and Code Enforcement to monitor businesses for compliance with the city or county agreement.

Violations of State and City laws, regulations, and ordinances can be classified into four types of liability. Each liability type carries a range of possible disciplinary actions and outcomes.

Criminal (Against Employee)	Administrative (Against Licensee)	Civil (Against Everyone)	Local Ordinance (Against Owner)
Fine	Fine	Lawsuit (negligence)	Stricter Conditions
Community Service	ABC License Suspension	Money Judgments, Settlements	Suspend or Revoke Permits
Jail (tragedy)	ABC License Revocation(*)		Immediate Closure in Some Cases

Four Types of Liability

(*) The laws says revocation of license if 3 strikes within 3 years in cases involving minors

If the ABC files charges, the District Attorney where the business is located is given the case information to determine if the city would want to take action.

ABC uses field investigators to monitor businesses for compliance to their liquor license. Investigators are in the field daily. Many of their enforcement actions target businesses with complaints. Complaints commonly come from:

- Neighbors who don't like being disturbed by noise, experience trash on their property resulting from the operator's customers, or see things that make them uncomfortable.
- Customers who notice illegal or questionable actions.
- City officials in which the business operates. Typically this occurs due to too many police calls or the identification of an area of concern.

The most common problem ABC investigators find is the business not meeting a condition on its license. During routine inspections they check if:

- Exterior of building is kept clean and swept daily.
- Graffiti is removed within 72 hours.
- Only a maximum of 33% of windows are covered with advertising.
- Interior and exterior of the business is lit well enough to monitor activities inside and outside of the business.
- Operator is taking responsibility for what happens in their parking lot.

While the ABC can and will enforce all statutes the operator has agreed to, the

agency focuses its activities in four areas:

- Does business sell alcohol to minors (under 21 years old)?
- Does business sell alcohol to the Obviously Intoxicated?
- Is there illegal drug activity on premises?
- Has business become a law enforcement problem?

Minor Decoy Program

The ABC conducts its Minor Decoy Program year-round to ensure businesses to not sell to minors. Undercover law enforcement works with minors to test businesses.

While the most common operator violation is not meeting a condition on its license, the second most frequent ticket issued by the ABC is sales to minors (includes off-sale), and from a punitive point-of-view, it's also the most problematic for the licensee.

If a minor hands money to an adult and then the adult purchases alcohol, the seller is responsible under the "causes to be sold" criteria.

Here are the key points in this enforcement program.

- a. Decoy <20 (typically 16-18).
- b. Will appear <20, won't use clothing or make-up to look older.
- c. Carry a real ID, or no ID, never phony ID; 99% have ID.
- d. If asked for ID, decoy must show ID.
- e. Must answer questions honestly: are you 21 yet?
- f. After someone fails, the investigator will make a seasonable effort to have the decoy and employee come face-to-face for confirmation. Decoy must then identify the person who sold them the item.

The business is required to make a good faith effort in checking identification, a responsible effort, versus a lazy effort. Did the operator: compare photo for a match, confirm date demonstrates carrier is 21, check ID expiration date, is the height or weight way off, is license flimsy?

If the business is found to sell to a minor:

Cashier: May be arrested and charged with a misdemeanor. For a first offense, \$250 fine and/or 24-32 hours of community service. For a second or subsequent offense, the penalty is a maximum \$500 fine and/or 36-48 hours of community service. If the minor consumes the alcohol and thereafter causes great bodily injury or death to the minor or any other person, the person who purchases and furnishes to the minor faces a minimum 6 months and maximum 12 months county jail and/or a \$1,000 fine.

Business: For a first offense ("strike"), the penalty is a \$750-\$3,000 fine, license suspension (standard penalty is 15 days suspension), or probation. For a second strike within 3 years, the penalty is a license suspension (standard penalty is 25 days suspension) or \$1,500 to \$6,000 fine. In some cases the fine on a second strike may be \$2,500 to \$20,000. For a third strike, within 3 years, the license is revoked; ABC may also revoke prior to a third strike when the circumstances warrant that penalty. After ABC revokes any license for reasons pertaining to the premises, ABC cannot issue a license in that building for one year. For a sales-to-minor case involving great bodily injury or death, the ABC penalty against the business would depend upon the operator's prior ABC record and the facts of the case.

The ABC may increase or decrease a standard penalty in any given case based upon aggravating or mitigation factors.

Obviously Intoxicated Customers

No person may sell or give alcohol to anyone who is obviously intoxicated. A person is obviously intoxicated when the average person can plainly see that the person is intoxicated. Some of the signs of intoxication are: being overly friendly, using foul language, argumentative, belligerent, slurred speech, slow, deliberate movements, swaying, drowsy, stumbling, red, watery eyes, or alcoholic breath. No person may sell or give alcohol to anyone who^{ser} is a habitual drunkard (a person who has lost control over his or her drinking). A licensee or server who has^{ser} been warned and still serves a habitual drunkard faces possible ABC disciplinary action and criminal prosecution. (Secs. 25602(a) and 23001 B&P; 397 PC)

Agents will work undercover to see if an operator sells alcohol to an obviously intoxicated person.

Target Responsibility for Alcohol Connected Emergencies (TRACE) is another method the ABC uses to track potential selling alcohol to a minor. Law enforcement will trace the last drink of a driver in an accident where someone was fatally hurt.

If the business is found to have sold to an obviously intoxicated person:

Cashier: May be arrested and charged with a misdemeanor. \$1,000 fine and/or 6 months in the county jail.

Business: Fine and/or suspension or revocation of liquor license. First offense, a fine and/or suspension (15 days is standard penalty) of liquor license; for a second offense within 3 years, there is a mandatory license suspension (25 days is standard penalty); third offense within 3 years is 45-day suspension (standard

penalty) to revocation. The ABC may increase or decrease a standard penalty in any given case, based upon aggravating or mitigating factors.

If the business is found to have been responsible for having sold the last drink to someone fatally hurt in car accident:

Cashier: Possible jail time.

Business Range from 15 to 60 days suspended license depending on circumstances. They tend to lean toward the maximum verses the minimum for this type of violation.

Illegal Drug Usage

ABC handles these violations different from other violations. Agents will work undercover to determine if a licensee knowingly permits illegal sales or negotiations of narcotics or dangerous drugs on its premises. On the very first violation, they seek the revocation of the license. No three strikes here.

Law Enforcement Problems

If ABC deems business to be a Disorderly House (lewd conduct, too many fights, excessive calls for service, neighbor complaints, or too many drunks), the ABC will take action. Penalty is decided on a case-by-case basis.

- 5.0 **Procedures:** It is important that each person understand their responsibilities. Duties and methods to ensure we are in compliance with our agreements are documented below and in the following attachments:

- Checking Identification procedure
- Refuse To Sell procedure
- Drug Free Environment procedure
- Clerk's Affidavit form
- Incident Report form
- Training Checklist form

Cashiers

- 5.1 **Check Identification** of all customers who look under 30 years old. In

examining identifications, follow the Checking Identification procedure.

- 5.2 **Obviously Intoxicated** customers are not to be sold alcohol. Politely refuse alcohol sales to those Obviously Intoxicated customers per the Refuse To Sell procedure. Contact law enforcement as needed.
- 5.3 **Parking Area** is to be reasonably monitored to ensure illegal activities are not ongoing. Contact law enforcement as needed. Consider:
- Are customers disturbing the peace or property of our residential or commercial neighbors?
 - Are customers conducting illegal drug activity?
 - Are minors attempting to get adults to purchase them alcohol?
 - Are people drinking alcohol on our premises?
 - Is there violence or the risk on violence, or other inappropriate behavior?
- 5.4 **Document** all significant events using Incident Report shown in Addendum. Be sure Incident Reports read clear and professional—they may be read in court. Incidents to document:
- Refusal to sell alcohol to someone because they cannot prove their legal age is 21 or over
 - Refusal to sell alcohol to an Obviously Intoxicated person
 - Calling law enforcement, fire department, or 911
 - A fight on premises
 - Asking customer(s) to leave premises
 - Customer has an accident or is injured on premises
 - Witness statements (essential to get when possible)
- 5.5 **Professionalism** is required at all times. Treat customers with respect and politeness, seek to de-escalate situations. We have a strict No-Hit Policy.

Management

- 5.6 **Trains** staff against the following documents:
- Management Alcohol Action Plan and procedures
 - Clerk's Affidavit
 - Incident Report completion

Staff will complete ABC LEAD training or the GAPPOP training within six months of start date. Training record is kept in the employee's folder.

- 5.7 **Schedules** staff to ensure workers 17 or younger only sell alcohol when

supervised by a person 21 or older.

5.8 Posts signage required by law. Signage includes:

- Notice to Customers
- STAKE Act
- Warning sign on alcohol beverages and increased health risks

5.9 Examine Incident Log for completeness and common problems.

5.10 Monitors premises to ensure:

- Required signage is posted
 - Stake Act sign to be posted near each register
- Exterior is kept clean & graffiti is removed
- Exterior and interior is well lit
- No more than 33% of windows are covered with advertising or signs
- Retail operating standards is available for public viewing
- Drug Paraphernalia is not sold

5.11 Evaluates staff performance, providing positive feedback as appropriate and corrective action as needed.

5.12 Considers changes in law and updates policies and procedures as needed to reflect changes.

Staff Signature & Date: _____
Trainer Signature & Date: _____

Checking Identifications

Revised August 25, 2017

1.0 Purpose: To define policies, procedures, and activities specific to examining identification to check a customer's age.

2.0 Scope: This document is to be reviewed and understood by all employees needing to check the age of a customer.

3.0 Policy: Only customers 21 and older are legally allowed to purchase or consume alcohol. Only customers 21 and older will be permitted to be in possession of alcohol. An operator has the legal right to refuse service to anyone who fails to provide adequate documented evidence of age. Authority: B&P Code Section 25659.

4.0 Procedure: Checking an ID is a three-step process:

1. Check to see if the ID indicates the person is 21 or older.
2. Check to see if the ID matches the person using it.
3. Check to see if the ID is currently valid (not expired) and authentic.

4.1 The only bona fide identifications allowed to prove age in California:

- Driver's license
- U.S. government I.D. card (federal, state, county, or city)
- Foreign passport with photograph
- U.S. Military identification
- U.S. passport

4.2 Two non-bona fide identifications cannot be combined to determine a customer's age. For example: a student identification card that either identifies or infers a certain age cannot be combined with a credit card to prove age.

4.3 Bona fide identifications need to be issued by a government agency and be currently valid.

4.4 Bona fide identifications need to include the following:

- Name
- Date of birth
- Photograph
- Description with the following exceptions: both military identifications and passports will not contain a physical description

4.5 Do the math—does the identification indicate the person is 21 or older?

4.6 Is the identification still valid or has it expired?

4.7 Compare picture to person. Are they the same? Focus on the nose and chin. If the person in the picture is smiling, don't hesitate to ask person to smile. If still unsure, consider asking:

- Person their zodiac sign
- Person to sign name; then compare to the signature on the identification
- Person for personal information on identification: address, DOB, spelling of last name (if not common)
- Friend of identification bearer some questions, such as last name and address of identification bearer

4.8 Check to see if identification is phony or altered. Check for:

- Razor marks or use of white out
- Does it feel right? It should not feel flimsy

4.9 There are several other things to check for when examining California driver's licenses. It is important when checking licenses to use the most recent edition of the book that shows state driver's licenses and earlier versions of state licenses. This ensures you match the license against safeguards applicable to the date the license was generated. Among other things, the most recent California driver license should include the following:

- A laser perforated image of a California Black Bear on front, visible when a flashlight is pressed against the back of card
- The laser engraved signature on front is raised and can be felt by touch
- Color UV images visible with an ultraviolet light

4.10 If in doubt about identification—do not accept it—and immediately contact your manager to resolve the situation.

4.11 If identification is determined to be either phony or questionable, your manager will decide if identification will be returned to the bearer or confiscated. If confiscated, the identification must be turned over to law enforcement.

4.12 Examples of unacceptable IDs are attached.

New Team Member: _____
Team Leader: _____ Date: _____

Refuse to Sell

Revised August 25, 2017

- 1.0 Purpose: To define policies, procedures, and activities specific to refusing to sell alcohol to an Obviously Intoxicated or Impaired customer.
- 2.0 Scope: This document is to be reviewed and understood by all employees charged with selling alcohol.
- 3.0 Policies: Customers identified as obviously intoxicated or significantly impaired are to be refused alcohol sales.
- 3.1 Staff should arrange safe transportation from the business for those customers at serious risk to self to others. Safe transportation might include calling law enforcement.
- 3.2 Staff will never argue, verbally attack, or lose your temper with the customer.
- 4.0 Procedure:
- 4.1 Evaluate customer's impairment. Signs of Obvious Impairment include:
- Relaxed inhibitions
 - Slowed reactions
 - Impaired judgment:
 - Argumentative
 - Irrational statements
 - Belligerent
 - Loses train of thought
 - Physical appearance that might include:
 - Red, watery eyes
 - Droopy eyelids & lack of eye focus
 - Smell of alcohol
 - Lack of coordination
 - Fumbles with money
 - Sways or stumbles
- 4.2 If customer is determined to be Obviously Intoxicated or Impaired:
- Politely inform customer that you're unable to sell them alcohol
 - Acknowledge your understanding they probably aren't happy with decision, but indicate:
 - It's against the law to sell alcohol when someone already appears intoxicated
 - Reference posted signage indicating law
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- As a cashier, you could lose your job and be fined
- The business loses money by not selling, but it's the right thin to do to protect you. We don't want to risk anything bad happening to you.
- Be respectful, sympathetic, but firm.

4.3 The customer might disagree. Do not argue. Don't back down. Consider:

- Apologize if despite the training we are wrong but we're doing what we believe is right for you.
- Mention our liquor license is jeopardized if we sold you alcohol, and the ABC is in here undercover all the time.
- Again, apologize to customer, but state you cannot legally sell them alcohol, but can sell them other items.
- Focus your attention on other customers, or other duties, but do not turn your back to the customer.

4.4 If customer is driving, recommend to customer find another way to get home safely: a taxi, a friend. If customer insists on driving, call the police. Be prepared to provide: customer description, vehicle description, license plate (if possible), direction vehicle headed (if customer left).

4.5 Document details in the Incident Log.

Staff Signature & Date: _____
 Trainer Signature & Date: _____

Drug-Free Environment

Revised: August 25, 2017

- 1.0 Purpose: To define policies, procedures, and activities specific to guard against illegal drug activity on our premises.
- 2.0 Scope: This document is to be reviewed and understood by all staff.
- 3.0 Policy: Illegal drug use, solicitation, or sale is strictly prohibited on our premises as stated in the following ABC code:

Narcotics and Dangerous Drugs

Licensees may not knowingly permit illegal sales, negotiations, or use of narcotics or dangerous drugs on the licensed premises. (Secs. 24200.5(a) and 24200(a) B&P; various H&S)

Criminal: Most drug offenses are felonies, punishable by imprisonment in prison.

ABC handles illegal drug violations different from other violations. Any licensee who knowingly permits illegal sales or negotiations of narcotics or dangerous drugs shall face revocation of his or her license. To repeat: **no three strikes, on first strike they seek revocation of license.**

- 4.0 Procedures: To protect our alcohol license it is critical we make every reasonable effort to prevent illegal drug use or transactions from occurring on our premises.
- 4.1 If any employee, or anyone working with us, sees any illegal drug activity, immediately contact management.
- 4.2 If anyone asks you where he or she can get/buy illegal drugs, immediately contact management.

New Team Member: _____
Team Leader: _____ Date: _____

Revised: August 25, 2017

- Log is completed and filed each night. If additional space is needed, use multiple log forms as needed, or record on back of this form
- If the shift ends without incident, complete the log and indicate no incidents
- Log to always include indication if policed visited business
- Attach appropriate police officer provided information, when appropriate
- Staff who witnessed events involved in incident must record their observations
- When possible, get independent witness statements when an altercation occurs. Statements should include contact information for witness.
- Each incident logged must include the legible printed name of person recording information

Nobody called for service:

Description of Incident(s)

[illegible]

Cashier Training Checklist

Revised August 25, 2017

Manager Initials Once Training is Completed & Understood by Employee

- ☐ Read & understands information in MAP
- ☐ Read & understands Checking Identification procedure
- ☐ Read & understands Refuse to Sell procedure
- ☐ Read & understands Drug-Free Environment
- ☐ Understands when and how to complete an Incident Report
- ☐ Read & understands Clerk's Affidavit

CLERK'S AFFIDAVIT AND SIGN
(Required by Section 25658.4 Business and Professions Code)

Instructions to the Licensee:

Section 25658.4 requires every person who sells alcoholic beverages in your store to read, understand and sign a *Clerk's Affidavit*. You may photocopy this form or create your own. If you create your own, its content must match parts 1 through 4 of this form. You must keep the signed *Clerk's Affidavits* on your licensed premises at all times and make them available for inspection by the Department.

If you have more than one store, you may keep the signed *Clerk's Affidavits* at a location other than your licensed stores. However, you must notify the Department in advance and in writing. If you decide to keep the signed *Clerk's Affidavits* at a location other than your licensed stores, you must maintain at each store a notice of where the signed *Clerk's Affidavits* are kept. In addition, you must provide any signed *Clerk's Affidavits* to the Department, upon its written demand, within 10 days.

Section 25658.4 also requires you to post a sign like the one shown on page 6 in your store. You must post it at your entrance, point of sale or any other location visible to your customers and employees. The sign should be at least 8-1/2 x 11 inches.

Failure to comply with the above may result in the suspension or revocation of your ABC license.

Part 1: REVIEW OF LAWS (*Clerk must read and understand these laws*)

(1) Sales to Minors (Section 25658 Business and Professions Code)

(a) Except as otherwise provided in subdivision (c), every person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to any person under the age of 21 years is guilty of a misdemeanor.

(b) Any person under the age of 21 years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises, is guilty of a misdemeanor.

(c) Any person who violates subdivision (a) by purchasing any alcoholic beverage for, or furnishing, giving, or giving away any alcoholic beverage to, a person under the age of 21 years, and the person under the age of 21 years thereafter consumes the alcohol and thereby proximately causes great bodily injury or death to himself, herself, or any other person, is guilty of a misdemeanor.

(e)(1) Except as otherwise provided in paragraph (2) or (3), any person who violates this section shall be punished by a fine of two hundred fifty dollars (\$250), no part of which shall be suspended, or the person shall be required to perform not less than 24 hours or more than 32 hours of community service during hours when the person is not employed and is not attending school, or a combination of a fine and community service as determined by the court. A second or subsequent violation of subdivision (b) shall be punished by a fine of not more than five hundred dollars (\$500), or the person shall be required to perform not less than 36 hours or more than 48 hours of community service during hours when the person is not employed and is not attending school, or a combination of a fine and community service as determined by the court. It is the intent of the Legislature that the community service requirements prescribed in this section require service at an alcohol or drug treatment program or facility or at a county coroner's office, if available, in the area where the violation occurred or where the person resides. (2)

Except as provided in paragraph (3), any person who violates subdivision (a) by furnishing an alcoholic beverage, or causing an alcoholic beverage to be furnished, to a minor shall be punished by a fine of one thousand dollars (\$1,000), no part of which shall be suspended, and the person shall be required to perform not less than 24 hours of community service during hours when the person is not employed and

is not attending school. (3) Any person who violates subdivision (c) shall be punished by imprisonment in a county jail for a minimum term of six months not to exceed one year, by a fine of one thousand dollars (\$1,000), or by both imprisonment and fine.

(2) Attempt to Purchase by Minor (Section 25658.5 Business and Professions Code)

(a) Any person under the age of 21 years who attempts to purchase any alcoholic beverage from a licensee, or the licensee's agent or employee, is guilty of an infraction and shall be punished by a fine of not more than two hundred fifty dollars (\$250), or the person shall be required to perform not less than 24 hours or more than 32 hours of community service during hours when the person is not employed or is not attending school, or a combination of fine and community service as determined by the court. A second or subsequent violation of this section shall be punished by a fine of not more than five hundred dollars (\$500), or the person shall be required to perform not less than 36 hours or more than 48 hours of community service during hours when the person is not employed or is not attending school, or a combination of fine and community service, as the court deems just. It is the intent of the Legislature that the community service requirements prescribed in this section require service at an alcohol or drug treatment program or facility or at a county coroner's office, if available, in the area where the violation occurred or where the person resides.

(b) The penalties imposed by this section do not preclude prosecution or the imposition of penalties under any other provision of law, including, but not limited to, Section 13202.5 of the Vehicle Code.

(3) Documentary Evidence of Age and Identity (Section 25660 Business and Professions Code)

(a) Bona fide evidence of majority and identity of the person is any of the following:

(1) A document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a valid motor vehicle operator's license, that contains the name, date of birth, description, and picture of the person.

(2) A valid passport issued by the United States or by a foreign government.

(3) A valid identification card issued to a member of the Armed Forces that includes a date of birth and a picture of the person.

(b) Proof that the defendant-licensee, or his or her employee or agent, demanded, was shown, and acted in reliance upon bona fide evidence in any transaction, employment, use, or permission forbidden by Section 25658, 25663, or 25665 shall be a defense to any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon.

Note: The person accepting identification must make a reasonable inspection of the identification and act with due diligence to confirm that the identification presented is that of the person presenting it. The picture and physical description on the identification must match the customer. If the identification is altered or mutilated, it is not acceptable. It must be currently valid, in other words, not expired.

(4) Hours of Operation (Sections 25631, 25632 and 25633 Business and Professions Code)

25631. Any on- or off-sale licensee, or agent or employee of that licensee, who sells, gives, or delivers to any persons any alcoholic beverage or any person who knowingly purchases any alcoholic beverage between the hours of 2 o'clock a.m. and 6 o'clock a.m. of the same day, is guilty of a misdemeanor.

For the purposes of this section, on the day that a time change occurs from Pacific standard time to Pacific daylight saving time, or back again to Pacific standard time, "2 o'clock a.m." means two

hours after midnight of the day preceding the day such change occurs.

25632. Any retail licensee, or agent or employee of such licensee, who permits any alcoholic beverage to be consumed by any person on the licensee's licensed premises during any hours in which it is unlawful to sell, give, or deliver any alcoholic beverage for consumption on the premises is guilty of a misdemeanor.

25633. Except as otherwise provided in this section, no person licensed as a manufacturer, winegrower, distilled spirits manufacturer's agent, rectifier, or wholesaler of any alcoholic beverage shall deliver or cause to be delivered any alcoholic beverage to or for any person holding an on-sale or off-sale license on Sunday or except between the hours of 3 a.m. and 8 p.m. of any day other than Sunday. Any alcoholic beverage may be delivered at the platform of the manufacturing, producing, or distributing plant at any time. Nothing contained in this section prohibits the transportation or the carriage and delivery in transit at any time of any alcoholic beverage between the premises of a manufacturer, winegrower, wholesaler, distiller, importer, or any of them. Every person violating the provisions of this section is guilty of a misdemeanor.

Note: Some stores must stop selling alcoholic beverages earlier than 2:00 a.m. because of local laws or special conditions (restrictions) on the ABC license.

(5) Sales to Obviously Intoxicated Persons (Section 25602(a) Business and Professions Code)

(a) Every person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to any habitual or common drunkard or to any obviously intoxicated person is guilty of a misdemeanor.

(b) No person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage pursuant to subdivision (a) of this section shall be civilly liable to any injured person or the estate of such person for injuries inflicted on that person as a result of intoxication by the consumer of such alcoholic beverage.

Note: It is illegal to sell alcohol to a person who is displaying obvious symptoms of intoxication.

(6) Civil Liability (Section 25602.1 Business and Professions Code)

Notwithstanding subdivision (b) of Section 25602, a cause of action may be brought by or on behalf of any person who has suffered injury or death against any person licensed, or required to be licensed, pursuant to Section 23300, or any person authorized by the federal government to sell alcoholic beverages on a military base or other federal enclave, who sells, furnishes, gives or causes to be sold, furnished or given away any alcoholic beverage, and any other person who sells, or causes to be sold, any alcoholic beverage, to any obviously intoxicated minor where the furnishing, sale or giving of that beverage to the minor is the proximate cause of the personal injury or death sustained by that person.

(7) ABC Off-Sale License Privileges (Sections 23393 and 23394 Business and Professions Code)

23393. A retail package off-sale beer and wine license authorizes the sale, to consumers only and not for resale, of beer in containers, and wine in packages and in quantities of 52 gallons or less per sale, for consumption off the premises where sold.

23394. An off-sale general license includes the privileges specified in Section 23393 and authorizes the sale, to consumers only and not for resale, except to holders of daily on-sale general licenses issued pursuant to Section 24045.1, of distilled spirits for consumption off the premises where sold. Standards of fill for distilled spirits authorized for sale pursuant to this section shall conform in all respects to the standards established pursuant to regulations issued under the Federal Alcohol Administration Act (27 U.S.C. Secs. 201 et seq.) and any amendments thereto.

Note: Alcoholic beverages may only be sold in sealed, unopened bottles, packages or containers. No person may drink alcoholic beverages in a store or in adjacent parking lots or other areas under the control of the store.

(8) Beer Keg Registration (Section 25659.5 Business and Professions Code)

(a) Retail licensees selling keg beer for consumption off licensed premises shall place an identification tag on all kegs of beer at the time of sale and shall require the signing of a receipt for the keg of beer by the purchaser in order to allow kegs to be traced if the contents are used in violation of this article. The keg identification shall be in the form of a numbered label prescribed and supplied by the department that identifies the seller. The receipt shall be on a form prescribed and supplied by the department and shall include the name and address of the purchaser and the purchaser's driver's license number or equivalent form of identification number. A retailer shall not return any deposit upon the return of any keg that does not have the identification label required pursuant to subdivision (a).

(b) Any licensee selling keg beer for off premise consumption who fails to require the signing of a receipt at the time of sale and fails to place a numbered identification label on the keg shall be subject to disciplinary action pursuant to this division. The licensee shall retain a copy of the receipt, which shall be retained on the licensed premise for a period of six months. The receipt records shall be available for inspection and copying by the department or other authorized law enforcement agency.

(c) Possession of a keg containing beer with knowledge that the keg is not identified as required by subdivision (a) is a misdemeanor.

(d) Any purchaser of keg beer who knowingly provides false information as required by subdivision (a) is guilty of a misdemeanor.

(e) The identification label required pursuant to subdivision (a) shall be constructed of material and made attachable in such a manner as to make the label easily removable for the purpose of cleaning and reusing the keg by a beer manufacturer.

(f) The department is authorized to charge a fee not to exceed the actual cost of supplying receipt forms and identification labels required pursuant to subdivision (a). Fees collected pursuant to this subdivision shall be deposited in the Alcohol Beverage Control Fund.

(g) As used in this section, "keg" means any brewery-sealed, individual container of beer having a liquid capacity of six gallons or more.

Note: Keg receipts must be fully completed at the time of sale and be maintained in the store with accurate, corresponding identification labels.

Part 2: CLERK'S PRIOR VIOLATIONS *(Clerk must check one)*

☐ *I have never been* convicted of violating any law in the Alcoholic Beverage Control Act (such as selling an alcoholic beverage to an underage or obviously intoxicated person).

☐ *I have been* convicted of violating a law (or laws) in the California Alcoholic Beverage Control Act (such as selling an alcoholic beverage to an underage or obviously intoxicated person). [If you checked this box, please explain in full what happened. Use the space below or a separate sheet of paper, if necessary.]

Part 3: DECLARATION UNDER PENALTY OF PERJURY

(Clerk must complete this section)

I have read and understand this affidavit. I swear that all statements I have made in this affidavit are true. I swear that I signed this affidavit, on the date stated, under "penalty of perjury." I understand that if I did not tell the truth in this affidavit, I may be found guilty of perjury.

Signature of Clerk

Date

Name of Clerk (printed)

Home Address

Street

City

State

Zip

Home Telephone

Work Telephone

Part 4: ACKNOWLEDGMENT OF LICENSEE

(Licensee must complete this section)

I have reviewed the attached *Clerk's Affidavit* with the person who signed it. I will keep a signed copy of the *Clerk's Affidavit* at (address):

I understand if I do not have a signed *Clerk's Affidavit* for every person who sells alcoholic beverages in my store, the ABC may discipline my license.

Signature of Licensee *(or licensee's agent)*

Date

ABC License Number

Part 5: NOTICE TO LICENSEE

(Licensee must read this section, then post sign in store)

Pursuant to Section 25658.4 of the Business and Professions Code, you must post a sign in your store that warns customers about certain laws and penalties relating to the sale of alcoholic beverages to, or the purchase of alcoholic beverages by, any person under the age of 21 years. The sign must be placed at an entrance or at a point of sale in your store, or in any other location in your store that is visible to your customers and employees. A sample sign that complies with Section 25658.4(b) and (c) is shown on the following page.

NOTICE TO CUSTOMERS

Pursuant to Section 25658.4 Business and Professions Code

This store will not sell alcoholic beverages in violation of the California Alcoholic Beverage Control Act.

We will refuse to sell an alcoholic beverage to any customer if we reasonably suspect that: (1) The customer is under the age of 21 years; (2) The customer looks or acts intoxicated; (3) The request to buy an alcoholic beverage is made between the hours of 2:00 a.m. and 6:00 a.m. on any day or in violation of legally required shorter hours of sale; (4) The customer intends to drink the alcoholic beverage in this store or on adjacent property immediately outside this store; or (5) Any other violation of the California Alcoholic Beverage Control Act will occur as a result of the sale.

FINES AND PENALTIES

for the Sale or Furnishing of Alcoholic Beverages to,
or the Purchase of Alcoholic Beverages by,
Persons Under Age 21

For the Person Under Age 21 Who Tries to Purchase Alcohol

Up to \$100 fine and/or 24-32 hours of community service; second offense, up to a \$250 fine and/or 36-48 hours of community service (and a one-year suspension or delay of the person's driver's license).

For the Person Under Age 21 Who Purchases Alcohol

A \$250 fine and/or 24-32 hours of community service; second offense, up to a \$500 fine and/or 36-48 hours of community service (and a one-year suspension or delay of the purchaser's driver's license).

For the Person Who Furnishes Alcohol or Causes Alcohol to be Furnished to a Person Under Age 21

A \$1,000 fine and at least 24 hours of community service (and a one-year suspension or delay of the furnisher's driver's license if the furnisher is under age 21). If great bodily injury or death occurs, the penalty is 6-12 months county jail and/or a \$1,000 fine.

For the Person Who Sells Alcohol to a Person Under Age 21

A \$250 fine and/or 24-32 hours of community service; second offense, up to a \$500 fine and/or 36-48 hours of community service (and a one-year suspension or delay of the seller's driver's license if the seller is under age 21).

*In addition, the Department of Alcoholic Beverage Control (ABC)
will file charges to suspend or revoke this store's license to sell alcoholic beverages.*

--The Management

Central and Sycamore Project description

56. Upon submittal and to the degree possible provide an operational description of the project and uses, including, but not limited to;

- Types of Businesses; - The project consists of two pads containing the following:

1. A 6 Multiple Product Dispenser gas station with a 3,200 SF convenience store and a roll over car wash.

2. A drive through casual dining restaurant that will have a 3,800 SF structure which includes kitchen and indoor dining area. This pad also includes a covered outdoor dining area.

- General Activities preformed on-site/Operational characteristics (Identifying activities occurring both indoors and outdoors);

1. Sales of:

- o Gasoline (unleaded and diesel), E85, and possible propane sales
- o Convenience store items that include but are not limited to – Prep food items that will be subject to local ordinances related to direct serve to customers, tobacco limited to cigarettes and other tobacco related products, alcohol, packaged foods, packages beverages, hot/cold dispensed beverages, and frozen carbonated beverages.
- o carwash service.
- o Prepared food such as hot dogs, hamburgers and roller grill items

2. Sales of:

- o Food that is prepared onsite and fountain drinks

- Training and Management of Alcohol Sales;

1. Every employee is to attend a local ABC “LEAD” tobacco/ alcohol training. The site manager is to obtain a Serv Safe Certification. Employment files to address proper sales to customers and how to properly ask and verify ID for sales.

Number of Employees; and

1. The number of Employees is based on the volume of the mart. There will be no more than 10 employees for this specific location with no more than 5 working at any given time.

2. Up to 5 employees on site at once

- Hours of Operation.

1. 24 hours a day / 7 days a week

2. 24 hours a day / 7 days a week



AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY

July 26, 2018

Mr. Sean Kelleher, Associate Planner
City of Riverside Planning Division
3900 Main Street, 3rd Floor
Riverside CA 92522

CHAIR
Steve Manos
Lake Elsinore

VICE CHAIR
Russell Betts
Desert Hot Springs

COMMISSIONERS

Arthur Butler
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STAFF

Director
Simon A. Housman

John Guerin
Paul Rull
Barbara Santos

County Administrative Center
4080 Lemon St., 14th Floor.
Riverside, CA 92501
(951) 955-5132

www.rcaluc.org

RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW – DIRECTOR'S DETERMINATION

File No.: ZAP1304MA18 (letter 1 of 2)
Related File No.: P18-0028 (Rezone)
APN: not assigned yet

Dear Mr. Kelleher:

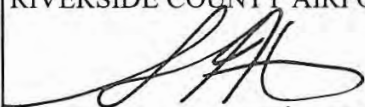
Under the delegation of the Riverside County Airport Land Use Commission (ALUC) pursuant to ALUC Resolution No.15-01 (as adopted on August 13, 2015), staff reviewed City of Riverside Case No. P18-0028 (Rezone), a proposal to apply Commercial General (CG) zoning to a 2.2-acre area previously constituting California Department of Transportation right-of-way located on the northeast corner of Central Avenue and Sycamore Canyon Boulevard.

The site is located within Airport Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Influence Area (AIA). Within Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, non-residential intensity is not restricted.

As ALUC Director, I hereby find the above-referenced project **CONSISTENT** with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan ("March ALUCP").

If you have any questions, please contact Paul Rull, ALUC Urban Regional Planner IV, at (951) 955-6893 or John Guerin, ALUC Principal Planner, at (951) 955-0982.

Sincerely,
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION


Simon A. Housman, ALUC Director

Attachments: Notice of Airport in Vicinity

cc: Melrose, LLC (applicant/property owner)
Eugene Marini (representative)
Gary Gosliga, Airport Manager, March Inland Port Airport Authority
Daniel "Rock" Rockholt, March Air Reserve Base
ALUC Case File

Y:\AIRPORT CASE FILES\March\ZAP1304MA18\ZAP1304MA18.LTR ZC.doc



AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY

July 26, 2018

CHAIR
Steve Manos
Lake Elsinore

VICE CHAIR
Russell Betts
Desert Hot Springs

COMMISSIONERS

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Mr. Sean Kelleher, Associate Planner
City of Riverside Planning Division
3900 Main Street, 3rd Floor
Riverside CA 92522

**RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW –
DIRECTOR'S DETERMINATION**

File No.: ZAP1304MA18 (letter 2 of 2)
Related File No.: P18-0031 and P18-0032 (Conditional Use Permits), P18-0033
(Design Review), P18-0034 (Tentative Parcel Map No. 37591)
APN: not assigned yet

Dear Mr. Kelleher:

Under the delegation of the Riverside County Airport Land Use Commission (ALUC) pursuant to Policy 1.5.2(d) of the Countywide Policies of the 2004 Riverside County Airport Land Use Compatibility Plan, staff reviewed City of Riverside Case Nos. P18-0031 and P18-0032 (Conditional Use Permits) and P18-0033 (Design Review) proposing to establish a 12-pump gas station with a 3,200 square foot convenience store, a 1,199 square foot automated car wash facility, and a 3,800 square foot drive-thru fast food restaurant on 2.2 acres located on the northeast corner of Central Avenue and Sycamore Canyon Boulevard and P18-0034 (Tentative Parcel Map No. 37591), a proposal to divide the 2.2 acre site into 2 commercial parcels.

The site is located within Airport Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Influence Area (AIA), where non-residential intensity is not restricted.

The elevation of Runway 14-32 at March Air Reserve Base/Inland Port Airport at its northerly terminus is approximately 1,535 feet above mean sea level (1535 AMSL). The site is located approximately 24,500 feet from this runway. At this distance, Federal Aviation Administration (FAA) review would be required for any structures exceeding 1,780 feet AMSL. The project site elevation is 1,375 feet AMSL and the maximum proposed building height is 30 feet, resulting in a top point elevation of 1,405 feet AMSL – below the runway elevation. Therefore, Federal Aviation Administration Obstruction Evaluation Service review for height/elevation reasons was not required.

As ALUC Director, I hereby find the above-referenced project **CONSISTENT** with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, provided that the City of Riverside applies the following recommended conditions:

AIRPORT LAND USE COMMISSION

CONDITIONS:

1. Any new outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris centers, fly ash disposal, and incinerators.)
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. The attached notice shall be provided to all potential purchasers of the property and to lessees of the structure(s) thereon.
4. No detention basins are depicted on the site plan. Any new aboveground detention or water quality basins on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention/water quality basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.

If you have any questions, please contact Paul Rull, ALUC Urban Regional Planner IV, at (951) 955-6893 or John Guerin, ALUC Principal Planner, at (951) 955-0982.

Sincerely,
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION



Simon A. Housman, ALUC Director

AIRPORT LAND USE COMMISSION

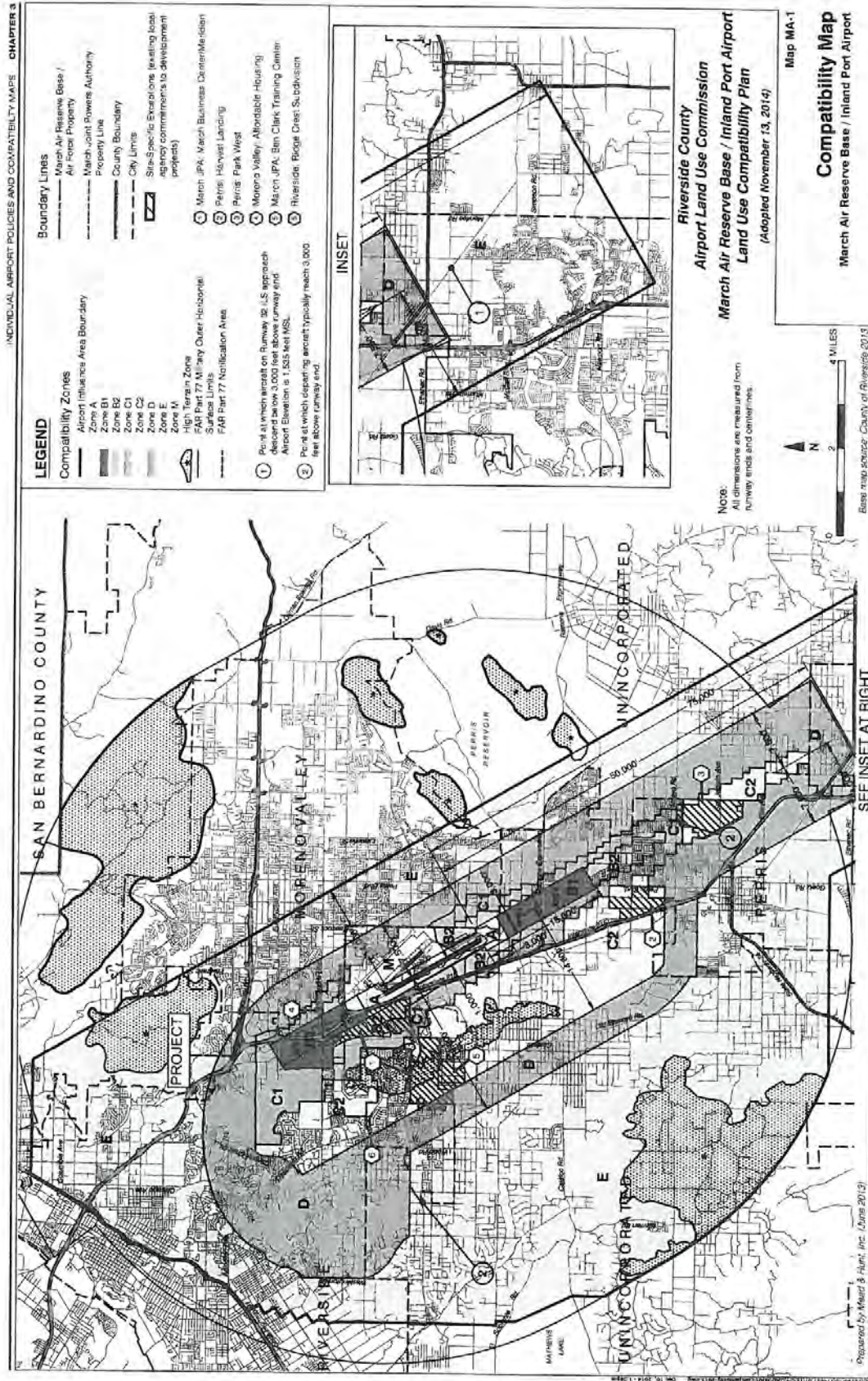
Attachments: Notice of Airport in Vicinity

cc: Melrose, LLC (applicant/property owner)
Eugene Marini (representative)
Gary Gosliga, Airport Manager, March Inland Port Airport Authority
Daniel "Rock" Rockholt, March Air Reserve Base
ALUC Case File

Y:\AIRPORT CASE FILES\March\ZAP1304MA18\ZAP1304MA18.LTR CUP.doc

NOTICE OF AIRPORT IN VICINITY

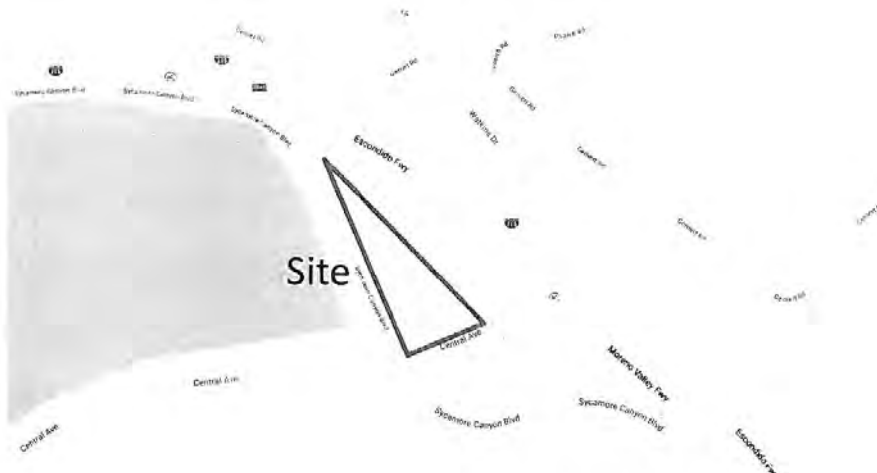
This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances [can vary from person to person. You may wish to consider what airport annoyances], if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b) (13)(A)



Large Scale Vicinity Map



Enlarged Vicinity Map



Sycamore Canyon Boulevard
Riverside, California 92507

VICINITY MAPS



My Map



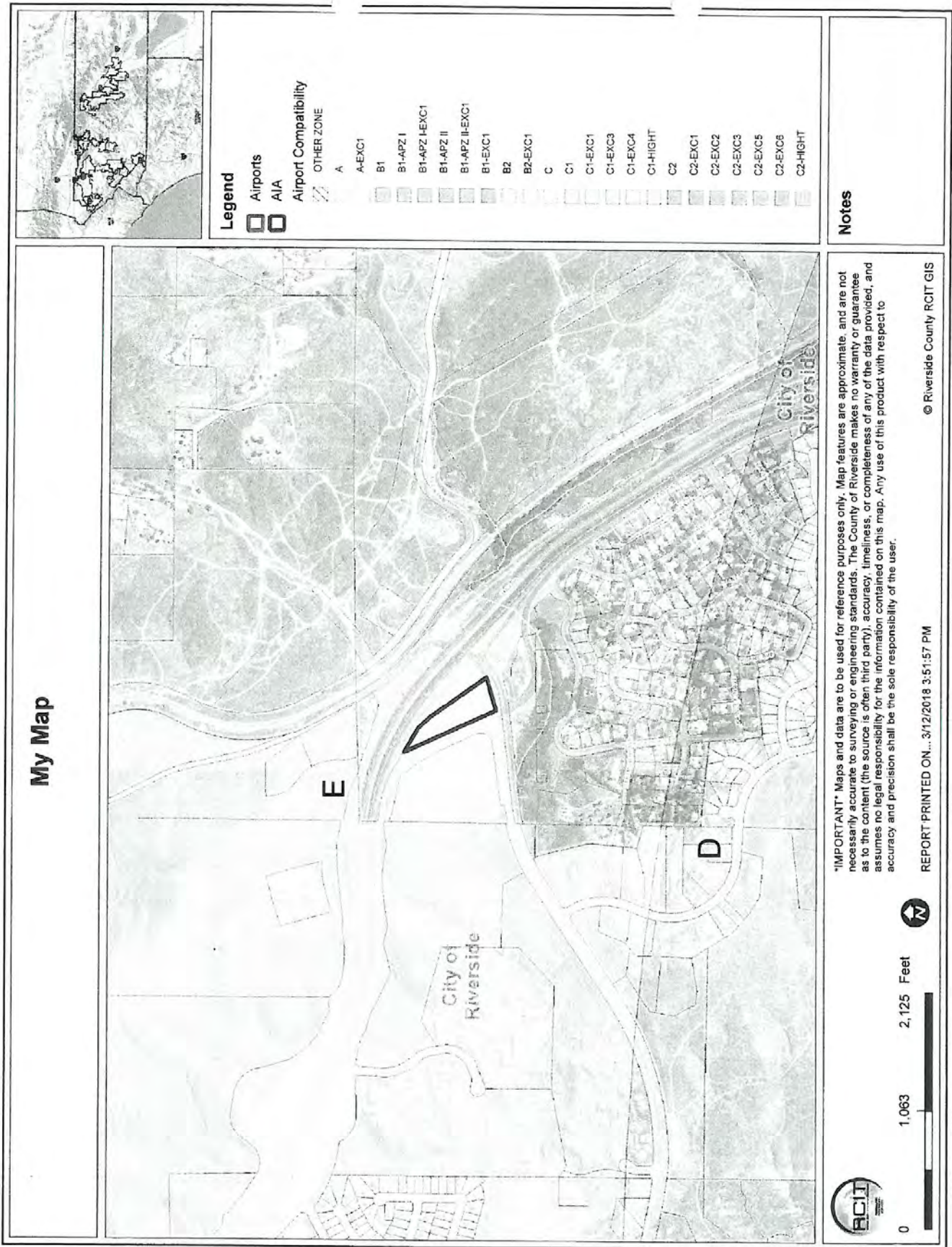
- Legend**
- Airports
 - AIA
 - Airport Compatibility
 - OTHER ZONE
 - A
 - A-EXC1
 - B1
 - B1-APZ I
 - B1-APZ I-EXC1
 - B1-APZ II
 - B1-APZ II-EXC1
 - B1-EXC1
 - B2
 - B2-EXC1
 - C
 - C1
 - C1-EXC1
 - C1-EXC3
 - C1-EXC4
 - C1-HIGH
 - C2
 - C2-EXC1
 - C2-EXC2
 - C2-EXC3
 - C2-EXC5
 - C2-EXC6
 - C2-HIGH

Notes

IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

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My Map



- Legend**
- City Boundaries
 - Cities
 - adjacent_highways
 - Interstate
 - Interstate 3
 - State Highways 60
 - State Highways 3
 - US HWY
 - OUT
 - highways_large
 - HWY
 - INTERCHANGE
 - INTERSTATE
 - USHWY
 - counties
 - cities

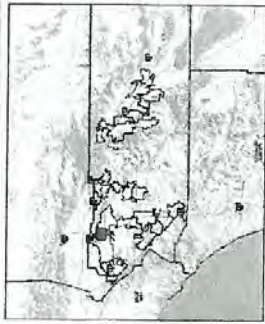
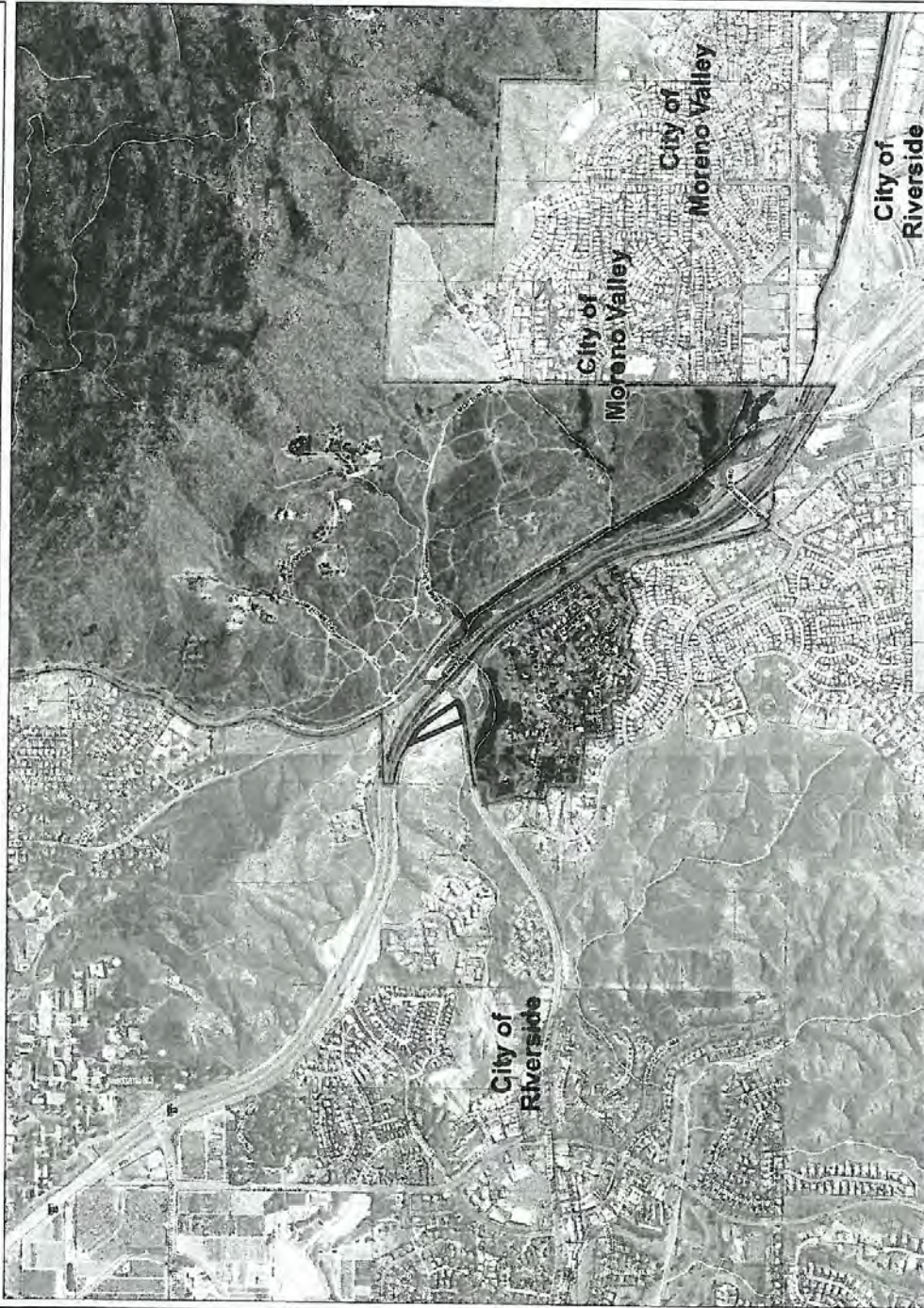
Notes

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My Map



- Legend**
- ☐ City Boundaries
 - ☐ Cities
 - roads
 - highways
 - HWY
 - INTERCHANGE
 - INTERSTATE
 - OFFRAMP
 - ONRAMP
 - USHWY
 - roads
 - Major Roads
 - Arterial
 - Collector
 - Residential
 - ☐ counties
 - ☐ cities
 - hydrographylines
 - waterbodies
 - Lakes
 - Rivers

Notes

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0 2.426 4,852 Feet



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My Map



- Legend**
- City Boundaries
 - Cities
 - roads
 - highways
 - HWY
 - INTERCHANGE
 - INTERSTATE
 - OFFRAMP
 - ONRAMP
 - USHWY
 - counties
 - cities
 - hydrographylines
 - waterbodies
 - Lakes
 - Rivers

Notes

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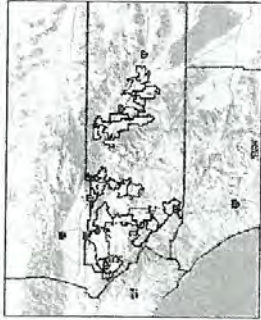
My Map



City of
Riverside

Legend

- City Boundaries
- Cities
- roads
- highways
- INTERCHANGE
- INTERSTATE
- OFFRAMP
- ONRAMP
- USHWY
- counties
- cities
- hydrographylines
- waterbodies
- Lakes
- Rivers



Notes

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0 303 606 Feet



The map shows three parcels of land, labeled PARCEL A, PARCEL B, and PARCEL C, situated along Route 215 and Sycamore Canyon Boulevard. The map includes various survey points, bearings, distances, and curve data.

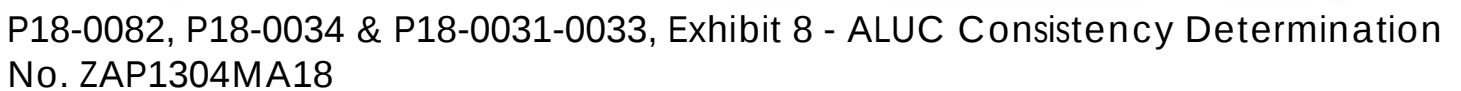
Parcel A: Located at the top left, bounded by Route 215 R/W (Right of Way) to the north and Sycamore Canyon Boulevard to the east. The boundary with Route 215 is defined by a line with a bearing of $N56^{\circ}59'34''E$ and a distance of 73.97 . The boundary with Sycamore Canyon Boulevard is defined by a line with a bearing of $N56^{\circ}51'11''E$ and a distance of 167.59 . The parcel is also bounded by a line with a bearing of $N56^{\circ}59'33''E$ and a distance of 167.59 .

Parcel B: Located at the bottom left, bounded by Route 215 R/W to the north and Sycamore Canyon Boulevard to the east. The boundary with Route 215 is defined by a line with a bearing of $N46^{\circ}24'54''E$ and a distance of 167.59 . The boundary with Sycamore Canyon Boulevard is defined by a line with a bearing of $N42^{\circ}47'28''E$ and a distance of 167.59 . The parcel is also bounded by a line with a bearing of $N42^{\circ}56'37''E$ and a distance of 167.59 .

Parcel C: Located at the bottom right, bounded by Route 215 R/W to the north and Sycamore Canyon Boulevard to the east. The boundary with Route 215 is defined by a line with a bearing of $N62^{\circ}07'16''E$ and a distance of 167.59 . The boundary with Sycamore Canyon Boulevard is defined by a line with a bearing of $N65^{\circ}00'47''E$ and a distance of 167.59 . The parcel is also bounded by a line with a bearing of $N67^{\circ}40'19''E$ and a distance of 167.59 .

The map also shows the intersection of Route 215 and Sycamore Canyon Boulevard, with various bearings and distances for the intersection points. The map includes various survey points, bearings, distances, and curve data.

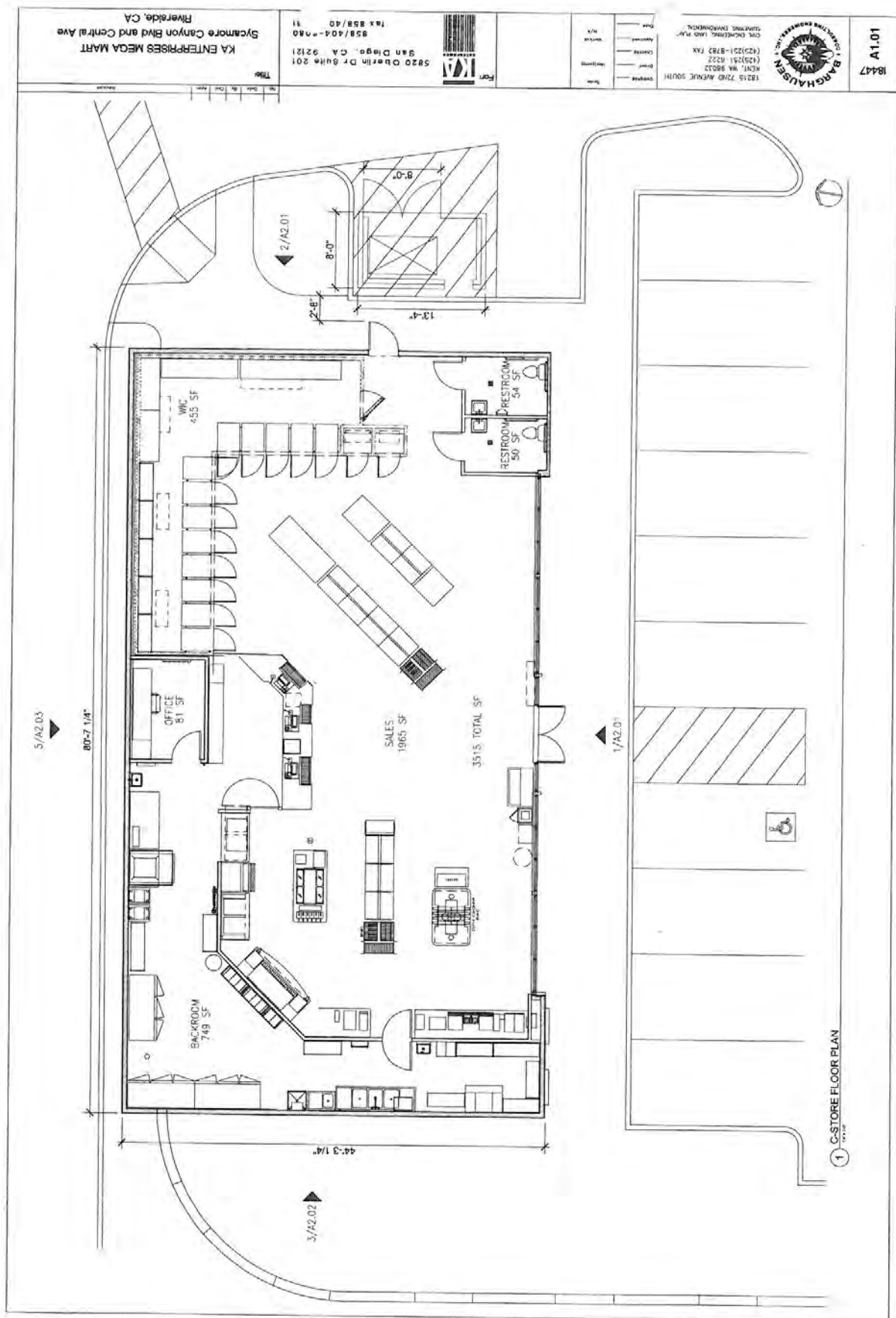
P18-0082, P18-0034 & P18-0031-0033, Exhibit 8 - ALUC Consistency Determination
No. ZAP1304MA18

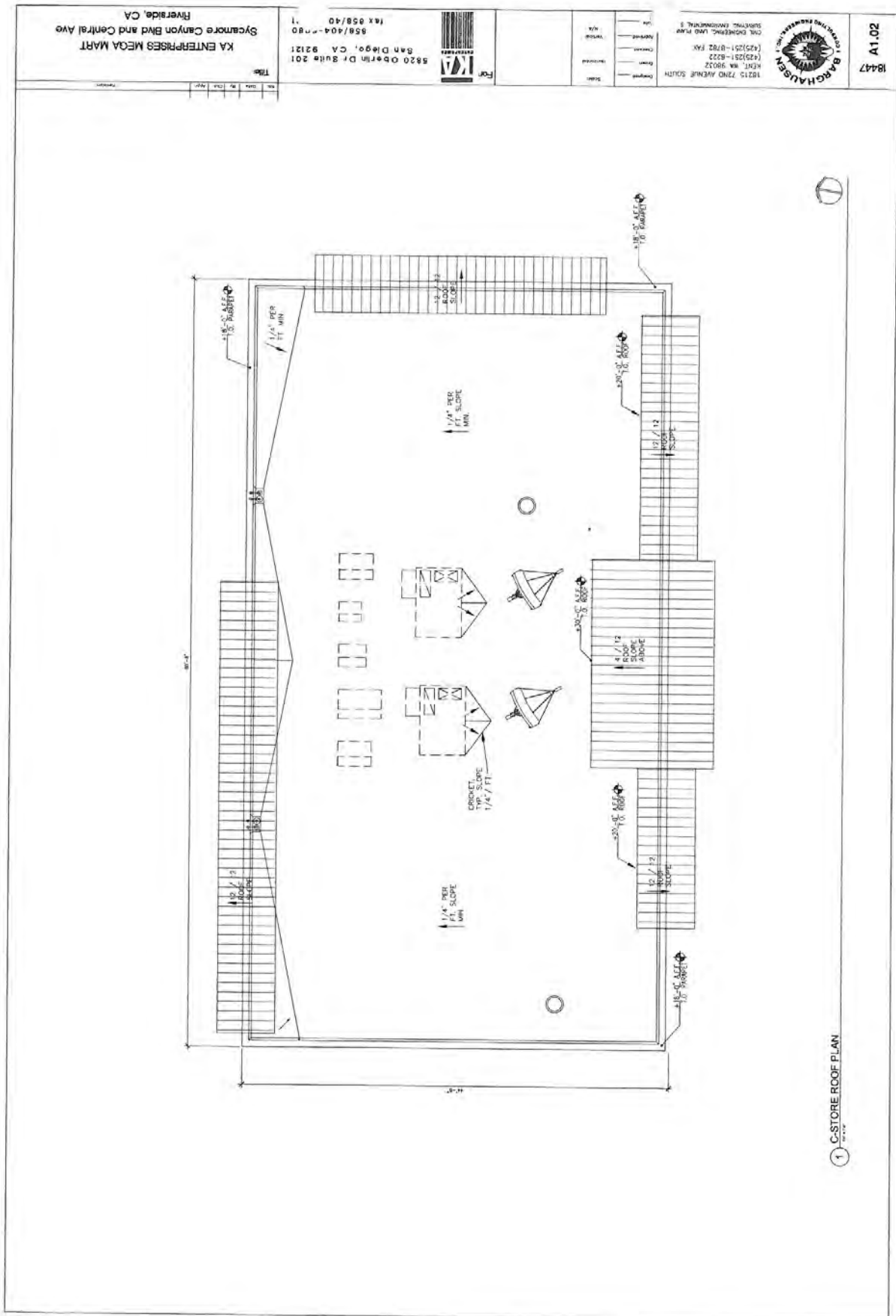


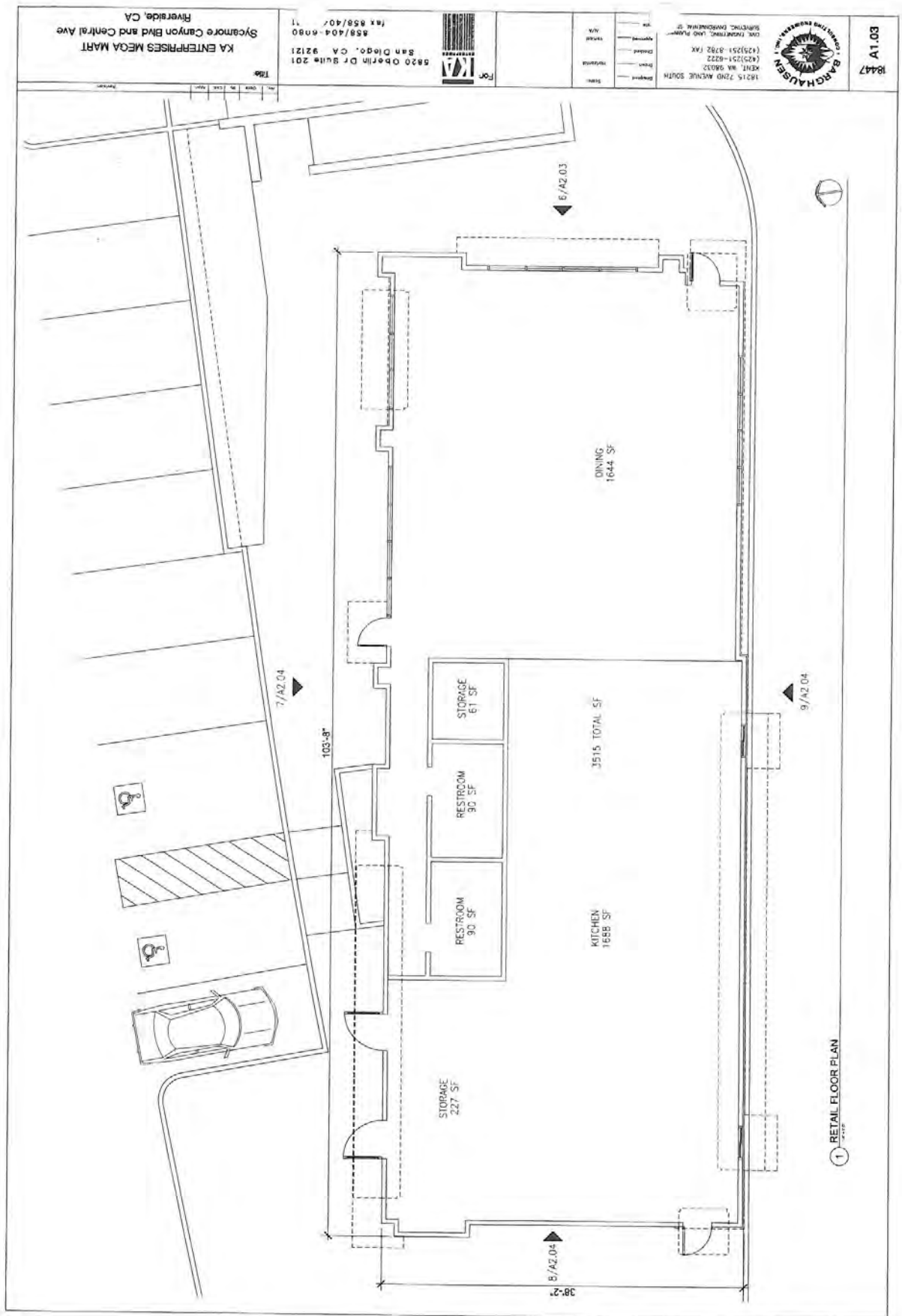


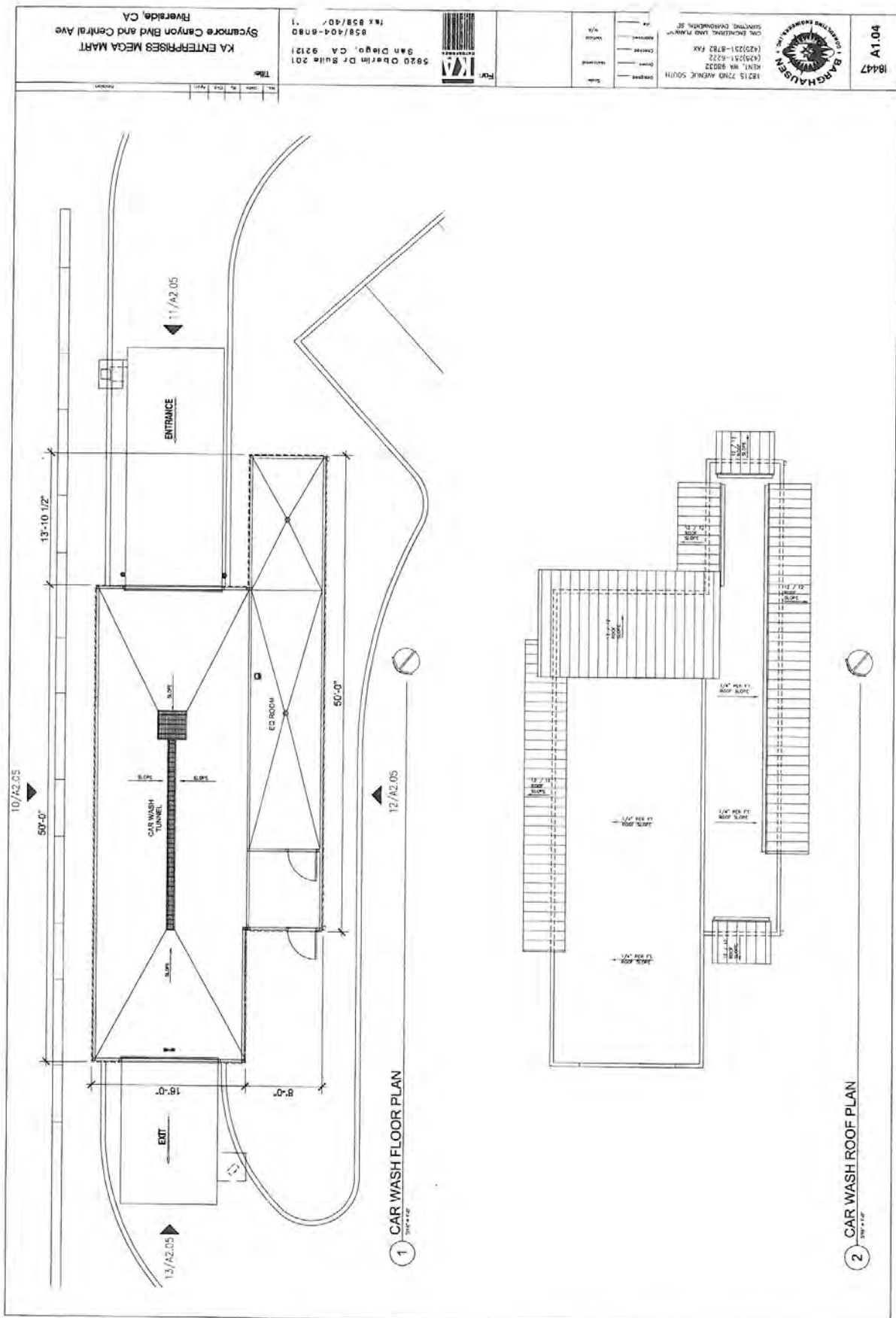
- ### MATERIAL LEGEND

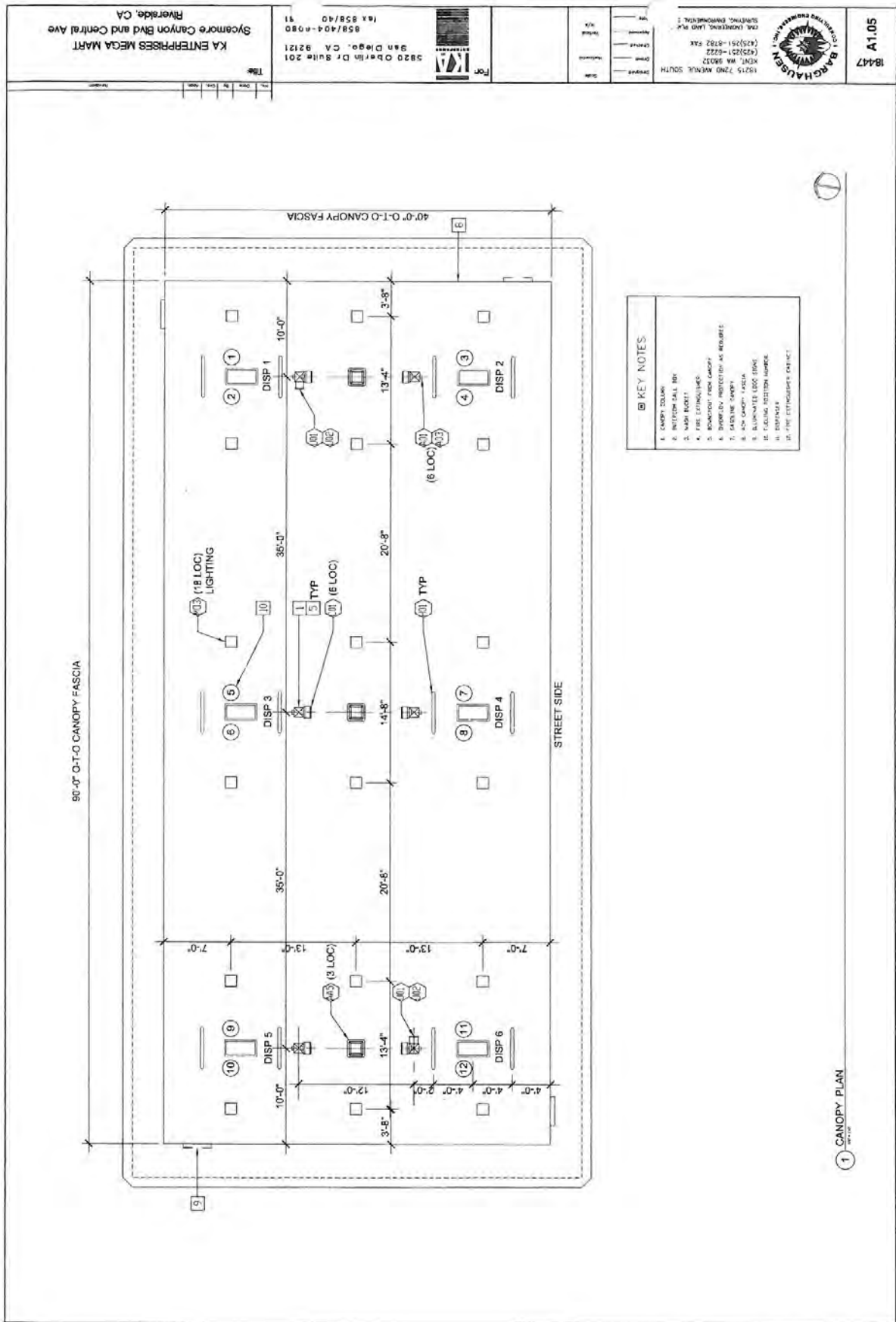
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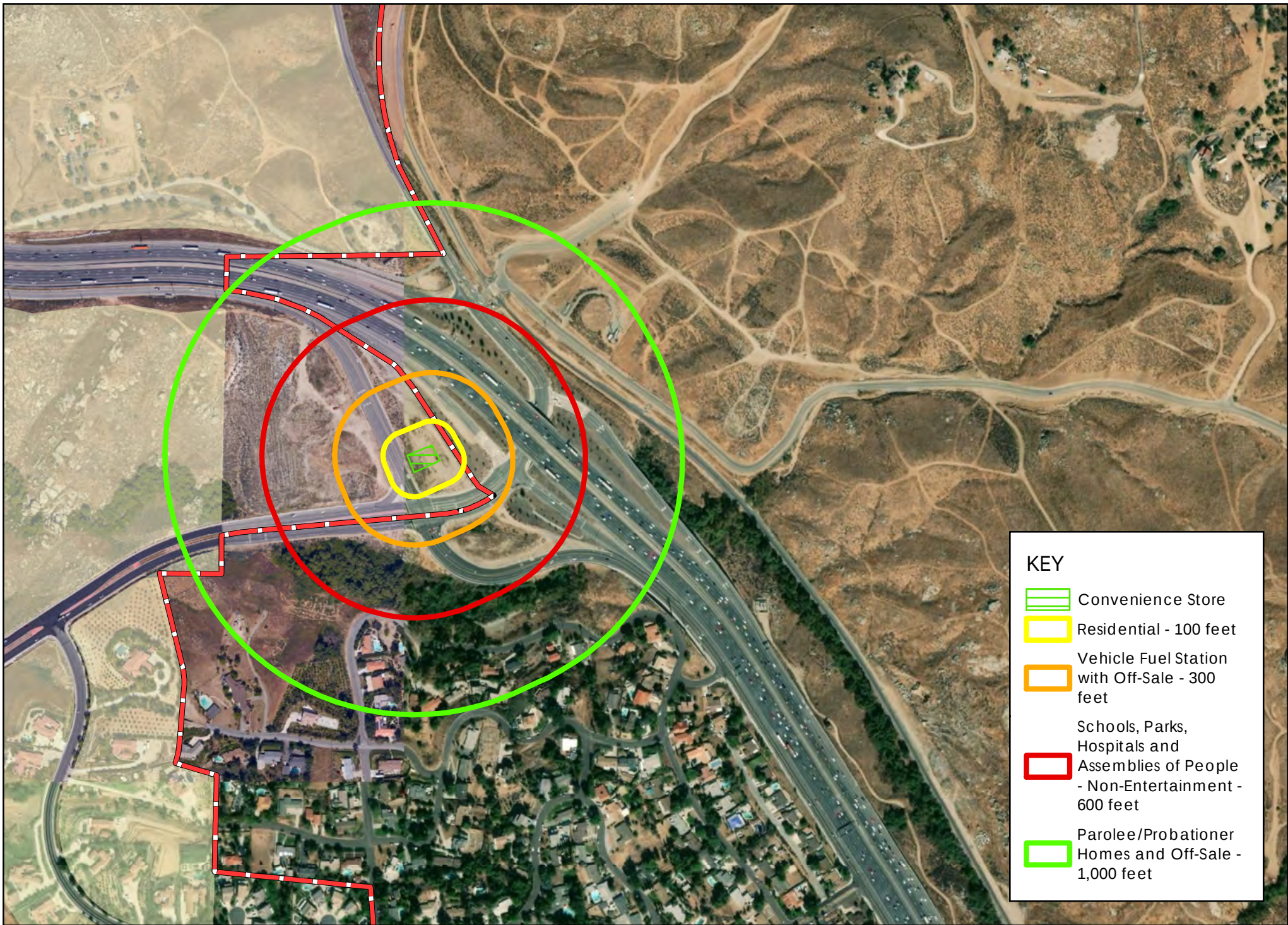












P18-0028, P18-0034 & P18-0031-0033, Exhibit 9 - Distance Requirements Map

0 75 150 300 450 Feet

