



CITY COUNCIL STAFF REPORT

DATE: December 1, 2010 CONSENT CALENDAR
TO: 12/15/2010 BY RULE OF PROCEDURE

SUBJECT: REQUEST BY DOLLAR TREE, INC. FOR A RESOLUTION OF PUBLIC
CONVENIENCE OR NECESSITY (PCN) TO SELL BEER AND WINE
FOR CONSUMPTION OFF PREMISES (TYPE 20 ALCOHOL LICENSE)
AT THE EXISTING DOLLAR TREE STORE LOCATED AT 1717 EAST
VISTA CHINO ROAD (APN 507-301-034; ZONE C-S-C).

CASE: 5.1254 – PCN *12/01/2010 VOTE*
2/1/2 Absent
MOVE TO 12/15/2010

FROM: David H. Ready, City Manager

BY: Craig Ewing, AICP, Director of Planning Services

SUMMARY

The applicant, Dollar Tree., is requesting the Council to adopt a Resolution of Public Convenience or Necessity (PCN) for the sale of beer and wine for consumption off site (Alcohol and Beverage Control Type 20 license) at the existing retail store (Dollar Tree) located 1717 East Vista Chino Road.

RECOMMENDATION:

Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE FOR OFF SITE CONSUMPTION (TYPE 20 ALCOHOL LICENSE) AT A RETAIL STORE LOCATED AT 1717 EAST VISTA CHINO ROAD, ZONE C-S-C, SECTION 12/T4/R4."

BACKGROUND:

The applicant has applied for a "Type 20" license through the State of California Department of Alcoholic Beverage Control (ABC) for a retail store at 1717 East Vista Chino Road. The "Type 20" license authorizes the sale of beer and wine for off-site consumption; minors are allowed on the premises. Because of the "undue concentration" of Type 20 licenses in this particular census tract, the ABC will not issue the license unless the City Council adopts a resolution pursuant to state law, indicating

that granting a "Type 20" alcohol license for the subject premises will provide for the public convenience or necessity.

ANALYSIS:

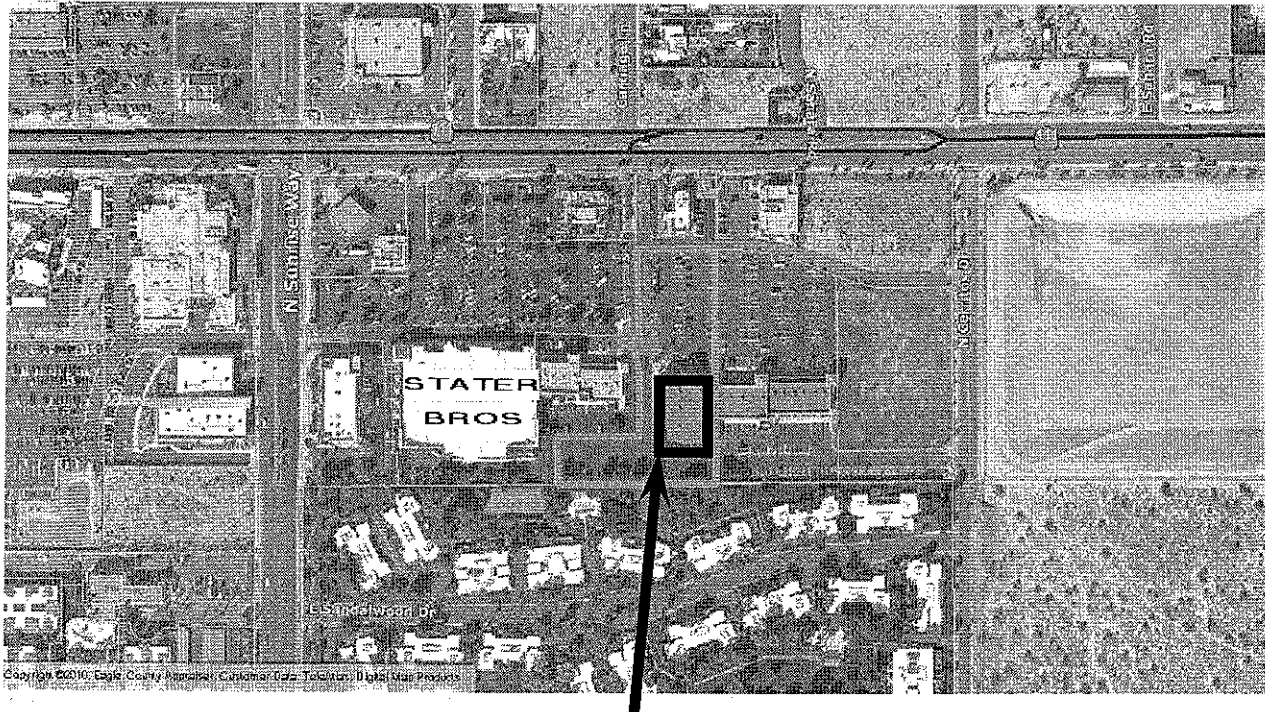
The applicant is applying for a new "Type 20" alcohol license at 1717 East Vista Chino Road for the sale of beer and wine for off-site consumption. The Department of Alcoholic Beverage Control is requiring a resolution from the City Council to approve an "undue concentration" of such licenses. In accordance with Section 23958.4 of the Business and Professions Code which took effect on January 1, 1995, "undue concentration" means a property that is located in a census tract (or division) where the ratio of off-sale retail licenses to the population in that tract (or division) exceeds the ratio of off-sale licenses to the population in the subject county. When an undue concentration is determined to exist, the State Department of Alcoholic Beverage Control will not issue a license for the sale of alcohol without a letter or resolution from the City Council which indicates the premises will provide for the public convenience or necessity, by granting such license.

Currently, the State Department of Alcoholic Beverage Control considers the census tract that the proposed license is to be located as having an "undue concentration" of liquor licenses. The subject property is located within Census Tract #0100. (see attached census map). This tract currently has four (4) active Type 20 / 21 off-sale liquor licenses. Two (2) off-sale licenses are authorized for the tract. State law was enacted to allow local government the opportunity to regulate the number and location of such uses. By making a finding of "Public Convenience or Necessity", the City Council may determine that the subject premises will provide for the convenient patronage of the public whereby the convenience does not already exist in the immediate area.

The subject retail store is located within a developed shopping center that contains a grocery store as the anchor tenant and various commercial / retail uses throughout. Surrounding zoning, general plan land use designations and existing uses are denoted in the following table.

Table 1: Surrounding zones, general plan designations and existing land uses

	Zone	General Plan	Land Use
North	P	Neighborhood Community Commercial, School & Office	Pharmacy, School (Montessori of PS) & Vacant Lands
South	R-1-B	Medium Density Residential	Multi-family Residential (Sagewood)
East	O	Neighborhood Community Commercial	Open Space (Retention Basin)
West	P	Public / Quasi-Public	Non-Profit (Desert AIDS Project)




AERIAL PHOTO SHOWING PROJECT SITE AND SURROUNDING DEVELOPMENT


Several of the immediately adjacent businesses have various types of licenses for the sale and consumption of alcohol, including Stater Brother's Grocery Store, Arco Gas Station and Walgreen's Pharmacy. There is a school immediately north of the site at 1800 East Vista Chino Road (Montessori Elementary School of Palm Springs).

The applicant states that the beer and wine license will primarily be used to sell wine. The applicant further states that the wine will occupy less than 2% of the store's total square footage. Based on this description, staff believes the proposed proposal is incidental to overall retail store operation and recommends approval of the subject request.

FISCAL IMPACT:

No Fiscal Impact.


Craig A. Ewing, AICP,
Director of Planning Services


Thomas J. Wilson,
Assistant City Manager


David H. Ready, City Manager

Attachments:

1. 400' Vicinity Map
2. Draft Resolution
3. Letter of Request from applicant

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE FOR OFF SITE CONSUMPTION (TYPE 20 ALCOHOL LICENSE) AT A RETAIL STORE LOCATED AT 1717 EAST VISTA CHINO ROAD, ZONE C-S-C, SECTION 12/T4/R4.

WHEREAS, Dollar Tree Stores Inc. ("Applicant") has requested the adoption of a Resolution of Public Convenience and / or Necessity for a Type 20 alcohol license to sell beer and wine for off-site consumption at an existing retail food store located at 1717 East Vista Chino Road, APN 507-301-034, Zone C-S-C, Section 12/T4/R4; and

WHEREAS, the Applicant proposes to sell beer and wine as part of an existing retail food store; and

WHEREAS, the City Council is being asked to adopt a Resolution of Public Convenience pursuant to the requirements of the Alcoholic Beverage Control Board (ABC); and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the request for a Resolution of Public Convenience, including but not limited to the staff report and all written and oral testimony, and

WHEREAS, the applicant has made an application to the State of California Alcoholic Beverage Control Board for a Type 20 license to sell beer and wine for consumption off-premises at a retail food store located at 1717 East Vista Chino Road.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council finds that a Type 20 liquor license (Off Sale Beer & Wine) at 1717 East Vista Chino Road, serves the Public Convenience.

ADOPTED THIS 1st DAY OF DECEMBER, 2010.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

PLRC

5.1253 PCN

Permits and Licenses Resource Center
1030 Mountain Avenue #190
Ontario, CA 91762
(866) 467-1880 . Fax: (866) 467-1867

October 20, 2010

VIA U.S. MAIL

ATTN: Craig Ewing
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, California 92262

RE: Request for Public Convenience and/or Necessity
Dollar Tree Stores Inc.
1717 East Vista Chino, Suite J, Palm Springs, California 92262

Dear Mr. Ewing

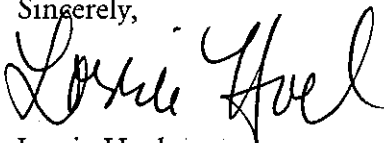
PLRC is acting as the consultant to Dollar Tree Stores Inc. for the Public Convenience and/or Necessity application for the above address. Enclosed, please find the paperwork necessary for this application.

If there is anything you need to mail to my client, please send it (or a copy) to me at:

Lorrie Hoel
PLRC
13127 Chukar Ct
Chino, California 91710

Thank you for your assistance. Please do not hesitate to contact me at 909-519-1899, if you have any questions.

Sincerely,



Lorrie Hoel
Lorrieann63@yahoo.com
Phone: 909-821-2762
Fax: 310-943-7646

Enclosures

RECEIVED

OCT 25 2010

PLANNING SERVICES
DEPARTMENT

507-301-024 CSC 12/4/4

09

CITY OF PALM SPRINGS STATEMENT OF JUSTIFICATION FOR PCorN

1717 East Vista Chino, Suite J, Palm Springs, California 92262

Dollar Tree Stores Inc. was founded in 1986 in Dalton, Georgia and now has more than 500 Variety Stores open in the United States. Dollar Tree Stores Inc. is a publicly traded company and continues to grow strong. Dollar Tree Stores offers a different shopping environment and a unique mix of merchandise and services (i.e., large selection of food items, electronic appliances, health and beauty aids, etc.), and ambience. This store has been designed as a clean, well-lit and organized store with merchandise offerings of hundreds of items including high-end, closeout bottles of wine that will occupy less than 2% of the store's total square footage.

Dollar Tree is located on a commercially zoned and developed section of Vista Chino and Sunrise Way. The surrounding area has compatible and similar uses as that of the proposed use. The subject property is classified as commercial. The property is located and designed to encourage business and job growth within the city. We offer a variety of items for customers to choose from. Parking is provided on site.

The applicant is requesting PCN findings for the sale of Beer and Wine for off-sale consumption. As previously stated, the applicant is only seeking to sell high-end, closeout bottles of wine. It is the applicant's intent to offer customers a unique way of creating gourmet gift packages with one-stop shopping benefits. Since there is no offering of this kind in the immediate area, our customers will benefit from this feature.

In addition, the applicant is willing to condition their license stating no beer sales at this location. These conditions will set us apart from our competitors.

The requested use at the proposed location will not adversely affect the economic welfare of the nearby community. This request will only benefit the community. We offer an up-scale variety store to the community. We employ approximately 10 – 15 people at each of our locations. The hours of operation are limited to 8:00 am – 9:00 pm, 7 days a week.

This location will not be materially detrimental to the use and enjoyment of property of other persons located in the vicinity of the site. Residential zoned and developed properties are buffered from site and sound of other surrounding businesses, streets and alleys. This proposed request would have no noise impact beyond what normally occurs for this type of use.

The approval of these findings will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. Since this business is unique in the immediate area. Traffic will not be an issue at this subject property. This will only enhance the thriving area of this community. In addition, this business will bring jobs within the community to create economic growth in this area.

**CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA**



**MINUTES EXCERPT
WEDNESDAY, DECEMBER 1, 2010**

5. NEW BUSINESS:

5.A. REQUEST BY DOLLAR TREE, INC. FOR A RESOLUTION OF PUBLIC CONVENIENCE TO SELL BEER AND WINE FOR CONSUMPTION OFF PREMISES (TYPE 20 ALCOHOL LICENSE) AT THE EXISTING DOLLAR TREE STORE LOCATED AT 1717 EAST VISTA CHINO ROAD:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated December 1, 2010.

MOTION: Adopt Resolution "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE FOR OFF SITE CONSUMPTION (TYPE 20 ALCOHOL LICENSE) AT A RETAIL STORE LOCATED AT 1717 EAST VISTA CHINO ROAD, ZONE C-S-C, SECTION 12/T4/R4." **Motion Councilmember Weigel, seconded by Mayor Pro Tem Hutcheson and failed 2-1 on a roll call vote.**

AYES: Councilmember Weigel, and Mayor Pro Tem Hutcheson.

NOES: Mayor Pougnet.

ABSENT: Councilmember Foat and Councilmember Mills.

No action taken, will be placed on the December 15, 2010 Agenda.