

County of San Diego
BORREGO SPRINGS COMMUNITY SPONSOR GROUP
SPECIAL MEETING AGENDA
Tuesday October 29, 2013 at 4:30 P.M.
Borrego Springs High School Community Room
2281 Diegueno Road, Borrego Springs, California

Administrative Items

- A. Call to Order
- B. Roll Call of Members
- C. Approval of the Agenda
- D. Members' review of maps and other printed materials for meeting: 15 minutes
- E. Public Comment: an opportunity for members of the public to speak to the Sponsor Group on any subject matter within the group's jurisdiction that is not already on today's agenda, with a time limit of three minutes (3:00) per speaker.

Action Items

- A. PDS2013-ABC-13-004-PDS-PLN-655 Desert Pantry Grocers LLC Discretionary Permit Application for Determination of Public Convenience and Necessity for Alcoholic Beverage Application. Group discussion and possible recommendation to PDS Director with regard to compliance of the application with Policy Criterion #2 of Board of Supervisors Policy I-121, concerning neighborhood compatibility.

Non-Action Items

- A. Reminder – **the regular meeting and Study Groups Workshop meeting scheduled for Thursday, November 7, 2013 have been canceled.** The next regular meeting will occur at 4:30 P.M. on Thursday, December 5, 2013. The next Study Group Workshop meeting will occur at 3:15 P.M., prior to the regular meeting.

The next regular meeting will be held December 5, 2013 at 4:30 P.M. at the Borrego Springs High School Community Room, 2281 Diegueno Road, Borrego Springs, CA 92004. **If this Agenda is revised, a revised copy will be posted 72 or more hours prior to the meeting. The final Agenda may include additional Administrative or Non-Action items.** For further information contact the Chair at Rich@BorregoValleyInn.com or (760) 767-3319. Address all U.S. Mail to: Rich Caldwell, Chair, Borrego Springs Community Sponsor Group, P.O. Box 1371, Borrego Springs, CA 92004-1371.



County of San Diego, Planning & Development Services
DISCRETIONARY PERMIT APPLICATION
 FOR DETERMINATIONS OF PUBLIC CONVENIENCE OR NECESSITY FOR
 ALCOHOLIC BEVERAGE LICENSE APPLICATIONS
ZONING DIVISION

RECORD ID(S): PDS2013-ABC-13-004

	Planning	LD Review Teams	DEH	Trails Review	Other
Fees	_____ +	_____ +	_____ +	_____ +	_____ +
Deposits	<u>955</u> +	_____ +	_____ +	_____ +	_____ +
TOTAL FEES AND INITIAL DEPOSIT: \$		<u>955</u>			

OWNER'S NAME Desert Pantry Grocers LLC Phone: 760-767-1016

Mailing Address: PO Box 2532, Borrego Springs, CA 92004

APPLICANT'S NAME: Kerry Hunsinger Phone: cell 760-522-3224

Mailing Address: PO Box 1551, Borrego Springs, CA 92004

PREMISE ADDRESS: 587 Palm Canyon Drive Suite 105-107, Borrego Springs, Ca 92004

PREMISE PHONE: 760-767-1016

- Premise Assessor's Parcel Number: 1980204800
- Premise Census Tract: 0210.00
- ABC License Type: 20
- Type of Business (bar, mini-mart, gas station, etc.):
Grocery Store
- Describe uses/activities that will be included as part of the business:
Sale of groceries
- New or existing business? New Business, *If in an existing building, provide an exterior photo.*
- Previous ABC licenses at this address? None

5510 OVERLAND AVE, SUITE 110, SAN DIEGO, CA 92123 • (858) 565-5981 • (888) 267-8770

<http://www.sdcountry.ca.gov/pds>

PDS-655 (09/21/2012)



SDC PDS RCVD 09-30-13

ABC13-004

8. Have you had previous licenses at other sites? NO Where?

9. Number of other retail outlets (stores, bars, restaurants, etc.) selling alcohol within a 1,000 foot radius of proposed site?

Restraunts	3
Grocery Stores	1
Liquor Store	1
Retail Clothing/goods	1

Total 6

10. Location of nearest dwelling units within 1,000 feet:

700 feet west of store entrance is Vista Villas, a 28 unit condo complex.

11. Location and names of schools within 1,000 feet:

None

12. Location and names of playgrounds, youth facilities or day care facilities within 1,000 feet:

None

APPLICANT'S STATEMENT

Attach a statement or explain below why Public Convenience or Necessity would be served by the issuance of this proposed alcoholic beverage license.

As 1 of only 2 grocery stores in the community of Borrego Springs (and a 45 miles radius) we offer low prices and value to the residents of Borrego by bringing competition to the community and weekly sale ads. We maintain a weekly mail ad which offers many sales to the community and these ads include beer and wine. Items contained in these ads are governed by our distributor, Unified Grocers. Offering basic beer and wine at a grocery store brings added convenience to our customers, most of who are retired seasonal residents wintering here. Increased sales at the store mean more jobs for our community.

Note: Basing the number of liquor license allowed in area by census records might work for other areas, but not for Borrego Springs. Our current census reports 3,500 fulltime residents. This is strictly the summer population. Our winter population is approximately 14,000. Using property tax records would give you a better idea of the population in Borrego as most of our residents maintain second homes here in Borrego.

Tom 2 Hernandez
Signature of Owner / Authorized Agent
(Attach a Letter of Authorization for any Agent)

9/22/13
Date

**** OFFICIAL USE ONLY ****

Thomas Guide Page/ Grid: 1078Jd Community Plan Area: Borrego Springs

Planning/ Sponsor Group: Borrego Springs Supervisor District: 5

Use Regulations at the site: C36

Is the proposed use permitted by the Use Regulations applying to the site? yes

Unresolved Health or Building Code violations of record at the site? _____

Technician's Comments: _____

Reviewed by: A. Robles

Date: 9/25/13

PUBLIC CONVENIENCE OR NECESSITY

by:

LOCAL GOVERNING BODY

- Carlsbad..... Chief of Police
- Del Mar..... Dept. Planning/Community Develop.
- Encinitas..... Comm. Development Dept.-Planning
Bill Weedman-- #(760) 633-2711
- Escondido..... Chief of Police
- Oceanside..... Chief of Police
- Poway..... San Diego County S.O-Poway Station
- San Diego..... San Diego Police Dept.-Vice Division
- San Marcos..... City (Council)
- Solana Beach..... City (Council)
- Vista..... Planning Dept.
- Uninc. Area..... Director of the County Department
of Planning and Land Use
5201 Ruffin Road Suite B
San Diego, CA 92123

FORM PER SECTION 23958.4

for Off-Sale, Public Premises & On-Sale Beer (Type 40) Licenses ⁺¹⁰⁷

PREMISES ADDRESS: 587 Palm Canyon Dr, ste 105, Borrego Springs, CA

LICENSE TYPE: 20-off sale Beer & Wine 92004

TYPE OF BUSINESS (i.e. Bar, Store, Gas Station, etc.): Grocery Store

CENSUS TRACT # 210

NUMBER OF LICENSES ALLOWED 2 NUMBER EXISTING 13

CRIME REPORTING DISTRICT # _____ *Unincorporated Crime Stats not kept*

DIST. AVERAGE _____ x 120% = _____ = HIGH CRIME (20% over average)

CRIMES IN THIS REPORTING DISTRICT _____ OR _____ %.

The above premises is located in an area which has an over concentration of alcoholic beverage licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code.

WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE? YES NO

COMMENTS: (Optional) _____

Name of City/County Official & Title Phone Number of City/County Official
(Please Print)

Signature of City/County Official Date

Under the penalty of perjury, I declare the information in this affidavit is true to the best of my knowledge. I acknowledge that any false or misleading information will constitute grounds for denial of the application for the license or if the license is issued in reliance on information in this affidavit which is false or misleading, then such information will constitute grounds for revocation of the license so issued.

APPLICANT'S SIGNATURE: Kerry L Hunsinger DATE: 9/22/13

APPLICANT'S NAME: (Please Print) KERRY LHUNSINGER

OFFICIALS : MAIL COMPLETED FORM TO: DESERT PANTRY GROCERS
PO BOX 2532, Borrego Springs, CA
(APPLICANT'S MAILING ADDRESS) 92004



**California Department of Alcoholic Beverage Control
For the County of SAN DIEGO - (Off-Sale Licenses)
and Census Tract = 210**

Report as of 8/12/2013

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	254301	ACTIVE	20	12/17/1990	1/31/2014	MCGUIRESTUMPF, DORIS M 525 PALM CANYON DR BORREGO SPRINGS, CA 92004 Census Tract: 0210.00	XL CO	PO BOX 1254 BORREGO SPRINGS, CA 92004	3700
2)	314632	ACTIVE	20	5/21/1996	4/30/2014	GRAMCKO, FRED R 5525 SPLIT MOUNTAIN RD BORREGO SPRINGS, CA 92004 Census Tract: 0210.00	SPLIT MOUNTAIN PARK		3700
3)	345485	ACTIVE	20	12/18/1998	11/30/2013	DESERT IRONWOODS RESORT INC 4875 HIGHWAY 78 BORREGO SPRINGS, CA 92004 Census Tract: 0210.00	DESERT IRONWOODS		3700
4)	416568	ACTIVE	20	9/27/2004	8/31/2013	SPRINGS LLC THE 2255 DI GIORGIO RD BORREGO SPRINGS, CA 92004 Census Tract: 0210.00	SPRINGS AT BORREGO RV RESORT THE	PO BOX 70 BORREGO SPRINGS, CA 92004-0070	3700
5)	432718	ACTIVE	20	1/13/2006	12/31/2013	MALLARD INVESTMENTS III LLC 221 PALM CANYON DR BORREGO SPRINGS, CA	PALM CANYON RESORT	PO BOX 2482 BORREGO SPRINGS, CA 92004	3700

Ocotillo wells

Ocotillo wells

						92004 Census Tract: 0210.00			
6)	<u>442273</u>	ACTIVE	21	8/30/2006	7/31/2014	BARKAT, LOUNA 649 PALM CANYON DR BORREGO SPRINGS, CA 92004 Census Tract: 0210.00	VILLAGE LIQUORS	PO BOX 2360 BORREGO SPRINGS, CA 92004	3700
7)	<u>444695</u>	ACTIVE	20	10/26/2006	9/30/2013	SCHULTZ, BENJAMIN 39545 GRT SO OVLND STG RTE OF 1849 JULIAN, CA 92036 Census Tract: 0210.00	AGUA CALIENTE GENERAL STORE	PO BOX 301 JACUMBA, CA 91934- 0301	3700
8)	<u>449312</u>	ACTIVE	20	3/5/2007	2/28/2014	BUTTERFIELD RANCH INC 14925 GREAT SOUTHERN OVERLAND, STE 1 JULIAN, CA 92036 Census Tract: 0210.00	BUTTERFIELD RANCH GENERAL STORE	13465 CAMINO CANADA, SUITE 106 EL CAJON, CA 92021	3700
9)	<u>452044</u>	SUREND	20	5/22/2007	4/30/2014	BVF INVESTORS LLC 655-675 PALM CANYON DR W BORREGO SPRINGS, CA 92004 Census Tract: 0210.00	BORREGO VALLEY FOOD	15301 VENTURA BLVD, STE 570 BLDG B SHERMAN OAKS, CA 91403- 6650	3700
10)	<u>475013</u>	ACTIVE	20	3/24/2009	2/28/2014	MACKERCHAR, RICHARD THOMAS 755 PALM CANYON DR BORREGO SPRINGS, CA 92004-5004 Census Tract: 0210.00	MACS DESERT AUTO SERVICE		3700
11)	<u>478471</u>	ACTIVE	20	6/12/2009	8/31/2013	BIRCHMARK INC 579 E PALM CANYON DR BORREGO SPRINGS, CA 92004 Census Tract:	BORREGO OUTFITTERS	PO BOX 10 BORREGO SPRINGS, CA 92004- 0010	3700

30-40 miles
Away

30 miles
Away

ART
Gallery

						0210.00			
12)	<u>529907</u>	ACTIVE	21	4/2/2013 4:32:29 PM	3/31/2014	BILLY ZMITH, LLC 590 PALM CANYON DR, STE 101 BORREGO SPRINGS, CA 92004 Census Tract: 0210.00	BOTTLE SHOPPE	PO BOX 935 BORREGO SPRINGS, CA 92004- 0935	3700
13)	<u>529912</u>	ACTIVE	20	4/3/2013 8:50:48 AM	3/31/2014	BILLY ZMITH, LLC 590 PALM CANYON DR, STE 312 BORREGO SPRINGS, CA 92004 Census Tract: 0210.00	CENTER MARKET	PO BOX 935 BORREGO SPRINGS, CA 92004- 0935	3700

--- End of Report ---

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

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Procedure for Determining Public Convenience or Necessity for Alcoholic Beverage License Applications

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Purpose

To establish criteria and a procedure for making determinations of public convenience or necessity for alcoholic beverage license applications consistent with the requirements of Section 23958.4 of the State Business and Professions Code.

Background

In 1994, the Legislature added Section 23958.4 to the State Business and Professions Code which provides that cities and counties review certain alcoholic beverage license applications in areas having an "undue concentration" of such beverage licenses. Local jurisdictions are to determine whether public convenience or necessity would be served by the issuance of these licenses and inform the Department of Alcoholic Beverage Control.

Policy

It is the policy of the Board of Supervisors that the Director of the Department of Planning and Development Services or, upon appeal, the Planning Commission, shall determine public convenience or necessity for alcoholic beverage license applications. The following criteria and procedure shall be used in making such determinations:

Criteria:

1. The Sheriff's Department has determined that approval, or conditional approval, of the proposed retail outlet will not negatively influence the rate of criminal activity in the neighborhood. In making this determination, the Sheriff has considered factors such as the incidence of:

- a. Loitering and vandalism.
- b. Public drinking and drunkenness.
- c. Illegal drug usage and sales.
- d. Theft and violent behavior.

2. The County has determined that the proposed retail outlet is compatible with neighborhood character and would be of benefit to the neighborhood. In making this determination, the Planning Director or the Planning Commission has considered factors such as:

- a. Proximity and number of other retail outlets selling alcohol.
- b. Proximity of the retail outlet to schools, playgrounds, and other facilities serving young people.

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- c. Proximity of the retail outlet to residential neighborhoods.
- d. Whether the retail outlet provides: (1) a wide range of desirable goods and services; or (2) a unique type of goods or services.

3. The Planning Director has verified that the establishment for which the alcoholic beverage license is requested has no Building Code or Health Code violations of record, and is permitted by the applicable use regulations of the County Zoning Ordinance.

Procedure

1. The applicant shall file with the Department of Planning and Development Services: a) the application form from the Department of Alcoholic Beverage Control; b) the County application form and fee; and c) a statement as to why the license application should qualify for a determination of public convenience or necessity.

2. A copy of the application shall be sent to the Sheriff's Department for comment. The Sheriff's response to the Department of Planning and Development Services will include their determination as to whether the application will negatively influence the rate of criminal activity in the neighborhood.

3. A copy of the application shall also be sent to the applicable planning or sponsor group and to the Health Department. The group shall have 30 days to provide a recommendation (optional) with regard to compliance of the application with Policy Criterion #2 concerning neighborhood compatibility.

4. The Department of Planning and Development Services shall verify that the establishment requesting the license has no Building or Health Code violations of record and conforms to the applicable Zoning Ordinance use regulations. A site visit may be made.

5. The Planning Director shall make a decision as to whether a determination of public convenience or necessity can be made based on the criteria above. This decision shall be made within 35 days of the date of filing of a complete application unless a written request for postponement has been received from the applicant.

6. The Planning Director's decision shall be transmitted in writing to the Department of Alcoholic Beverage Control, the applicant, and the planning or sponsor group.

7. The decision of the Planning Director may, within ten days of the date of that decision, be appealed in writing by the applicant or the planning or sponsor group to the Planning Commission. An applicant shall pay the appeal fee specified by the County Administrative Code.

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8. When the appeal is received by the Department of Planning and Development Services, the Secretary of the Planning Commission shall schedule the matter for next available Planning Commission meeting. The Director shall provide the Planning Commission with a written brief on the matter and the written appeal.

9. The Planning Commission shall consider the matter and render a decision regarding the determination of public convenience or necessity. The decision of the Planning Commission shall be final.

10. The decision of the Planning Commission shall be transmitted in writing to the Department of Alcoholic Beverage Control and to the license applicant.

11. The Department of Planning and Development Services will take no further action concerning a license application. However, a planning or sponsor group shall not be prevented by this Policy from appealing directly to the Department of Alcoholic Beverage Control following a Planning Commission decision.

Sunset Date

This Policy will be reviewed for continuance by December 31, 2017.

Board Action

5/15/96 (4)

06-23-04 (12)

12-09-08 (33)

11-10-10 (7)

09-25-12 (11)

CAO Reference

1. Department of Planning and Development Services
2. Sheriff's Department
3. Department of Health and Human Services