



## *The County of San Diego*

# Planning Commission Hearing Report

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<b>Date:</b>	March 20, 2020	<b>Case/File No.:</b>	Appeal of Thrifty/Rite-Aid Type 21 ABC License; PDS2019-ABC-19-002
<b>Place:</b>	County Conference Center 5520 Overland Avenue San Diego, CA 92123	<b>Project:</b>	Appeal of approved Alcoholic Beverage Control (ABC) license
<b>Time:</b>	9:00 a.m.	<b>Location:</b>	28535 Cole Grade Road, Valley Center
<b>Agenda Item:</b>	#1	<b>General Plan:</b>	General Commercial
<b>Appeal Status:</b>	No further appeals available	<b>Zoning:</b>	General Commercial (C36)
<b>Applicant/Owner:</b>	Thrifty Payless/Rite-Aid Inc.	<b>Community:</b>	Valley Center Community Plan Area
<b>Environmental:</b>	Not subject to CEQA	<b>APN:</b>	188-250-19-00

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## A. EXECUTIVE SUMMARY

### 1. Introduction

The purpose of this staff report is to provide the Planning Commission with the information necessary to consider an appeal of the Determination of Public Convenience or Necessity Determination (Determination) made by the Director of Planning & Development Services (PDS) on November 15, 2019.

On August 22, 2019, a Rite-Aid store and pharmacy located in the Valley Center Community Plan area submitted a request for a Type 21 Alcoholic Beverage Control (ABC) license to allow the sale of beer, wine, and spirits for off-site consumption.

To obtain a Type 21 ABC license, prior to submittal to the County, the applicant submits an application to the State ABC Department. During processing, if the State determines that the census-tract in which the proposed license is located has an over-concentration of either existing ABC licenses or reported crime, the State requests that the local governing agency follow Business and Professions Code (BPC) Section 23958.4 (Attachment I) to make a Determination for the proposed license. The local governing agency does not grant a requested ABC license, but makes a Determination, or recommendation, that the State ABC Department must act on.

County of San Diego Board of Supervisors Policy I-121 (Attachment H) details the processing of proposed ABC license projects in the unincorporated County, and provides three criteria that must be satisfied in order for the County to determine that public convenience or necessity will be served

by the ABC license. PDS, the Sheriff's Department, and Health and Human Services Agency all coordinate on the review. PDS makes findings related to the impact on crime in the neighborhood, compatibility with community character, and any building or health code violations existing on the site, taking into consideration the Sheriff's Department's recommendations and input from Health and Human Services. If PDS determines that public convenience or necessity will be served by the issuance of a requested ABC license, it transmits the Determination to the State ABC Department who will then grant the requested license and may impose the Sheriff's Department's recommended conditions on the license.

The Planning Commission is asked to consider the appeal of the Director's Determination made by the Valley Center Community Planning Group on December 9, 2019.

This report describes the following: ABC license proposal, analysis and discussion, community planning group input, and the PDS recommendation.

## 2. Requested Actions

Staff recommends that the Planning Commission take the following action:

Deny the Valley Center CPG appeal and uphold the Director's Determination of Public Convenience or Necessity for the proposed Type 21 ABC license (Attachment C).

## B. DEVELOPMENT PROPOSAL

### 1. Project Description

The applicant requests a Type 21 Alcoholic Beverage Control (ABC) license to allow the sale of beer, wine, and spirits for off-site consumption for the Rite-Aid store and pharmacy located at 28535 Cole Grade Road in the Valley Center Community Plan area within the unincorporated County (Figure 1). The Rite-Aid store Site Plan was approved by the Director of PDS in 2018 and was subsequently appealed to the Planning Commission by the Valley Center Community Planning Group (CPG). The Valley Center CPG appeal was denied by the Planning Commission on August 3, 2018 by a vote of 6-0-1 (ayes, noes, absent). The store, which opened on January 23, 2020, is located on 1.16 acres and contains approximately 11,872 square feet (SF) of retail space with associated parking, landscaping, and a drive-through pharmacy.

The property is within census-tract 191.06 which encompasses approximately 30 square miles (Figures 2 & 3). The State ABC Department uses census-tracts, a geographic region defined for taking a census, and population data to determine how many ABC licenses can be granted in a census-tract, before becoming over-concentrated with ABC licenses. One license for off-site sales is considered for each group of 1,614 persons. Based on population, census-tract 191.06 is allowed five off-sale ABC licenses before being considered by the State to be over-concentrated. At the time of the Rite-Aid ABC license submittal, the census-tract had five existing licenses: four Type 20 licenses (sale of beer and wine for off-site consumption) and one Type 21 license (sale of beer, wine and spirits for off-site consumption).

The process for obtaining an ABC license begins with the State ABC Department. If the State determines that a determination is required, the applicant is instructed to obtain this Determination from the County. Upon submittal to PDS, staff reviews the request under the guidelines in Board

Policy I-121, to determine if findings related to impacts on crime in the area, compatibility with community character, and the existence of building or health code violations on the property can be made.

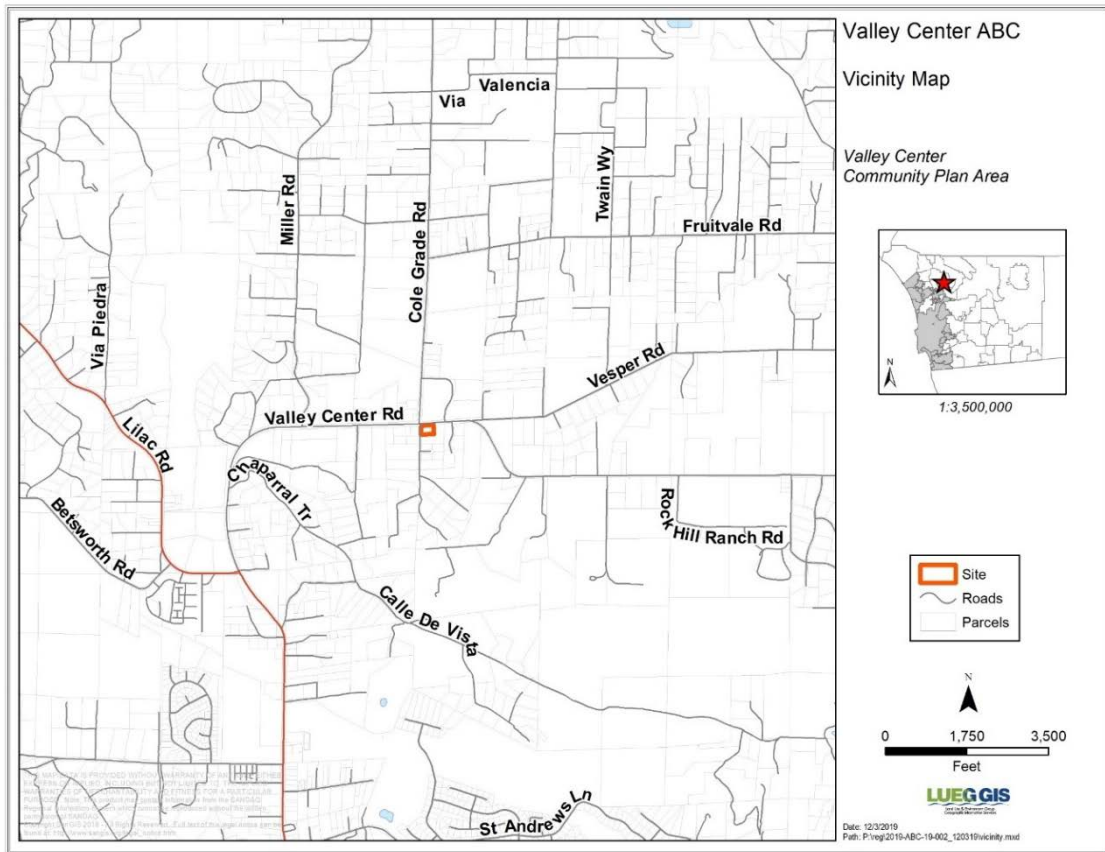


Figure 1: Vicinity Map

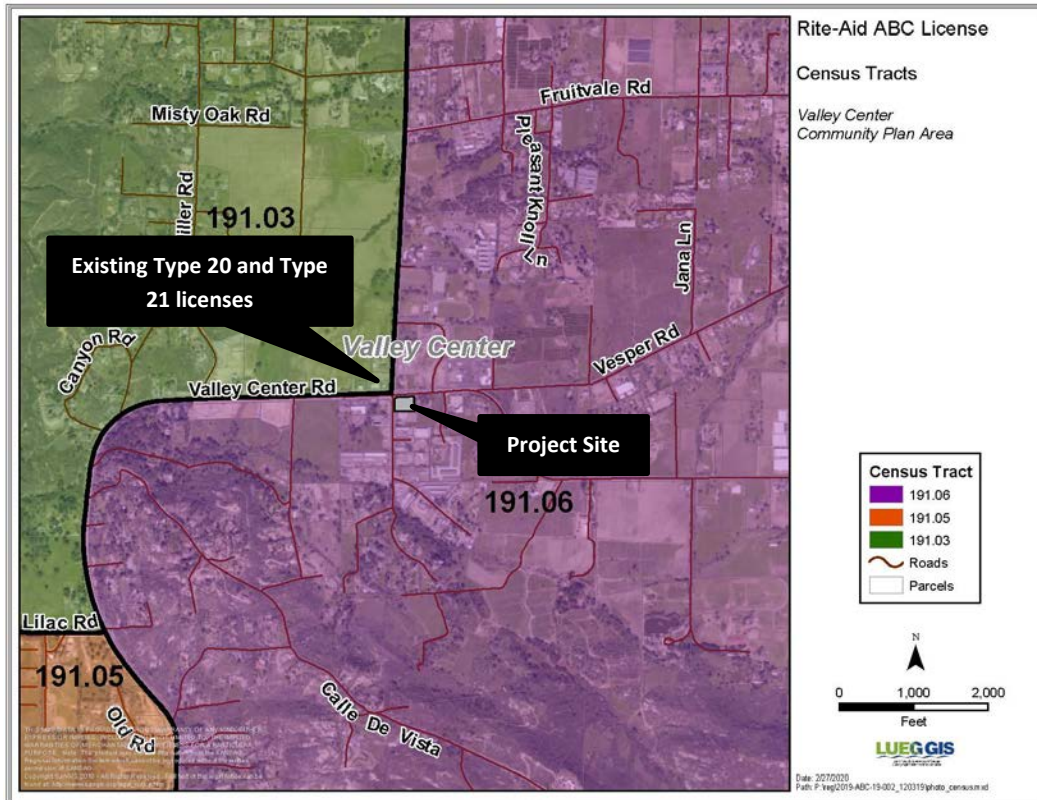


Figure 2: Census Tracts

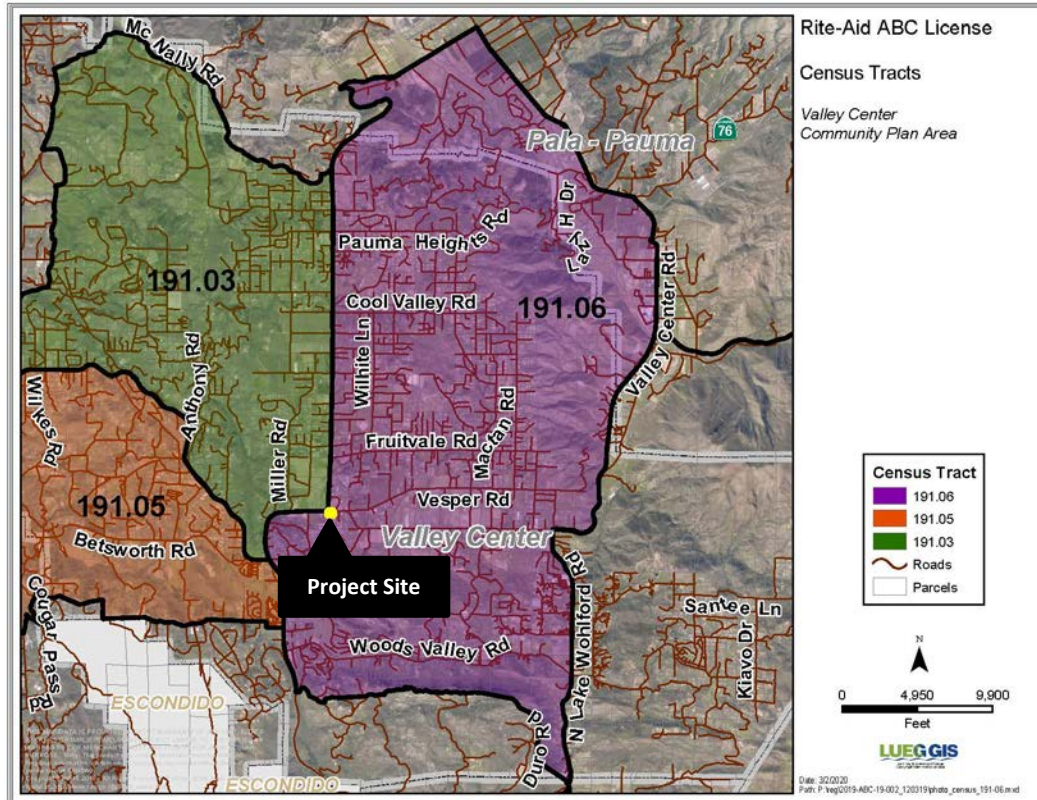


Figure 3: Census Tracts



## 2. Subject Property and Surrounding Land Uses

Rite-Aid is bound by Cole Grade Road to the west and Valley Center Road to the north. Land uses surrounding the site are primarily commercial shopping centers and light industrial uses, with one single family home identified directly north of the project site (Figure 4). Other uses include a church, parks, and office space, including the Valley Center Municipal Water District offices, located approximately 0.2 mile east of Rite-Aid. A daycare center is located approximately 250 feet east of the Rite-Aid store, buffered by a concrete masonry wall and landscaping.

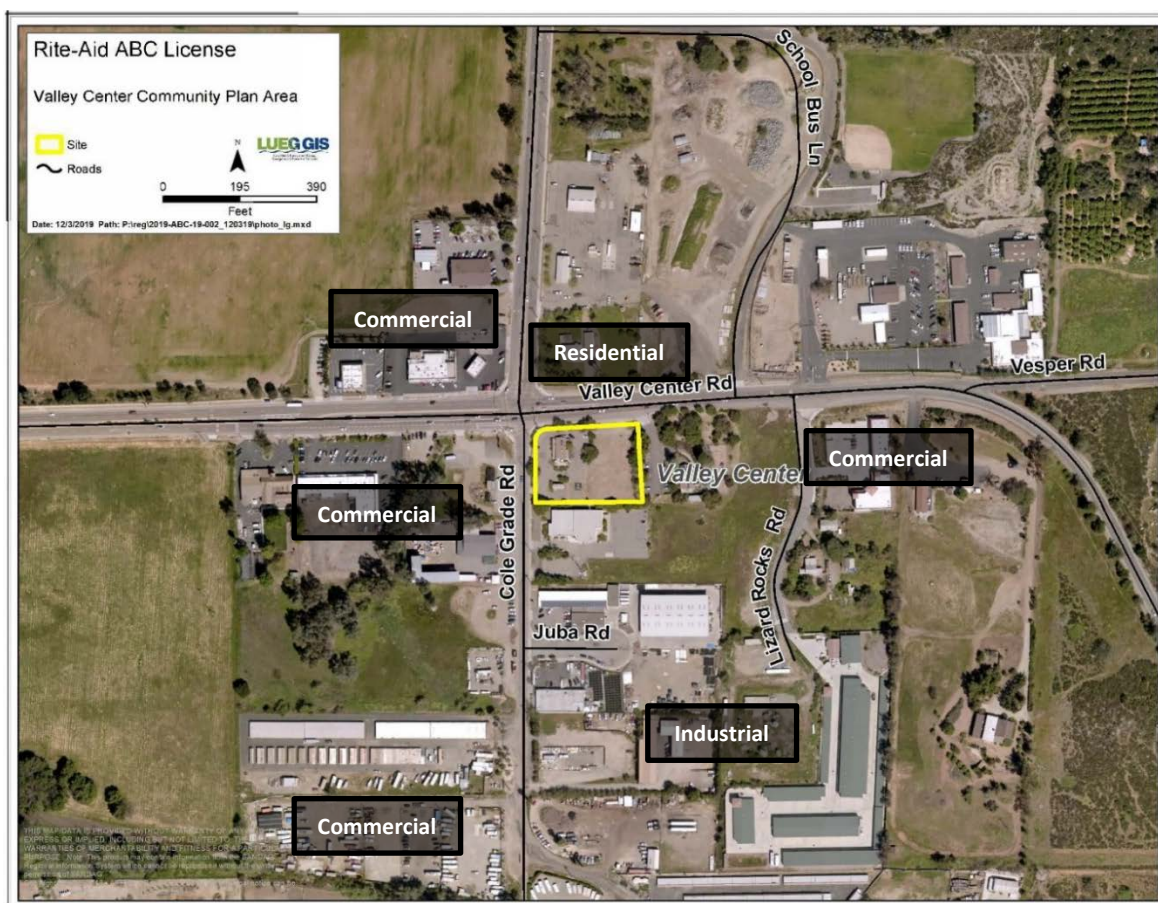


Figure 4: Surrounding Land Uses

A convenience store with an existing Type 21 ABC license is located northwest of the project site, which falls within census tract 191.03 as seen in Figure 2. The existing five ABC licenses within census tract 191.06 include four Type 20 licenses and one Type 21 license. The Type 20 licenses are located at a gas station approximately 340 feet away, a 7 Eleven store approximately 4.8 miles away, a general store approximately 2.5 miles away, and a market approximately 5.4 miles away. The Type 21 license is located at a grocery store approximately 1.5 miles away from the Rite-Aid store.

The General Plan Regional Category for the site is Village, and the General Plan Land Use Designation is General Commercial. Zoning for the site is General Commercial (C36), which is intended for a wide variety of Civic and Commercial use types, including food and beverage retail sales.

Please refer to Attachment A – Planning Documentation, for maps of surrounding land uses and zoning designations.

*Table B-1: Surrounding Zoning and Land Uses*

Location	General Plan	Zoning	Adjacent Streets	Description
North	Open Space	RR	Cole Grade Road	Light Industrial/Public Utilities
East	General Commercial	C36	Valley Center Road	Commercial
South	Medium & Light Impact Industrial	M52/M54	Cole Grade Road	Industrial/Commercial
West	General Commercial	C34/C36	Valley Center Road	Commercial

## C. ANALYSIS AND DISCUSSION

### Key Requirements for Requested Actions

Does the Determination for the proposed Type 21 ABC license meet the following criteria from Board Policy I-121:

- Will not negatively influence the rate of criminal activity in the neighborhood.
- Is compatible with neighborhood character and would be of benefit to the neighborhood.
- The establishment has no Building Code or Health Code violations, and that the use is permitted by the applicable use regulations of the County Zoning Ordinance.

The project has been reviewed for conformance with Board Policy I-121; no other ordinances or guidelines are relevant for this project type. Concerns from neighbors were raised relating to compatibility with neighborhood character as discussed in the following sections.

### 1. Factors for Public Convenience or Necessity Determination

In accordance with Board Policy I-121, findings must be made for the Determination of any proposed ABC license. Below is a discussion of each of the three criteria and staff's analysis.

#### a. Influence on Rate of Criminal Behavior

The Sheriff's Department determines that approval or conditional approval of the proposed ABC license sought by the retail outlet will not negatively influence the rate of criminal activity in the neighborhood. The Sheriff considers the following factors: (1) loitering and vandalism; (2) public drinking and drunkenness; (3) illegal drug use and sales; and (4) theft and violent behavior.

Analysis: The Sheriff's Department provided a letter stating that when properly conditioned by the State ABC, there is no reason to believe that the issuance of the proposed license will have a negative influence on crime related to loitering and vandalism, public drinking and drunkenness, illegal drug use and sales, and theft and violent behavior in the area pursuant to Board Policy I-121.

To make this determination, service calls made to the Sheriff's Department within a quarter-mile radius of the store were analyzed. The data showed that from January 1, 2017 to January 18, 2019, there were 323 total calls made for service: 26 were for incidents where persons were under the influence of drugs or alcohol, 14 were for petty theft or violent behavior, and two were for loitering and vandalism. This number of service calls is below average for a rural area, and the Sheriff does not anticipate the proposed license to have a negative influence on crime if approved, with the inclusion of conditions related to the hours of alcohol sales and the sizes of containers for certain types of spirits. Specifically, they request that no 'airline container' sized bottles (i.e. 50mL or less) are available for sale. Ultimately, the State ABC Department makes a determination on the inclusion of recommended conditions as part of the Type 21 ABC license.

b. **Compatibility with Neighborhood Character and Neighborhood Benefit**

The County determines whether the proposed ABC license is compatible with neighborhood character and if it would be of benefit to the neighborhood. Factors that are considered by the Director of Planning & Development Services include: (1) proximity and number of other outlets selling alcohol; (2) proximity of the retail outlet to schools, playgrounds, parks and other facilities serving young people; (3) proximity of the retail outlet to residential neighborhoods; and (4) whether the retail outlet provides a wide range of desirable goods and services, or a unique type of goods and services to the community.

Analysis: PDS reviewed the ABC license application for neighborhood compatibility and determined that the ABC license would be compatible with neighborhood character based on the following:

**Proximity and Number of Other Outlets Selling Alcohol:** In census tract 191.06, which is approximately 30 square miles, there are four existing retail outlets with a Type 20 ABC license, and one with a Type 21 ABC license. Four of the five existing licenses in the census tract are more than 1.5 miles away from the Rite-Aid store. The fifth license is approximately 340 feet away, located in a gas station northwest of the Rite-Aid store. Another retail establishment within 1,000 feet of the Rite-Aid store has a Type 21 license but lies within census tract 191.03. PDS determined that this is not an excessive number of outlets selling alcohol. Members of the public, including the Valley Center Community Planning Group (CPG), expressed concern with the over-concentration of ABC licenses in the area. On October 14, 2019, the CPG voted to recommend approval of a Type 20 ABC license, which would allow Rite-Aid to sell beer and wine only.

**Proximity to Schools, Playgrounds, and Other Facilities Serving Young People:** State ABC guidelines may deny ABC licenses for establishments that are within 600 feet of a K-12 school. PDS analyzed a 1,000-foot radius around the Rite-Aid store; this distance was chosen as the maximum distance which could reasonably be impacted by the sale of alcohol since Board Policy I-121 does not specify any minimum distance an establishment must be from a school, playground, or youth facility. There are no schools or playgrounds within 1,000 feet of the Rite-Aid store. The nearest park is Cole Grade Park baseball diamond, approximately 700 feet away, and the store is located approximately 1,700 feet from the Valley Center Elementary School. The Valley Center Community Church is located to the west approximately 850 feet. A daycare, High Sierra Academy, is directly east of the store, though it is buffered by a concrete masonry wall and landscaping. There are no other schools, playgrounds, or facilities serving youth within a one-half mile radius of the project site (Figure 5). To aid in prevention of underage alcohol sales



and theft, Rite-Aid requires employees to pass annual training on alcohol sales. Additionally, their corporate store policy requires all bottles of liquor are behind the sales counter or have safety locks, requiring a key to unlock at time of purchase.

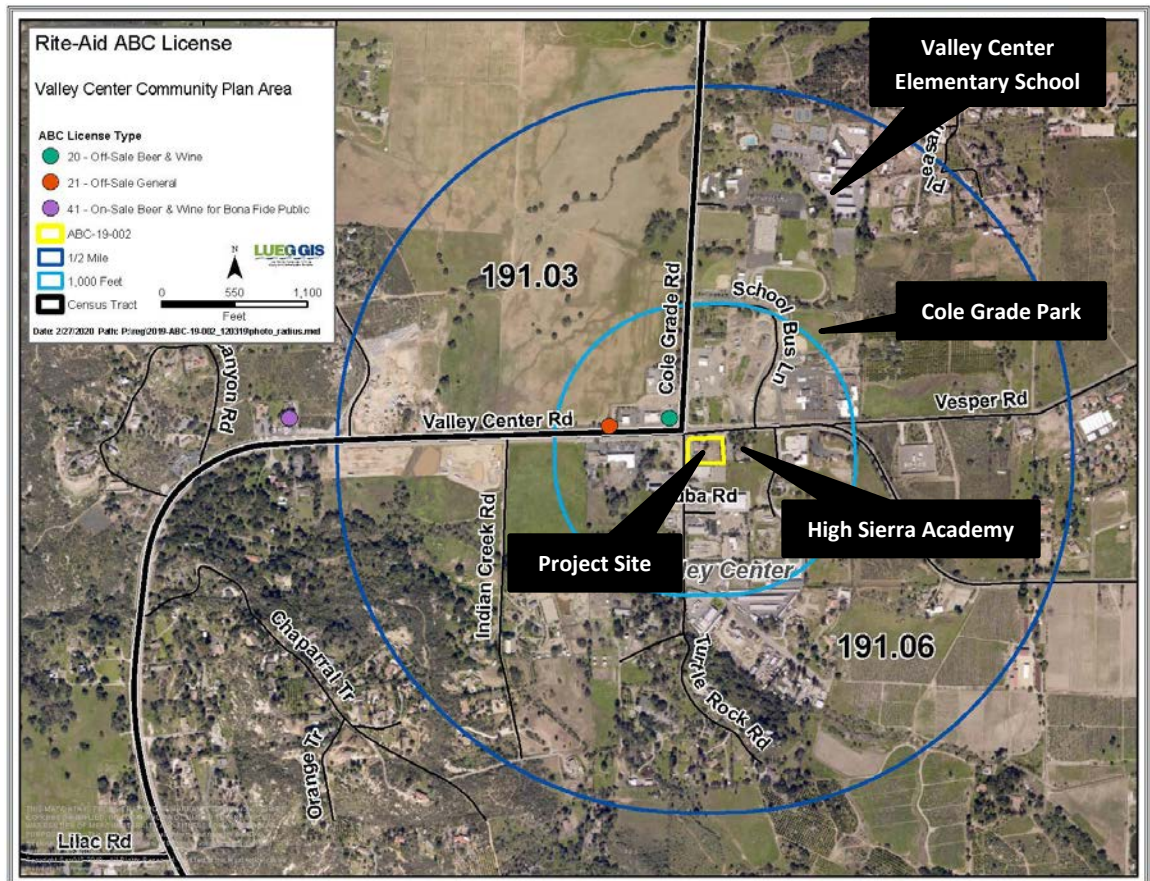


Figure 5: Existing schools and youth facilities within 1/2 mile of project site

**Proximity to Residential Neighborhoods:** The Rite-Aid store is located in a General Commercial (C36) zone. The store is directly south across Valley Center Road from the nearest residentially zoned property with one existing single-family home, while the nearest neighborhood is approximately one-half mile away. The area surrounding the Rite-Aid store includes predominately commercial uses and some industrial uses that are located to the west and south of the project location as shown in Figure 3.

**Wide Range or Unique Type of Goods and Services:** Rite-Aid provides a wide range of goods and services including groceries, household products, convenience foods and drink, healthcare goods, and pharmaceuticals. It should be noted that Rite-Aid does not sell electronic cigarettes or vaping products and sells cigarettes only to persons over the age of 21. PDS determined that the Type 21 license would benefit the neighborhood because of the provision of a wide variety of goods and services. Though there are outlets serving young people within 1,000 feet of the store, PDS determined that the proposed license is compatible with neighborhood character and would provide services in closer proximity to residents and commercial uses.



c. Building or Health Code Violations

The Director of PDS must verify that the establishment for which the ABC license is requested has no building or health code violations of record and the use is allowed by the applicable use regulations of the County's Zoning Ordinance.

Analysis: PDS has verified that the subject property for which the ABC license is requested has no building or health code violations on record. The project site is zoned General Commercial (C36) with a "B" Special Area Designator, which allows the Rite-Aid store upon approval of a Site Plan. The Site Plan was approved by the Planning Commission on August 3, 2018 and the Rite-Aid store opened on January 23, 2020.

d. Additional Input/Notification of Other Agencies

**County of San Diego Health and Human Services Agency (HHSA):** Pursuant to Board Policy I-121, HHSA was provided a copy of the proposed ABC license. Board Policy I-121 requires PDS to send a copy of the application to HHSA as part of the review; however an HHSA recommendation of approval is not required for a Determination. HHSA does not think that the proposed ABC license will serve public convenience or necessity based primarily on the over-concentration of licenses in the census tract as determined by the State ABC, as well as the proximity to the adjacent daycare. HHSA routinely determines that a requested ABC license will not serve public convenience or necessity, relying on the State ABC Department's finding that the area is over-concentrated. HHSA comments are included as Attachment E of this report.

**County of San Diego Department of Environmental Health (DEH):** Board Policy I-121 requires a copy of the application to be sent to DEH for review and comment. The review by DEH is focused on any active health code violations on the site. At the time of the Planning Commission hearing, there are no health code violations on the site, and DEH indicated that they have no issues or concerns with the issuance of the requested ABC license.

**Valley Center Fire Protection District:** The Valley Center Fire Protection District was notified of the requested ABC license at the time of application to the County. The District reviewed the application and indicated to staff they have no issues or concerns with the issuance of the requested ABC license.

**Determination of Public Convenience or Necessity:** Based on the above factors, PDS has determined that the ABC license requested by Rite-Aid will serve public convenience or necessity. The Sheriff's Department has found that it will not have a negative influence on crime in the area, and PDS has found that the license is compatible with community character as it will provide services closer to existing neighborhoods and commercial areas within an already established store. PDS also found that there are no active building or health code violations on the site. Input from HHSA has been taken into consideration, it should be noted that an over-concentration of existing ABC licenses in a census-tract as determined by the State ABC Department does not mean that the proposed license will not serve public convenience or necessity, but that the proposed license must be reviewed under the three criteria listed in Board Policy I-121 as detailed above. Because PDS found the requested Type 21 ABC license meets the three required criteria, PDS determined that public convenience or necessity would be served by the issuance of the license.

**D. COMMUNITY PLANNING GROUP (CPG)**

On October 14, 2019, the Valley Center CPG voted to recommend approval of the proposed Type 21 ABC license, with a vote of 7-5-0-3 (7 ayes, 5 noes, 0 abstain, 3 vacant/absent). However, because the vote was not a majority, the motion did not carry. A follow-up motion was made to recommend approval of a Type 20 ABC license (off-sale beer and wine) for the Rite-Aid store. This motion carried with a vote of 9-3-0-3 (9 ayes, 3 noes, 0 abstain, 3 vacant/absent).

**E. PUBLIC INPUT**

The project was not noticed to surrounding property owners because Board Policy I-121 does not require ABC licenses be distributed for public noticing. Staff attended the October 14, 2019 Valley Center CPG meeting, during which comments were received from community members related to the over-concentration of alcohol sales in the area and incompatibility with community character. The CPG also stated a desire to moderate the amount of new ABC licenses granted in their area considering inevitable future commercial development which may also request ABC licenses. No written comments were received by PDS during review of the project. The State ABC Department received 20 written comments on the requested ABC license from community members, which are included as Attachment J.

On December 9, 2019, the Valley Center CPG passed a motion to appeal the Determination with a vote of 12-1-0-2 (12 ayes, 1 noes, 0 abstain, 2 vacant/absent). In their appeal, the Valley Center CPG raised concerns with the County's review process, stating that Board Policy I-121 does not allow staff to properly address issues raised by community members. CPG members also stated that they felt County staff did not consider the groups October 14, 2019 discussion and vote for the Type 21 ABC license. CPG members stated that they felt their time had been wasted when they agreed on a compromise which recommended a Type 20 ABC license rather than the proposed Type 21 ABC license. Staff, who attended the December 9, 2019 CPG meeting, clarified that the Director is required to decide on the proposed Type 21 license because that is the application submitted to PDS. The Director cannot deny a Type 21 and approve a Type 20 in a single action.

**F. RECOMMENDATIONS**

Staff recommends that the Planning Commission take the following actions:

Deny the Valley Center CPG appeal and uphold the Director's Determination of Public Convenience or Necessity for the proposed Type 21 ABC license (Attachment C).

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AUTHORIZED REPRESENTATIVE:

  
MARK WARDLAW, DIRECTOR

**ATTACHMENTS:**

Attachment A – Planning Documentation

Attachment B – Form of Determination Approving PDS2019-ABC-19-002

Attachment C – Director's Determination Approving PDS2019-ABC-19-002

Attachment D – Sheriff's Department Findings

Attachment E – Health and Human Services Comments

Attachment F – Valley Center Community Planning Group Appeal

Attachment G – Valley Center Community Planning Group October 14, 2019 Meeting Minutes

Attachment H – Board of Supervisor's Policy I-121

Attachment I – California Business and Professions Code Section 23958.4

Attachment J – Written Comments Provided by the State ABC Department

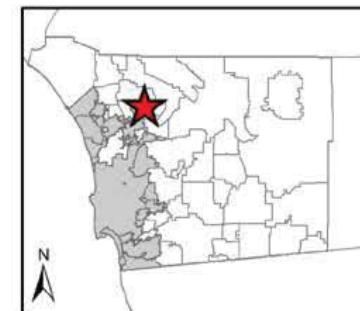
## **Attachment A – Planning Documentation**



# Valley Center ABC

## Vicinity Map

Valley Center  
Community Plan Area



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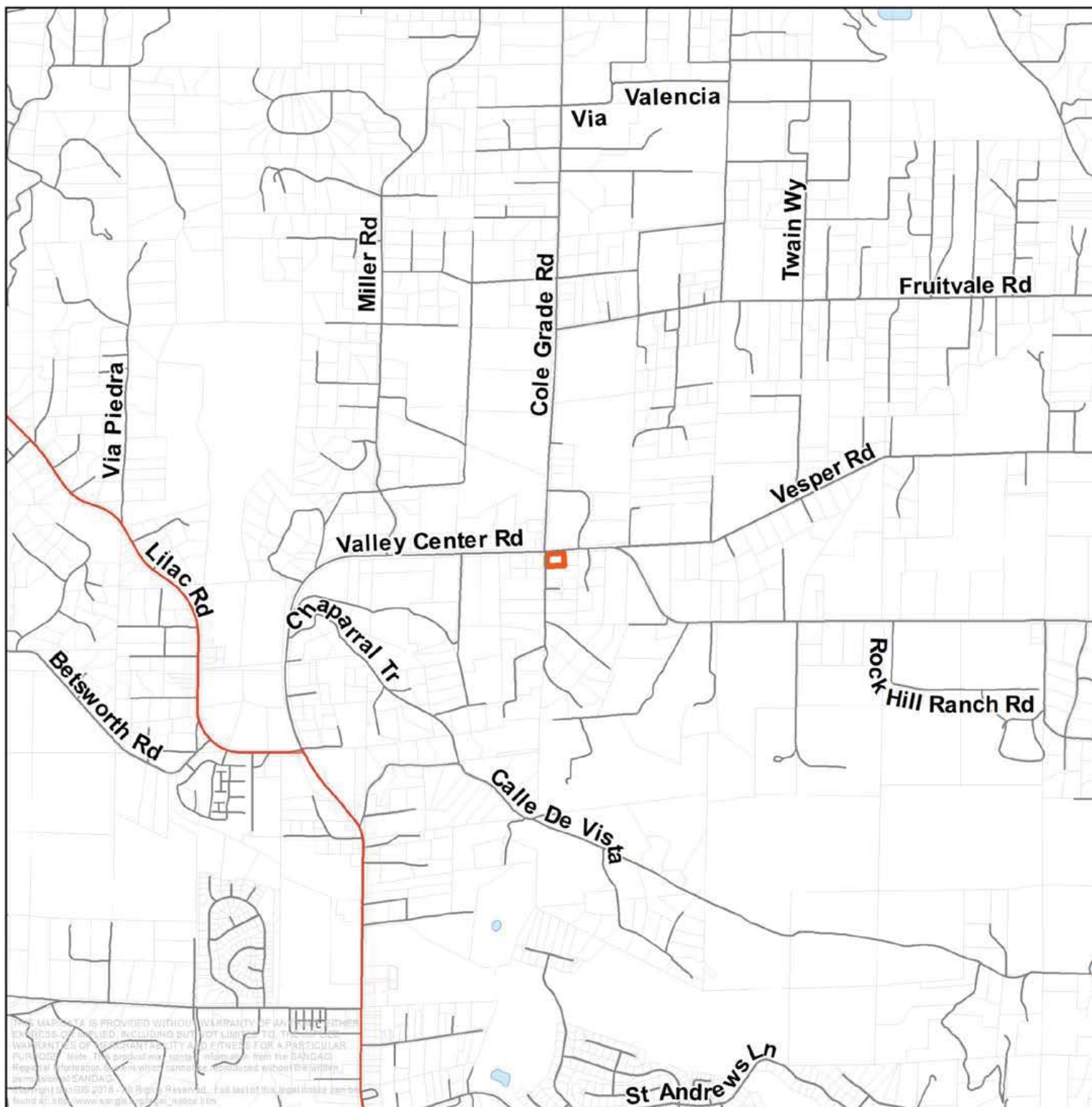
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Geographic Information Services

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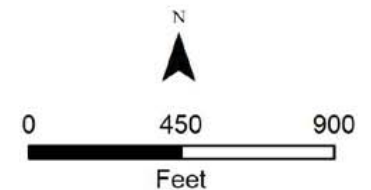
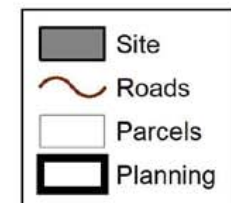
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# Valley Center ABC

## General Plan

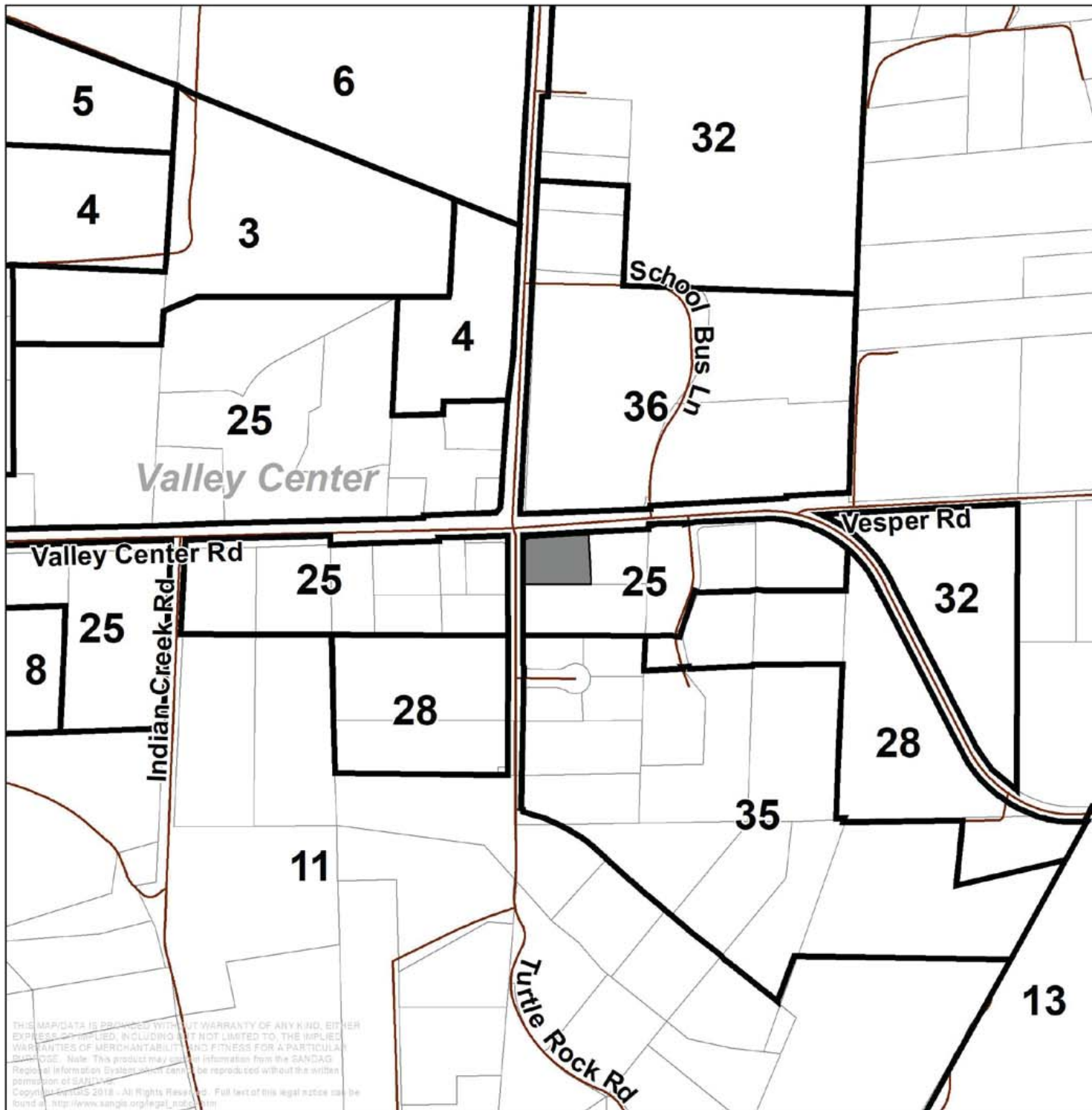
### Valley Center Community Plan Area

- (3) Village Residential (VR-15)
- (4) Village Residential (VR-10.9)
- (5) Village Residential (VR-7.3)
- (6) Village Residential (VR-4.3)
- (8) Village Residential (VR-2)
- (11) Semi-Rural Residential (SR-2)
- (13) Semi-Rural Residential (SR-4)
- (25) General Commercial
- (28) Limited Impact Industrial
- (32) Public/Semi-Public Facilities
- (35) Medium Impact Industrial
- (36) Open Space Recreation

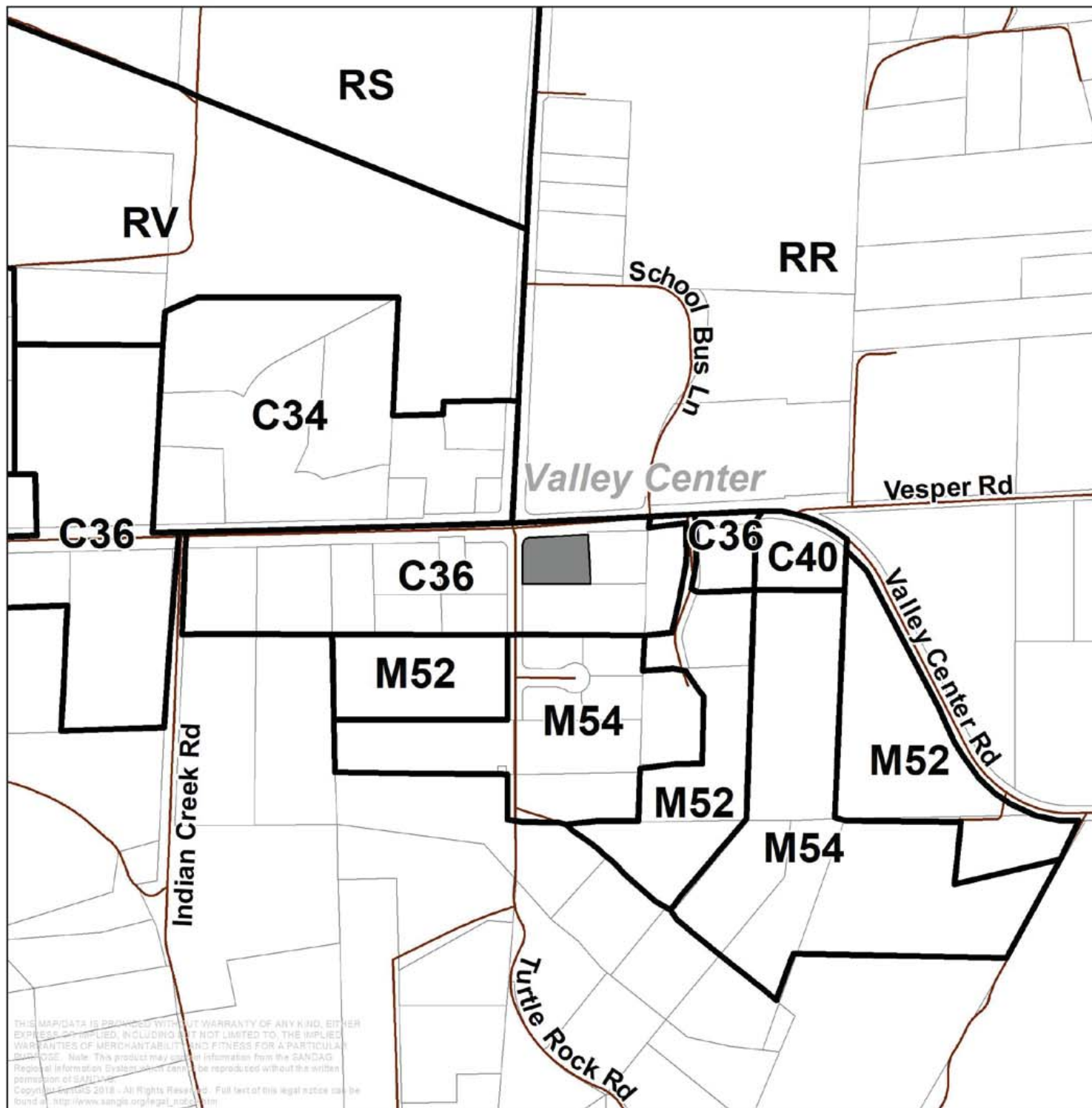


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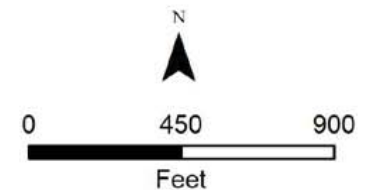
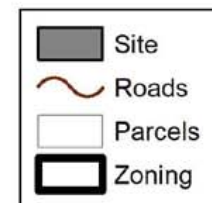


## Valley Center ABC

### Zoning

*Valley Center  
Community Plan Area*

- A70 - Limited Agricultural
- C34 - General Commercial/Residential
- C36 - General Commercial
- C40 - Rural Commercial
- M52 - Limited Impact Industrial
- M54 - General Impact Industrial
- RR - Rural Residential
- RS - Single Family Residential
- RV - Village Residential



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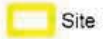
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# Rite-Aid ABC License

## Valley Center Community Plan Area



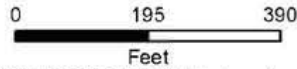
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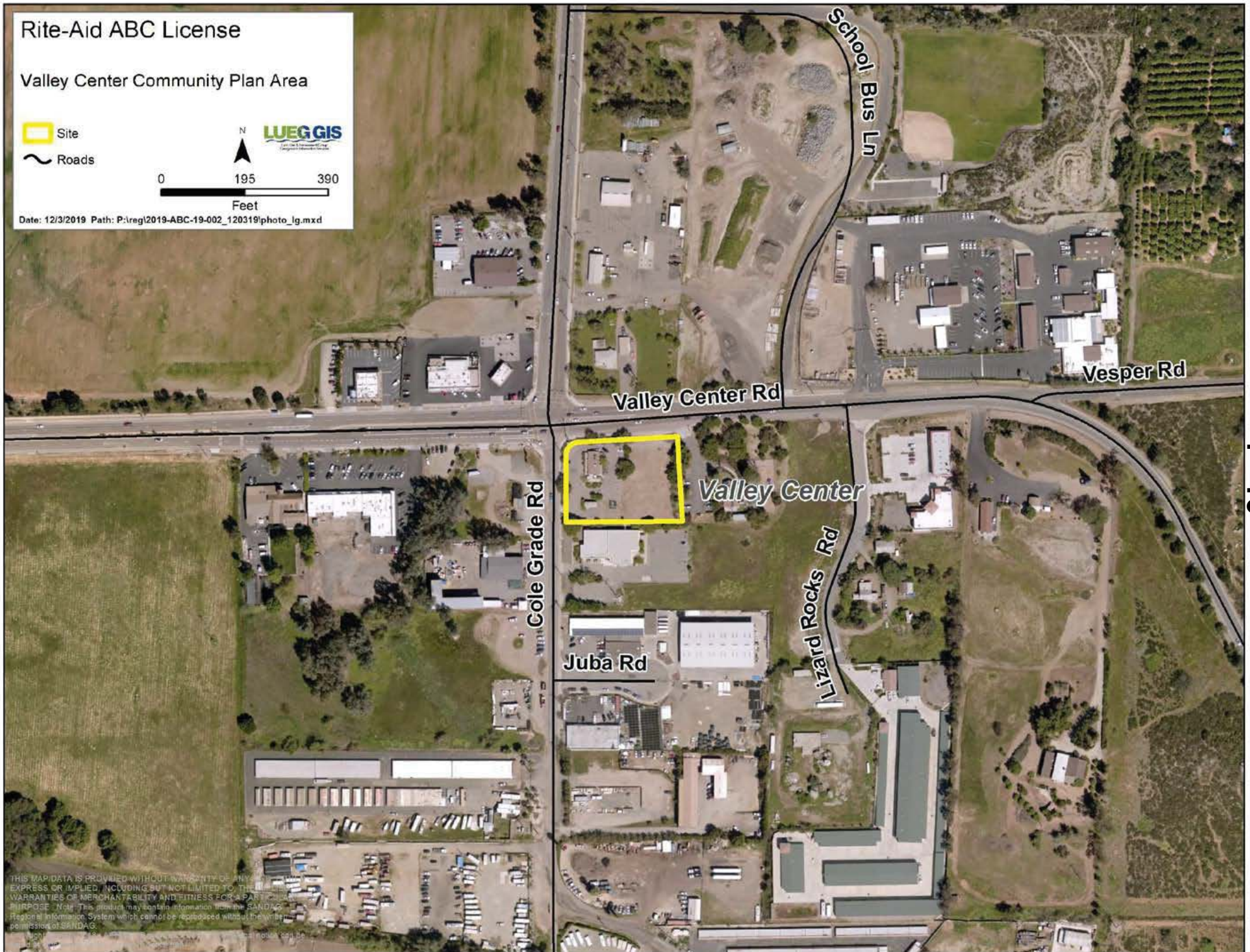
Roads

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LAND USE & ENVIRONMENTAL CONSULTING



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# Rite-Aid ABC License

## Valley Center Community Plan Area



Site



Roads

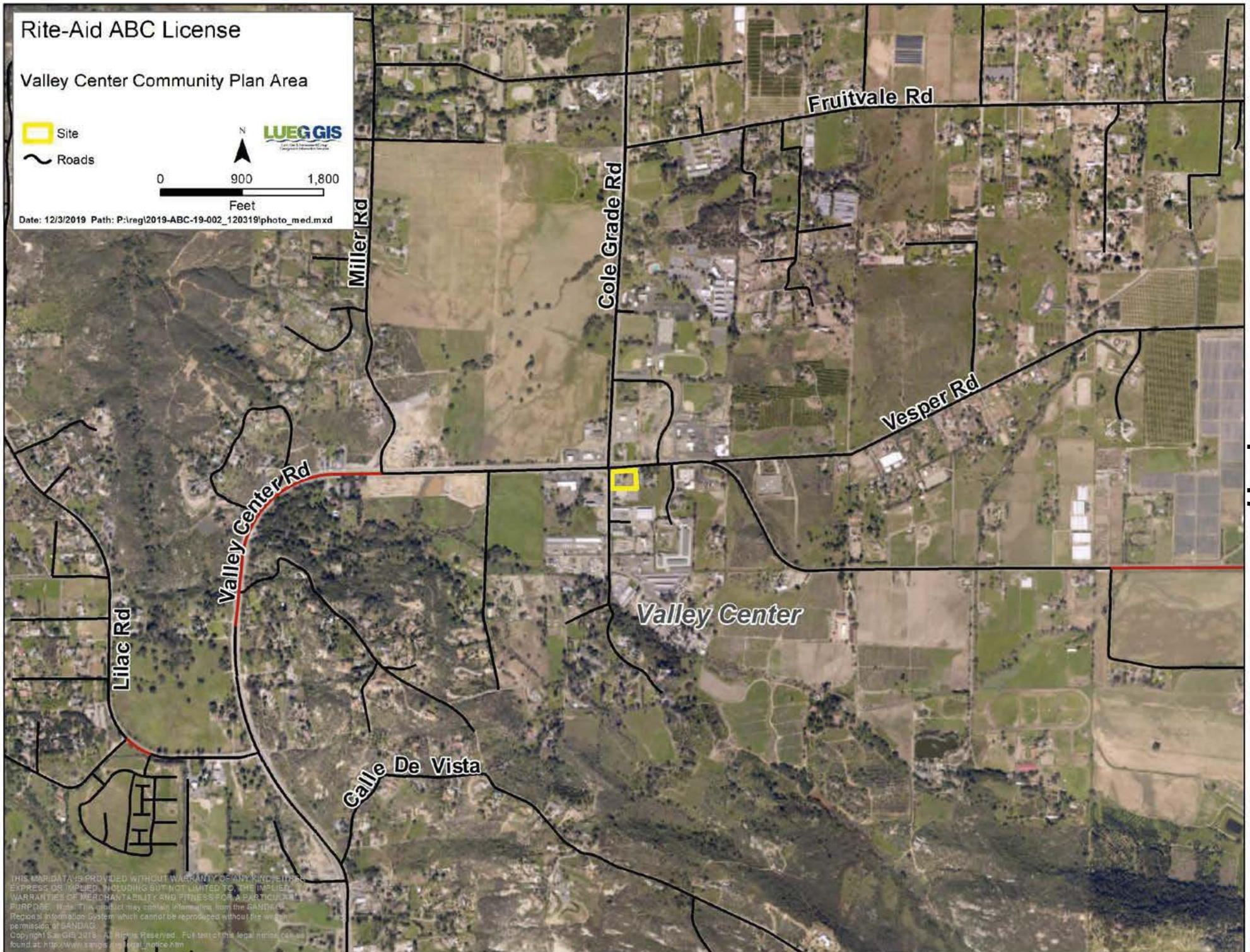
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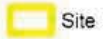


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# Rite-Aid ABC License

Valley Center Community Plan Area



Site



Roads

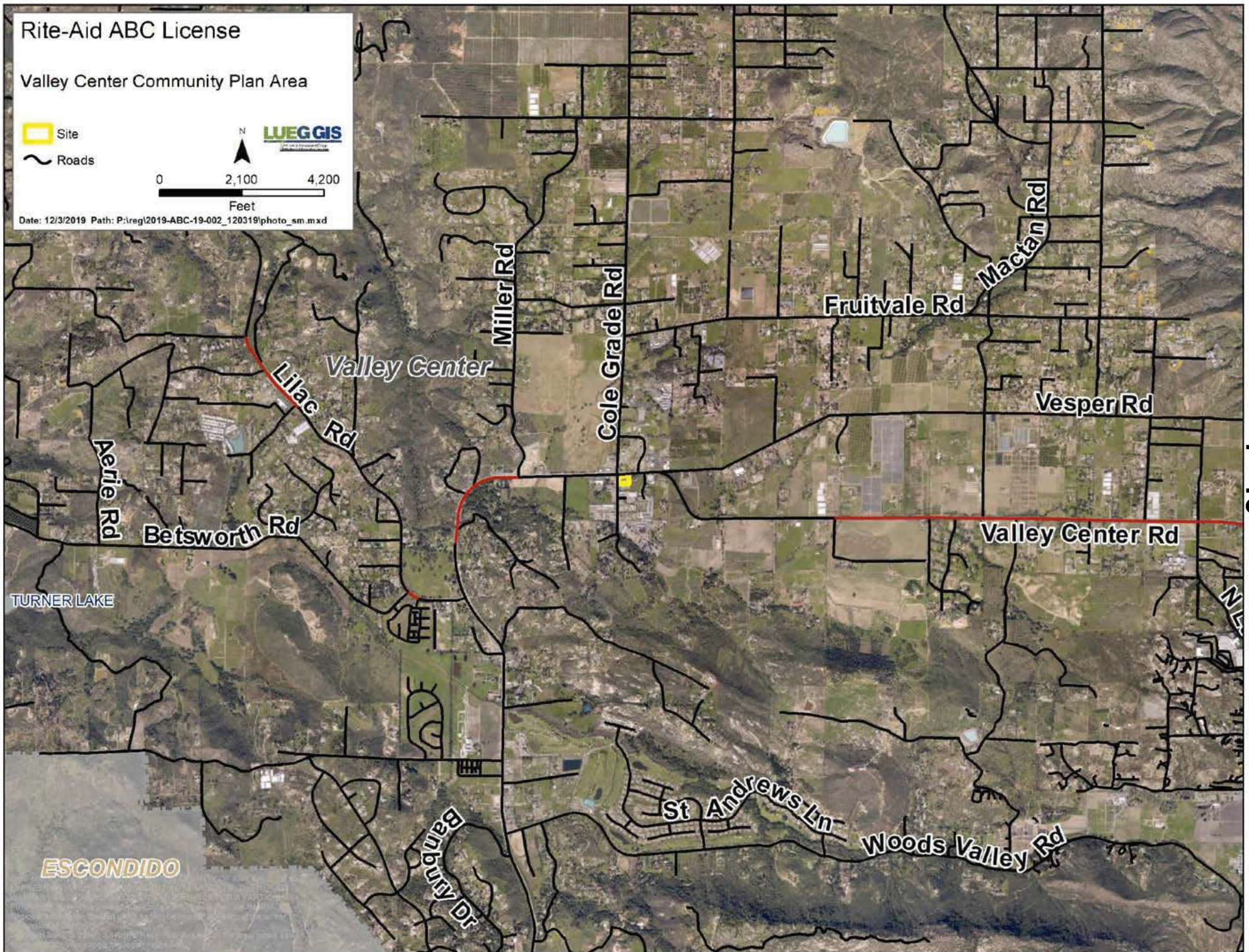
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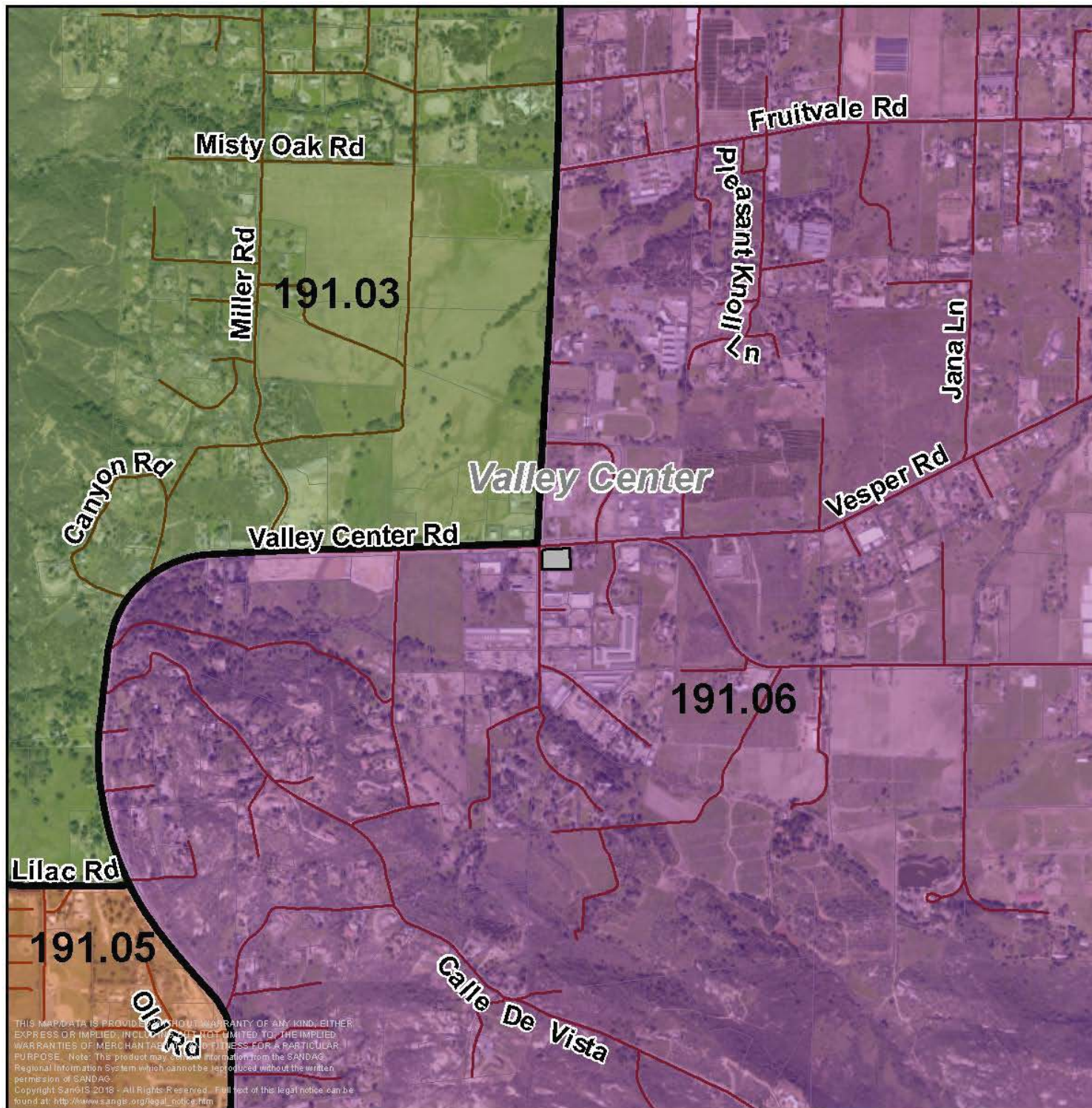
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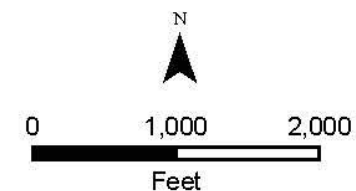
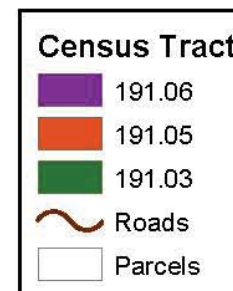




Rite-Aid ABC License

Census Tracts

Valley Center  
Community Plan Area



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Land Use & Environmental Geographic Information Systems

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# Rite-Aid ABC License

## Valley Center Community Plan Area

### ABC License Type

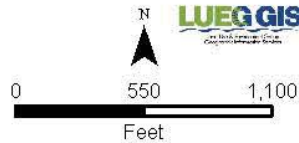
- 20 - Off-Sale Beer & Wine
- 21 - Off-Sale General
- 41 - On-Sale Beer & Wine for Bona Fide Public

ABC-19-002

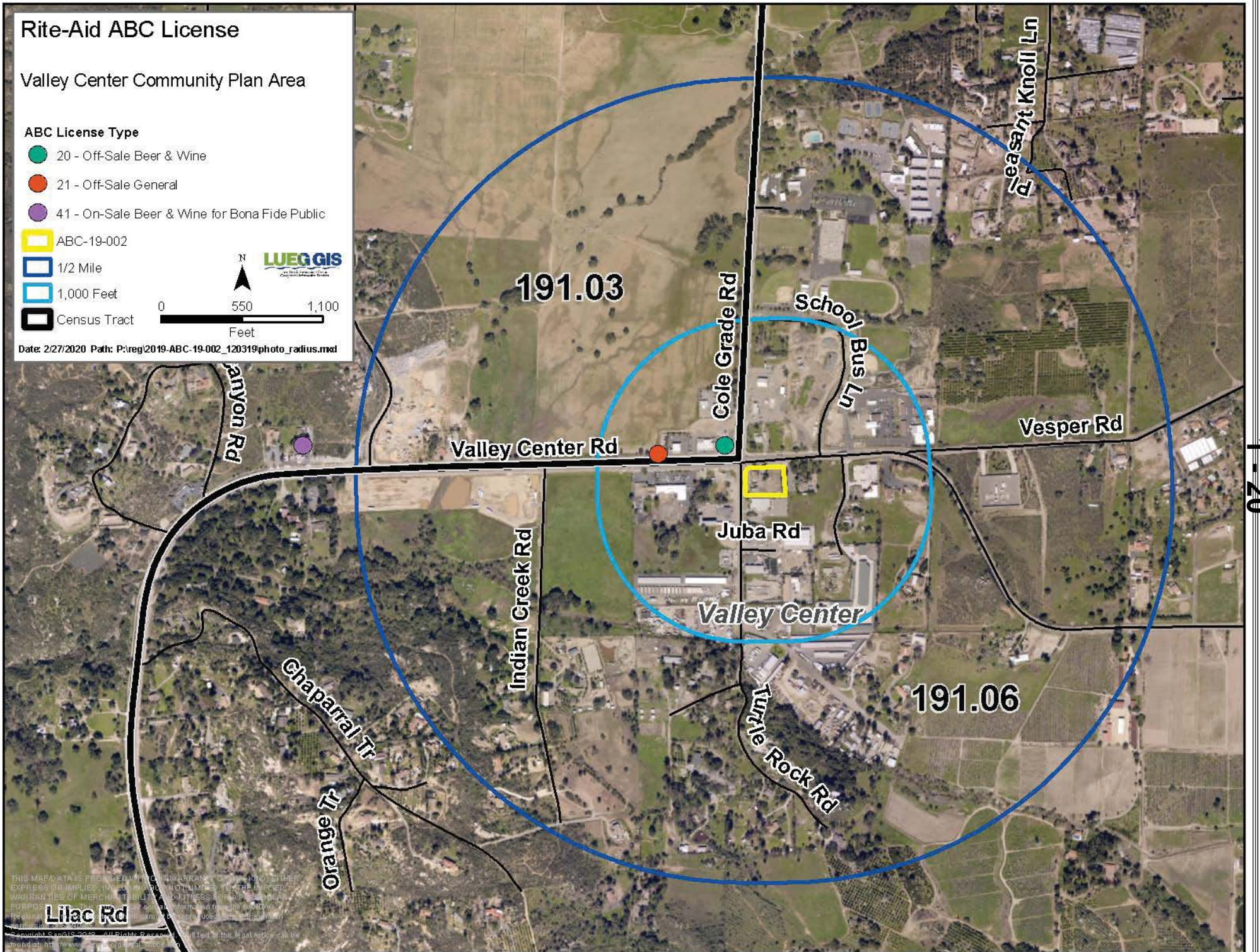
1/2 Mile

1,000 Feet

Census Tract



Date: 2/27/2020 Path: P:\reg\2019-ABC-19-002\_120319photo\_radius.mxd





**Attachment B – Form of Decision Approving  
PDS2019-ABC-19-002**



## County of San Diego

**MARK WARDLAW**  
DIRECTOR

PLANNING & DEVELOPMENT SERVICES  
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123  
(858) 505-6445 General • (858) 694-2705 Codes • (858) 565-5920 Building Services  
[www.SDCPDS.org](http://www.SDCPDS.org)

**KATHLEEN A. FLANNERY**  
ASSISTANT DIRECTOR

March 20, 2020

**PROJECT NAME:** Rite-Aid Valley Center ABC  
**RECORD ID:** PDS2019-ABC-19-002  
**PROJECT ADDRESS:** 28535 Cole Grade Road, Valley Center  
**APN:** 188-250-19

### **RE: DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY**

Dear Thrifty/Rite Aid:

This letter is to inform you that, pursuant to Section 23958.4 of the Business and Professions Code, the County of San Diego has determined that public convenience or necessity will be served by the issuance of a Type 21 License for the Rite-Aid #6750 located at 28535 Cole Grade Road, Valley Center in the Valley Center Planning Area, Assessor's Parcel Number 188-250-19.

This determination is based on the following criteria as required in the County of San Diego Board of Supervisors Policy I-121:

*1. The Sheriff's Department has determined that approval of the proposed alcoholic beverage license sought by the retail outlet will not negatively influence the rate of criminal activity in the neighborhood.*

On September 11, 2019 the San Diego County Sheriff's Department provided a letter indicating that when properly conditioned by the State ABC, there would be no reason to believe that the issuance of this license will have a negative influence on crime in the area. The conditions suggested were regarding the hours of sale of alcoholic products, quantities and sizes of alcoholic products, and prohibiting the sale of single servings of alcoholic beverages.

The Planning Commission has reviewed the proposed Type 21 ABC license and determined that the issuance of said license will not negatively influence the rate of criminal activity in the neighborhood.

*2. The County has determined that the proposed alcoholic beverage license is compatible with neighborhood character and would be of benefit to the neighborhood.*

Planning & Development Services has determined that the proposed alcoholic beverage license is compatible with the neighborhood character and would be of benefit to the neighborhood due to the following factors:

- There are two (2) other establishments selling alcohol within 1,000 feet of the Rite-Aid. These establishments are convenience markets with a Type 20 (off-sale Beer and Wine) and a Type 21 (off-sale Beer, Wine, and Spirits). This is not an excessive number of outlets selling alcohol.
- There are no schools or playgrounds within 1,000 feet of the Rite-Aid. There is one (1) park, Cole Grade Park, within approximately 700 feet of the Rite-Aid.
- There are no residential dwelling units within 1,000 feet of the Rite-Aid.
- The Rite-Aid will not be the only establishment with a Type 21 License in the immediate area but due to the wide variety of products it sells, it offers a public convenience.
- On September 19, 2019 the Valley Center Fire Protection District stated they had no comment on the proposed permit.

The Planning Commission finds that the proposed Type 21 ABC license will be compatible with the neighborhood character. This finding is based on consideration of the proximity and number of retail outlets selling alcohol, proximity of the outlet to residential neighborhoods, proximity of the outlet to facilities serving young people, and whether the retail outlet provides a wide range of desirable goods and services or a unique type of goods and services.

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

Planning & Development Services has verified that the subject property has no health or building code violations. The off-sale of Beer, Wine, and Spirits (Type 21 License) is consistent with the Eating and Drinking Establishment Use Type which is permitted in the (C36) General Commercial Use Regulation.

The Planning Commission finds there are no building or health code violations on file, and the use is legal.

## **NOTICES**

The applicant shall agree to operate their establishment pursuant to any requirements placed on the alcoholic beverage license, which will be implemented by the state Department of Alcoholic Beverage Control.

## **PERMITS**

Please note that building permits are required to construct, enlarge, alter, repair, move, improve, remove, convert, or demolish a building or structure. Permits are also required for plumbing, electrical, and mechanical work. A permit must be obtained prior to construction and prior to occupancy. Failure to obtain a building permit is a violation of the County of San Diego Ordinances.

The issuance of this determination by the County of San Diego does not authorize the applicant for said permit to violate any Federal, State or County laws, ordinances, regulations or policies

including, but not limited to the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

The determination by the Planning Commission is final. Future appeals may be directed to the California Department of Alcoholic Beverage Control (ABC).

If you have any questions regarding this determination, please contact David Cook at (858) 505-6429, or at [David.Cook@sdcounty.ca.gov](mailto:David.Cook@sdcounty.ca.gov).

COUNTY OF SAN DIEGO  
PLANNING COMMISSION

By:

Darin Neufeld, Planning Chief  
Project Planning Division

MW:DN:dc

cc: Department of Alcoholic Beverage Control, 1350 Front Street, Room 5056, San Diego,  
CA 92101  
Valley Center Community Planning Group

email cc:

Bronwyn Brown, Planning Manager, [Bronwyn.Brown@sdcounty.ca.gov](mailto:Bronwyn.Brown@sdcounty.ca.gov)  
Jim Akers, [jakers@riteaid.com](mailto:jakers@riteaid.com)  
David Cook, Project Planner, [David.Cook@sdcounty.ca.gov](mailto:David.Cook@sdcounty.ca.gov)

**Attachment C – Director's Determination  
Approving PDS2019-ABC-19-002**



## County of San Diego

**MARK WARDLAW**  
DIRECTOR

PLANNING & DEVELOPMENT SERVICES  
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123  
(858) 505-6445 General • (858) 694-2705 Codes • (858) 565-5920 Building Services  
[www.SDCPDS.org](http://www.SDCPDS.org)

**KATHLEEN A. FLANNERY**  
ASSISTANT DIRECTOR

November 15, 2019

**PROJECT NAME:** Rite-Aid Valley Center ABC  
**RECORD ID:** PDS2019-ABC-19-002  
**PROJECT ADDRESS:** 28535 Cole Grade Road, Valley Center  
**APN:** 188-250-19

### **RE: DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY**

Dear Thrifty/Rite Aid:

This letter is to inform you that, pursuant to Section 23958.4 of the Business and Professions Code, the County of San Diego has determined that public convenience or necessity will be served by the issuance of a Type 21 License for the Rite-Aid #6750 located at 28535 Cole Grade Road, Valley Center in the Valley Center Planning Area, Assessor's Parcel Number 188-250-19.

This determination is based on the following criteria as required in the County of San Diego Board of Supervisors Policy I-121:

*1. The Sheriff's Department has determined that approval of the proposed alcoholic beverage license sought by the retail outlet will not negatively influence the rate of criminal activity in the neighborhood.*

On September 11, 2019 the San Diego County Sheriff's Department provided a letter indicating that when properly conditioned by the State ABC, there would be no reason to believe that the issuance of this license will have a negative influence on crime in the area. The conditions suggested were regarding the hours of sale of alcoholic products, quantities and sizes of alcoholic products, and prohibiting the sale of single servings of alcoholic beverages.

*2. The County has determined that the proposed alcoholic beverage license is compatible with neighborhood character and would be of benefit to the neighborhood.*

Planning & Development Services has determined that the proposed alcoholic beverage license is compatible with the neighborhood character and would be of benefit to the neighborhood due to the following factors:

- There are two (2) other establishments selling alcohol within 1,000 feet of the Rite-Aid. These establishments are convenience markets with a Type 20 (off-sale Beer and Wine)

PDS2019-ABC-19-002

-2-

November 15, 2019

and a Type 21 (off-sale Beer, Wine, and Spirits). This is not an excessive number of outlets selling alcohol.

- There are no schools or playgrounds within 1,000 feet of the Rite-Aid. There is one (1) park, Cole Grade Park, within approximately 700 feet of the Rite-Aid.
- There are no residential dwelling units within 1,000 feet of the Rite-Aid.
- The Rite-Aid will not be the only establishment with a Type 21 License in the immediate area but due to the wide variety of products it sells, it offers a public convenience.
- On September 19, 2019 the Valley Center Fire Protection District stated they had no comment on the proposed permit.

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

Planning & Development Services has verified that the subject property has no health or building code violations. The off-sale of Beer, Wine, and Spirits (Type 21 License) is consistent with the Eating and Drinking Establishment Use Type which is permitted in the (C36) General Commercial Use Regulation.

## **NOTICES**

The applicant shall agree to operate their establishment pursuant to any requirements placed on the alcoholic beverage license, which will be implemented by the state Department of Alcoholic Beverage Control.

## **PERMITS**

Please note that building permits are required to construct, enlarge, alter, repair, move, improve, remove, convert, or demolish a building or structure. Permits are also required for plumbing, electrical, and mechanical work. A permit must be obtained prior to construction and prior to occupancy. Failure to obtain a building permit is a violation of the County of San Diego Ordinances.

The issuance of this determination by the County of San Diego does not authorize the applicant for said permit to violate any Federal, State or County laws, ordinances, regulations or policies including, but not limited to the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

## **APPEAL PROCEDURE**

Within ten calendar days after the date of this Determination of the Director, the determination may be appealed to the Planning Commission in accordance with Section 7200 of the County Zoning Ordinance. An appeal shall be filed with the Secretary of the Planning Commission within TEN CALENDAR DAYS of the date of this notice AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT'S FEE SCHEDULE, FORM PDS-369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. Filing of an appeal will stay the determination of the Director until a hearing on your application is held and action is taken by the Planning Commission. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of approval of this Determination.



PDS2019-ABC-19-002

-3-

November 15, 2019

If you have any questions regarding this determination, please contact David Cook at (858) 505-6429, or at [David.Cook@sdcounty.ca.gov](mailto:David.Cook@sdcounty.ca.gov).

PLANNING & DEVELOPMENT SERVICES  
MARK WARDLAW, DIRECTOR

By: 

Bronwyn Brown, Planning Manager  
Project Planning Division

MW:BB:dc

cc: Department of Alcoholic Beverage Control, 1350 Front Street, Room 5056, San Diego,  
CA 92101  
Valley Center Community Planning Group

email cc:  
Bronwyn Brown, Planning Manager, [Bronwyn.Brown@sdcounty.ca.gov](mailto:Bronwyn.Brown@sdcounty.ca.gov)  
Jim Akers, [jakers@riteaid.com](mailto:jakers@riteaid.com)

## Attachment D – Sheriff's Department Findings



# San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062



*William D. Gore, Sheriff*

September 11, 2019

Thrifty Payless Inc/Rite Aid #6750  
Rite Aid Licensing Department Attn: David Cook  
PO Box 3165  
Harrisburg, PA 17105

Dear Mr. Cook,

The Sheriff's Department has reviewed the application for an ABC Type 21-off sale general Determination of Public Convenience or Necessity for Thrifty Payless Rite Aid #6750 located at 28535 Cole Grade Road, Valley Center. The Sheriff's Department has no reason to believe that this license will have a negative influence on crime in the area. However, the crime rate in the area may be affected by the hours of operation and the types and sizes of alcohol products available for sale. Therefore with conditioning by the State ABC concerning hours of sale of alcoholic products, and quantities and sizes of alcoholic products, mainly prohibiting the sale of single servings of alcoholic beverages, the Sheriff's Department would support this application.

Sincerely,

WILLIAM D GORE

A handwritten signature in dark ink, appearing to read "Russell Ryan", with a long horizontal flourish extending to the right.

Russell Ryan, Sergeant  
Valley Center Sub-Station

## **Attachment E – Health and Human Services Comments**



# County of San Diego

**NICK MACCHIONE, FACHE**  
AGENCY DIRECTOR

**HEALTH AND HUMAN SERVICES AGENCY**  
**BEHAVIORAL HEALTH SERVICES**  
3255 CAMINO DEL RIO SOUTH, MAIL STOP P-531  
SAN DIEGO, CA 92108-3806  
(619) 563-2700 • FAX (619) 563-2705

**LUKE BERGMANN, Ph.D.**  
DIRECTOR, BEHAVIORAL HEALTH SERVICES

September 23, 2019

TO: David Cook, Land Use Aid, Planning and Development Services

FROM: Linda Bridgeman Smith, Behavioral Health Services

**RESPONSE TO REQUEST FOR ALCOHOL LICENSE:** 28535 Cole Grade Road, Valley Center, 92082  
**CASE NUMBER: ABC Discretionary Permit ABC 19-002**

The County of San Diego, Behavioral Health Services, has determined that a new alcohol license at the location identified in the application will not serve the public convenience or necessity for the residents in Valley Center due to an existing over-concentration of alcohol licenses in this area, pursuant to the CA Business and Professions Code 23815 and 23817.4.

This determination was made following a review by Behavioral Health Services:

- This is an application for a new Type 21 Off-Sale General, for a retail pharmacy to include beer, wine and liquor proposed in census tract 191.06.
- Pursuant to State Alcoholic Beverage Control (ABC) regulations, census tract 191.06 is allowed a maximum of five (5) Off-Sale alcohol licenses.
- There are currently six (6) existing Off-Sale alcohol licenses in census tract 191.06, exceeding the maximum allowable Type 21 Off-sale General licenses.
- Based on ABC regulations, census tract 191.06 is already over-concentrated.
- If approved, this would increase the over-concentration of Type 21 Off-Sale alcohol licenses in this census tract by two (2) licenses, exceeding the maximum allowable Off-Sale licenses determined appropriate by ABC.
- The High Sierra Academy, a preschool and daycare center located at 29235 Valley Center Road is within approximately 1,000 feet.

If you have any questions regarding this matter, please call me directly at (619) 584-5055 or via email at [Linda.Bridgeman@sdcounty.ca.gov](mailto:Linda.Bridgeman@sdcounty.ca.gov).

LINDA BRIDGEMAN SMITH, Driving Under the Influence (DUI) & Prevention Services  
Behavioral Health Services



**Attachment F – Valley Center Community  
Planning Group Appeal**



County of San Diego, Planning & Development Services  
**APPEAL APPLICATION**  
 ZONING DIVISION

**APPEAL TO:**

- ☐ Board of Supervisors  
☒ Planning Commission  
☐ Administrative Appeal  
 (Requires Deposit & PDS-346)

**FOR OFFICIAL USE ONLY**

1291 A3	Code _____	PDS2019-ABC-19-002
Thomas Guide Map	Fee _____	Record ID _____
Community Plan Area <u>Valley Center</u>		
General Plan Designation <u>General Commercial</u>	Zone <u>CC C36</u>	

**APPELLANT FILL IN BELOW THIS LINE, THIS SIDE ONLY – PLEASE PRINT OR TYPE**

Valley Center Community Planning Group				PDS2019-ABC-19-002 <u>188-250-19</u>	
Site Address	Number	Street	City	Zip	Assessor's Parcel Number
Oliver Smith, Chair, VCCPG				Rite Aid	
Appellant's Name	Last	First	Middle	Owner's Name	Last
PO Box 127				First	
Mailing Address				Middle	
Valley Center, CA 92082				Mailing Address	
City				Number	
Zip				Street	
760-703-1455 oliver.smith@philips.com				City	
Telephone				Zip	
				Telephone	

**REQUEST:** Clearly define all items requested in the appeal. Submit plans if necessary, to illustrate request.  
 Appeal of the decision made by PDS Director Mark Wardlaw on November 15, 2019 regarding his determination to allow Rite Aid project PDS2019-ABC-19-002 to obtain an ABC Type 21 permit to sell beer, wine, and distilled spirits.

**JUSTIFICATION:** Attach additional sheets if necessary.

Vote of VCCPG documented in Minutes of VCCPG Regular Meeting held on October 14, 2019

Oliver Smith  
 Signature of Appellant

Chair, VCCPG  
 If Company Officer – indicate Company Name and function  
 (Please print)



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

[HTTP://WWW.SDCPS.ORG](http://www.sdcps.org)



**Attachment G – Valley Center Community  
Planning Group October 14, 2019 Meeting  
Minutes**



County of San Diego, Planning & Development Services  
**COMMUNITY PLANNING OR SPONSOR  
 GROUP PROJECT RECOMMENDATION**  
 ZONING DIVISION

Record ID(s): PDS2019-ABC-19-002

Project Name: Thrifty Payless Rite Aid #6750 ABC License

Planning/Sponsor Group: Valley Center CPG

Results of Planning/Sponsor Group Review

Meeting Date: 10/14/2019

A. Comments made by the group on the proposed project.

*See attachment #1 (pdf)  
 They are from the "Draft"  
 of that meetings minutes.*

B. Advisory Vote: The Group ☒ Did ☐ Did Not make a formal recommendation, approval or denial on the project at this time.

If a formal recommendation was made, please check the appropriate box below:

MOTION: ☐ Approve without conditions  
☒ Approve with recommended conditions  
☐ Deny  
☐ Continue

VOTE: 9 Yes 3 No 0 Abstain 3 Vacant/Absent

C. Recommended conditions of approval:

*See Attachment #2 (pdf)  
 They are from the "Draft"  
 of that meetings minutes.*

Reported by: Will D. P. Position: SCCPG Member Date: 10/25/19

Please email recommendations to BOTH EMAILS;

Project Manager listed in email (in this format): [Firstname.Lastname@sdcounty.ca.gov](mailto:Firstname.Lastname@sdcounty.ca.gov) and to [CommunityGroups.LUEG@sdcounty.ca.gov](mailto:CommunityGroups.LUEG@sdcounty.ca.gov)

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





## ATTACHMENT #1

**COMMENTS MADE BY VCCPG MEMBERS – PDS2019-ABC-19-002 (Thrifty Payless Rite Aid #6750 ABC License Fee)**

*Discussion and possible response recommendation. ABC Permit for Rite Aid: PDS2019-ABC-19-002 Thrifty Payless Rite Aid #6750 28535 Cole Grade Rd, APN 188-250-19, request for a Type 21 Off-Sale General permit to sell beer, wine, and distilled spirits for consumption off the premises where sold. No applicant's statement available. (Del Pilar)*

- Braheem Marabeh introduced himself and presented a slideshow about Rite Aid Core Values. He explained the Alcohol Sales Policy that Rite Aid enforces. The company expressly forbids the sale of alcoholic beverages to anyone under the age of 21.
- He shared that a number of other products are also restricted such as tobacco, cough syrup, and certain types of medication.
- Associates must go through training for Alcohol/Tobacco sales training requirements and pass with a score of 100%.
- The Electronic Article Surveillance System monitors the liquor area 24 hours a day. Certain types of liquor are only sold behind the counter. Rite Aid has a special locked cap that they place on most liquor bottles. They project that alcohol will make up 7% of the annual sales.
- B. was asked by Mr. Garritson if this Rite Aid will ever have a clinic in it. He said that most newer stores are built with this footprint possibility.
- Ms. Chavez Harmes asked if Rite Aid will act as a good neighbor. The applicant stated that is his goal.
- Mr. Del Pilar shared that the North Village took a 4-1 vote in favor of the ABC Permit for Rite Aid with the condition that alcohol is sold only between 10 a.m. to 10 p.m.. Mr. Garritson asked about what was the reason one member was against the ABC Rite Aid Permit. Mr. Del Pilar said that it was a personal reason. There was discussion about the alcohol application. Ms. Wolf still has concerns about the private preschool next door to Rite Aid.
- Mr. Smith asked this question: Why does Rite Aid feel they have an ability to have an application above the State maximum? All applicants have this ability, according to County official David Cook. Ms. Janisch wanted to know how Rite Aid can above the limit. Mr. Del Pilar and Ms. Chavez Harmes both shared background about how the subcommittee came up with the 10 a.m. to 10 p.m. alcohol sales limitations. Mr. Hutchison has concerns that granting another alcohol license will lead to an increase in crime within Valley Center. Sergeant Russel Ryan and Lt. Pat Shannahan shared reasons they approved the Alcohol Beverage Control application. San Diego Sheriff's Department has added two sheriffs to the area because of community growth. They have made the recommendation to prohibit single sales of alcohol. Mr. Hutchison encourages the Planning Group to deny the application. Randy Harms (audience) wanted to know how many
- Natalie Lopez is the director of the preschool and would like the Planning Group to deny the Alcohol application. Don Richards (audience) shared that Rite Aid did not fully
- Larry Glavnic shared that he does not drink alcohol because his father owned a liquor store and he saw firsthand the consequences of drunkenness. Larry does not want public drunkenness to become a problem in Valley Center.

**Note: comments taken directly from "unapproved minutes."**

## ATTACHMENT #2

### ***MOTIONS MADE BY VCCPG MEMBERS – PDS2019-ABC-19-002 (Thrifty Payless Rite Aid #6750 ABC License Fee)***

Motion 1: To approve ABC License for Rite Aid with recommendation that they follow the state ABC guidelines concerning hours of sales (preferably during the hours of 10 a.m. to 10 p.m.) as well as no sales of single servings of alcoholic beverages as stated in the sheriff's recommendation letter dated September 11, 2019.

*Motion 1 Fails 7-5-0 (Y-N-Ab)*

Motion 2: To approve ABC License for Rite Aid with recommendation that they follow the state ABC guidelines concerning hours of sales (preferably during the hours of 10 a.m. to 10 p.m.), limit the permit to Type 20 instead of Type 21, as well as no sales of single servings of alcoholic beverages s stated in the sheriff's recommendation letter dated September 11, 2019.

*Motion 2 Carries 9-3-0 (Y-N-Ab).*

***Note: motions taken from "unapproved minutes."***

**Attachment H – Board of Supervisor's  
Policy I-121**

**COUNTY OF SAN DIEGO, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

**Subject**

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

**Policy  
Number**

I-121

**Page**

1 of 3

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 State Department of Alcoholic Beverage Control.

Policy

It is the policy of the Board of Supervisors that the Director of Planning & 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 of the proposed alcoholic beverage license sought by the 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 alcoholic beverage license is compatible with neighborhood character and would be of benefit to the neighborhood. In making this determination, the Director of Planning & Development Services 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.

**COUNTY OF SAN DIEGO, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

<b>Subject</b>	<b>Policy Number</b>	<b>Page</b>
	I-121	2 of 3

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

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

3. The Director of Planning & Development Services has verified that the establishment for which the alcoholic beverage license is requested has no active 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 Planning & Development Services: a) the application form from the State 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 Planning & Development Services will include their determination as to whether the proposed license 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 Department of Environmental Health and the Health and Human Services Agency. The planning or sponsor group shall have 30 days to provide a recommendation with regard to compliance of the application with Policy Criterion #2 concerning neighborhood compatibility.

4. Planning & Development Services shall verify that the establishment requesting the license has no active 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 Director of Planning & Development Services' decision shall be transmitted in writing to the State Department of Alcoholic Beverage Control, the applicant, and the planning or sponsor group.



**COUNTY OF SAN DIEGO, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

<b>Subject</b>	<b>Policy Number</b>	<b>Page</b>
	I-121	3 of 3

7. The decision of the Director of Planning & Development Services 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 fees specified by the County Administrative Code.

8. When the appeal is received by Planning & 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 State Department of Alcoholic Beverage Control and to the license applicant.

11. Planning & 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 State Department of Alcoholic Beverage Control following a Planning Commission decision.

Sunset Date

This Policy will be reviewed for continuance by December 31, 2024.

Board Action

5/15/96 (4)  
 06-23-04 (12)  
 12-09-08 (33)  
 11-10-10 (7)  
 09-25-12 (11)  
 12-06-17 (6)

CAO Reference

1. Planning & Development Services
2. Sheriff's Department
3. Health and Human Services Agency
4. Department of Environmental Health

**Attachment I – California Business and  
Professions Code Section 23958.4**

**State of California****BUSINESS AND PROFESSIONS CODE****Section 23958.4**

---

23958.4. (a) For purposes of Section 23958, “undue concentration” means the case in which the applicant premises for an original or premises-to-premises transfer of any retail license are located in an area where any of the following conditions exist:

(1) The applicant premises are located in a crime reporting district that has a 20 percent greater number of reported crimes, as defined in subdivision (c), than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.

(2) As to on-sale retail license applications, the ratio of on-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises are located.

(3) As to off-sale retail license applications, the ratio of off-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.

(b) Notwithstanding Section 23958, the department may issue a license as follows:

(1) With respect to a nonretail license, a retail on-sale bona fide eating place license, a retail license issued for a hotel, motel, or other lodging establishment, as defined in subdivision (b) of Section 25503.16, a retail license issued in conjunction with a beer manufacturer’s license, or a winegrower’s license, if the applicant shows that public convenience or necessity would be served by the issuance.

(2) With respect to any other license, if the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

If the local governing body, or its designated subordinate officer or body, does not make a determination within the 90-day period, then the department may issue a license if the applicant shows the department that public convenience or necessity would be served by the issuance. In making its determination, the department shall not attribute any weight to the failure of the local governing body, or its designated subordinate officer or body, to make a determination regarding public convenience or necessity within the 90-day period.

(c) For purposes of this section, the following definitions shall apply:

(1) “Reporting districts” means geographical areas within the boundaries of a single governmental entity (city or the unincorporated area of a county) that are identified by the local law enforcement agency in the compilation and maintenance of statistical information on reported crimes and arrests.

(2) “Reported crimes” means the most recent yearly compilation by the local law enforcement agency of reported offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations.

(3) “Population within the census tract or census division” means the population as determined by the most recent United States decennial or special census. The population determination shall not operate to prevent an applicant from establishing that an increase of resident population has occurred within the census tract or census division.

(4) “Population in the county” shall be determined by the annual population estimate for California counties published by the Demographic Research Unit of the Department of Finance.

(5) “Retail licenses” shall include the following:

(A) Off-sale retail licenses: Type 20 (off-sale beer and wine) and Type 21 (off-sale general).

(B) On-sale retail licenses: All retail on-sale licenses, except Type 43 (on-sale beer and wine for train), Type 44 (on-sale beer and wine for fishing party boat), Type 45 (on-sale beer and wine for boat), Type 46 (on-sale beer and wine for airplane), Type 53 (on-sale general for train and sleeping car), Type 54 (on-sale general for boat), Type 55 (on-sale general for airplane), Type 56 (on-sale general for vessels of more than 1,000 tons burden), and Type 62 (on-sale general bona fide public eating place intermittent dockside license for vessels of more than 15,000 tons displacement).

(6) A “premises-to-premises transfer” refers to each license being separate and distinct, and transferable upon approval of the department.

(d) For purposes of this section, the number of retail licenses in the county shall be established by the department on an annual basis.

(e) The enactment of this section shall not affect any existing rights of any holder of a retail license issued before April 29, 1992, whose premises were destroyed or rendered unusable as a result of the civil disturbances occurring in Los Angeles from April 29 to May 2, 1992, to reopen and operate those licensed premises.

(f) This section shall not apply if the premises have been licensed and operated with the same type license within 90 days of the application.

(Amended by Stats. 2019, Ch. 29, Sec. 46. (SB 82) Effective June 27, 2019.)

**Attachment J – Written Comments Provided by  
the State ABC Department**



## PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

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- If a hearing is scheduled as to whether or not a license should be granted, you or your authorized representative will need to attend the hearing to testify and/or present evidence to support your protest, or your protest will be deemed abandoned.
- All protests submitted to the ABC are public records and are open to inspection pursuant to the California Public Records Act (CPRA). (Gov. Code sec. 6254 et seq.)
- A copy of all valid and verified protests (ABC-510-A) and Protestants/Complainant's Declaration (ABC-128) will be provided to the applicant as part of the licensing process.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

Thrifty Payless, Inc (Rite Aid)

(Name(s) of Applicant(s))

For premises at:

28535 Cole Grade Rd. Valley Center, Ca 92082

(Exact address of proposed premises)

on the grounds that:

- 1) There is a school within 100 ft. of the property line of this site.
- 2) There will be increased traffic near the school and children. The sale of alcohol will only increase traffic and also increase chances of potential accidents.
- 3) The Project Manager lied to the the Valley Center Subcommittee at a meeting stating that Rite Aid, (Thrifty) had recieved approval from school next to site. No approval from school was given.
- 4) Valley Center Planning Group voted against project for this reason and addition issues. One person at the county level - a Director approved this project over the community guidlines.

☐ Check here if additional sheets attached

I, Monica Gilmore, declare under penalty of perjury:

PRINT (Name of Protestant)

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

TELEPHONE

SIGNED AT (City and State)

DATE SIGNED

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

ABC-510-A (Rev. April 2010)

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JUN 05 2019

Dept of Alcoholic Beverage Control  
San Marcos

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Dept. of Alcoholic Beverage Control  
San Diego

## PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

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(Name(s) of Applicant(s))

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☐ Check here if additional sheets attached

I, NATALIE LOPEZ, declare under penalty of perjury:

PRINT (Name of Protestant)

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

VALLEY CENTER, CA 92082

SIGNED AT (City and State)

13703 OLD Rd. Valley Center, CA 92082

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

TELEPHONE NUMBER (Optional & non-public)

(951) [REDACTED]

DATE SIGNED

5/31/19

ABC-510-A (Rev. April 2010)

JUN 03 2019

Dept. of Alcoholic Beverage Control  
San Diego

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Dept of Alcoholic Beverage Control  
San Marcos



**PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION**

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(Name(s) of Applicant(s))

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**RECEIVED**

JUN 03 2019

Dept. of Alcoholic Beverage Control  
San Diego

☐ Check here if additional sheets attached

I, Olivia Aguirre, declare under penalty of perjury:

PRINT (Name of Protestant)

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

SIGNED AT (City and State)

Valley Center, CA

TELEPHONE NUMBER (Optional)

DATE SIGNED

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

15475 Sierra Grande Valley Center, CA 92082

05/31/2019

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Dept. of Alcoholic Beverage Control  
San Marcos

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JUN 03 2019

Dept. of Alcoholic Beverage Control  
San Diego



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(Name(s) of Applicant(s))

For premises at:

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(Exact address of proposed premises)

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☐ Check here if additional sheets attached

I, **Liane Reyes**

PRINT (Name of Protestant)

, declare under penalty of perjury:

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

**Valley Center - California**

SIGNED AT (City and State)

**39987 Ranchwood Dr. Murietta, CA, 92563**

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

TELEPHONE NUMBER (Optional & non-public)

DATE SIGNED

**05-31-2019**

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Dept of Alcoholic Beverage Control  
San Marcos

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Dept. of Alcoholic Beverage Control  
San Diego

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Thrifty Payless, Inc (Rite Aid)

(Name(s) of Applicant(s))

For premises at:

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(Exact address of proposed premises)

on the grounds that:

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☐ Check here if additional sheets attached

I, Kristin Park, declare under penalty of perjury:

PRINT (Name of Protestant)

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

SIGNED AT (City and State)

PROTESTANT'S ADDRESS (Full address - Street name & Number, Unit or Apt. No., City, State, & Zip Code)

TELEPHONE NUMBER (Optional & not public)

DATE SIGNED

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Dept. of Alcoholic Beverage Control  
San Diego

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Dept. of Alcoholic Beverage Control  
San Marcos



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Thrifty Payless, Inc (Rite Aid)

(Name(s) of Applicant(s))

For premises at:

28535 Cole Grade Rd. Valley Center, Ca 92082

(Exact address of proposed premises)

on the grounds that:

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- 3) The Project Manager lied to the the Valley Center Subcommittee at a meeting stating that Rite Aid, (Thrifty) had recieved approval from school next to site. No approval from school was given.
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☐ Check here if additional sheets attached

I, Susan Henke, declare under penalty of perjury:

PRINT (Name of Protestant)

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

SIGNED AT (City and State)

Valley Center, CA  
701 S. Rose St Esc. CA 92027

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

TELEPHONE NUMBER (Optional)

DATE SIGNED

5/31/2019

ABC-510-A (Rev. April 2010)

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Dept of Alcoholic Beverage Control  
San Marcos

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JUN 05 2019

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San Diego



## PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

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- A copy of all valid and verified protests (ABC-510-A) and Protestant's/Complainant's Declaration (ABC-128) will be provided to the applicant as part of the licensing process.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

**Rite-Aid (Thrifty, Payless)**

(Name(s) of Applicant(s))

For premises at:

**28535 Cole Grade Road Valley Center, CA 92082**

(Exact address of proposed premises)

on the grounds that:

This project was not approved by either the Valley Center Design Review Board or the Valley Center Community Planning Group.

Our community has a very serious concern with the selling of alcohol within 100 feet of a school. Mr. Pieto, Rite-Aid representative, falsely stated he received permission from the High Sierra Academy to sell alcohol next to the school.

Traffic flow is very high at this intersection making egress and ingress to the property very precarious. Especially with small children, school buses picking up and dropping off as well as parents doing the same.

JUN 07 2019

Dept. of Alcoholic Beverage Control  
San Diego

☐ Check here if additional sheets attached

I, **Delores Chavez**

PRINT (Name of Protestant)

, declare under penalty of perjury:

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

TELEPHONE NUMBER (Optional - for public)

SIGNED AT (City and State)

**Valley Center, CA**

DATE SIGNED

**06/06/19**

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

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Dept. of Alcoholic Beverage Control  
San Marcos

## PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

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- A copy of all valid and verified protests (ABC-510-A) and Protestants/Complainant's Declaration (ABC-128) will be provided to the applicant as part of the licensing process.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

**Thrifty Payless, Inc (Rite Aid)**

(Name(s) of Applicant(s))

For premises at:

**28535 Cole Grade Rd. Valley Center, Ca 92082**

(Exact address of proposed premises)

on the grounds that:

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- 3) The Project Manager lied to the the Valley Center Subcommittee at a meeting stating that Rite Aid, (Thrifty) had recieved approval from school next to site. No approval from school was given.
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☐ Check here if additional sheets attached

I, **RITAFÉ M. RANCES**, declare under penalty of perjury:

PRINT (Name of Protestant)

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

TELEPHONE NUMBER (Optional & not required)

SIGNED AT (City and State)

DATE SIGNED

**27328 SAGE BRUSH TR VALLEY CENTER CA 92082**

**June 5, 2019**

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

ABC-510-A (Rev. April 2010)

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JUN 12 2019

JUN 06 2019

Dept. of Alcoholic Beverage Control  
Mamog

Dept. of Alcoholic Beverage Control  
San Diego



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I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

**Rite Aid Pharmacy**

(Name(s) of Applicant(s))

For premises at:

**28535 Cole Grade Rd, Valley Center, CA 92082**

(Exact address of proposed premises)

on the grounds that:

1. there is a school within 100 feet of this location
2. neither the VC Design Review Board, nor the VC Planning Group would approve this project due to the fact that alcohol would be sold, as well as other concerns.
3. there are already plenty of places in VC to purchase alcohol.

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JUN 05 2019

Dept. of Alcoholic Beverage Control  
San Diego

☐ Check here if additional sheets attached

I, **Susan Fajardo**

PRINT (Name of Protestant)

, declare under penalty of perjury:

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

TELEPHONE NUMBER (Optional & non-public)

DATE SIGNED

06/01/19

SIGNED AT (City and State)

**Valley Center CA 92082**

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

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JUN 12 2019

Dept of Alcoholic Beverage Control  
San Marcos

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I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

**Thrifty Payless, Inc (Rite Aid)**

(Name(s) of Applicant(s))

RECEIVED

For premises at:

**28535 Cole Grade Rd. Valley Center, Ca 92082**

(Exact address of proposed premises)

JUN 17 2019

Dept of Alcoholic Beverage Control  
San Marcos

on the grounds that:

- 1) There is a school within 100 ft. of the property line of this site.
- 2) There will be increased traffic near the school and children. The sale of alcohol will only increase traffic and also increase chances of potential accidents.
- 3) The Project Manager lied to the the Valley Center Subcommittee at a meeting stating that Rite Aid, (Thrifty) had recieved approval from school next to site. No approval from school was given.
- 4) Valley Center Planning Group voted against project for this reason and addition issues. One person at the county level - a Director approved this project over the community guidlines.

☐ Check here if additional sheets attached

I, **Kari Campfield**

PRINT (Name of Protestant)

, declare under penalty of perjury:

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

SIGNED AT (City and State)

**Valley Center, CA**

TELEPHONE NUMBER (City and State)

DATE SIGNED

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

**29539 Yellow Brick Rd. Valley Center, CA 92082**

**6-5-19**

JUN 11 2019

APL. OF ALCOHOLIC BEVERAGE CONTROL  
San Marcos



**PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION**

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I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

**Thrifty Payless, Inc (Rite Aid)**

(Name(s) of Applicant(s))

For premises at:

**28535 Cole Grade Rd. Valley Center, Ca 92082**

(Exact address of proposed premises)

RECEIVED

JUN 17 2019

Dept of Alcoholic Beverage Control  
San Marcos

on the grounds that:

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☐ Check here if additional sheets attached

I, GORDON W. CAMPFIELD, declare under penalty of perjury:  
PRINT (Name of Protestant)

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

  
PROTESTANT'S SIGNATURE

VALLEY CENTER, CA  
SIGNED AT (City and State)

29539 THE YELLOW BRICK RD, VALLEY CENTER, CA 92082  
PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

TELEPHONE [REDACTED]  
DATE SIGNED 06-05-19

JUN 11 2019

Dept. of Alcoholic Beverage Control  
San Marcos

**PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION**

- Refer to Form ABC-510, Information Regarding ABC License Application and Protests (Rev. April 2010), before completing and submitting your protest. The ABC-510 is located at [www.abc.ca.gov](http://www.abc.ca.gov) and in each district office.
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(Name(s) of Applicant(s))

For premises at:

**28535 Cole Grade Rd. Valley Center, Ca 92082**

(Exact address of proposed premises)

on the grounds that:

- 1) There is a school within 100 ft. of the property line of this site.
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**RECEIVED**

JUN 17 2019

Dept of Alcoholic Beverage Control

☐ Check here if additional sheets attached

I, AMANDA HALLGREN  
PRINT (Name of Protestant)

San Marcos declare under penalty of perjury:

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

VALLEY CENTER, CA

SIGNED AT (City and State)

TELEPHONE NUMBER (Optional & non-public)

DATE SIGNED

27074 SUNNINGDALE WAY, VALLEY CENTER CA 92082

8 JUNE 2019

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)



## PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

State of California

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(Name(s) of Applicant(s))

For premises at:

**28535 Cole Grade Rd. Valley Center, Ca 92082**

(Exact address of proposed premises)

RECEIVED

JUN 17 2019

Dept of Alcoholic Beverage Control  
San Marcos

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☐ Check here if additional sheets attached

I, Sue Ampa, declare under penalty of perjury:

PRINT (Name of Protestant)

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

TELEPHONE NUMBER (Optional & non-public)

SIGNED AT (City and State)

DATE

VALLEY CENTER, CA

06/08/2019

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

27074 SUNNINGDALE WAY, VALLEY CENTER CA 92082

**PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION**

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(Name(s) of Applicant(s))

RECEIVED

For premises at:

**28535 Cole Grade Rd. Valley Center, Ca 92082**

(Exact address of proposed premises)

JUN 17 2019

Dept of Alcoholic Beverage Control  
San Marcos

on the grounds that:

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☐ Check here if additional sheets attached

I, Andrew A. Impa, declare under penalty of perjury:

PRINT (Name of Protestant)

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

TELEPHONE NUMBER (Optional & non-publi)

SIGNED AT (City and State)

DATE SIGNED

27074 SWANNINGDALE WAY, VALLEY CENTER, CA 92082

08 JUN 2019

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

JUN 11 2019

Dept. of Alcoholic Beverage Control  
San Marcos



## PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

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For premises at:

**28535 Cole Grade Rd. Valley Center, Ca 92082**

(Exact address of proposed premises)

RECEIVED

JUN 17 2019

on the grounds that:

Dept of Alcoholic Beverage Control  
San Marcos

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JUN 11 2019  
☐ Check here if additional sheets attached

Dept. of Alcoholic Beverage Control

I, **Lindsay Magill**

PRINT (Name of Protestant)

, declare under penalty of perjury:

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

TELEPHONE NUMBER (Optional & non-public)

SIGNED AT (City and State)

DATE SIGNED

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

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**Thrifty Payless, Inc (Rite Aid)**

(Name(s) of Applicant(s))

RECEIVED

For premises at:

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(Exact address of proposed premises)

JUN 17 2019

Dept of Alcoholic Beverage Control  
San Marcos

on the grounds that:

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RECEIVED

JUN 10 2019

Dept. of Alcoholic Beverage Control ☐ Check here if additional sheets attached  
San Diego

I, **Katie Ashcraft**  
PRINT (Name of Protestor)

, declare under penalty of perjury:

- (1) That I am the Protestor herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

**Valley Center Ca**

SIGNED AT (City and State)

**16223 Non Rd. Valley Center Ca 92082 6/3/19**

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State & Zip Code)

TELEPHONE NUMBER (Optional & non-public)

DATE SIGNED



# PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

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Thrifty Payless, Inc (Rite Aid)

(Name(s) of Applicant(s))

For premises at:

28535 Cole Grade Rd. Valley Center, Ca 92082

(Exact address of proposed premises)

RECEIVED

JUN 17 2019

Dept of Alcoholic Beverage Control  
San Marcos

on the grounds that:

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☐ Check here if additional sheets attached

I, Elisabeth Grunwell

PRINT (Name of Protestant)

, declare under penalty of perjury:

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

SIGNED AT (City and State)

Valley Center, CA  
30367 Anthony Rd. Valley Center, CA 92082

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

TELEPHONE NUMBER (Optional)

DATE SIGNED

6-9-19

JUN 12 2019

Dept. of Alcoholic Beverage Control  
San Diego



## PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

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**Thrifty Payless, Inc (Rite Aid)**

(Name(s) of Applicant(s))

RECEIVED

For premises at:

**28535 Cole Grade Rd. Valley Center, Ca 92082**

(Exact address of proposed premises)

JUN 17 2019

Dept of Alcoholic Beverage Control  
San Marcos

on the grounds that:

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☐ Check here if additional sheets attached

I, Amy Oney, declare under penalty of perjury:

PRINT (Name of Protestant)

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

TELEPHONE NUMBER (Optional & non-public)

SIGNED AT (City and State)

DATE SIGNED

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

## PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

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I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

For premises at:

(Name(s) of Applicant(s))

28535 Ole Grade Rd. Valley Center CA 92082

(Exact address of proposed premises)

on the grounds that:

WITH IN 600 FT. OF A SCHOOL

Check here if additional sheets attached

I,

Jim Schwarz

PRINT (Name of Protestant)

declare under penalty of perjury:

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

SIGNED AT (City and State)

13586 Mc Nally Rd Valley Center CA

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

ABC-510-A (Rev. April 2010)

DATE SIGNED

5/24/19

RECEIVED

JUN 03 2019

Dept of Alcoholic Beverage Control  
San Marcos

RECEIVED

MAY 29 2019

Dept of Alcoholic Beverage Control  
San Marcos



## PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

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I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

THRIFTY PAYLESS (RITE AID)

(Name(s) of Applicant(s))

For premises at: 28535 Cole Grade Rd, VALLEY CENTER, CA 92082  
SOUTH EAST CORNER - VALLEY CENTER RD & COLE GRADE RD.

(Exact address of proposed premises)

on the grounds that:

1. THIS STORE IS NEXT DOOR TO A PUBLIC SCHOOL
2. ON THE NORTH WEST CORNER - THERE ALREADY EXISTS A LIQUOR STORE
3. THE LOCAL PUBLIC ADVISORY GROUPS - DIDN'T OK THE PROJECT
  - a. VALLEY CENTER Community Planning Group
  - b. VALLEY CENTER DESIGN GUIDELINES.
4. WE HAVE ENOUGH LIQUOR STORES IN VALLEY CENTER ALREADY

☐ Check here if additional sheets attached

I, LARRY GLAVINIC

, declare under penalty of perjury:

PRINT (Name of Protestant)

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

VALLEY CENTER

TELEPHONE NUMBER (Optional & non-public)

DATE SIGNED

SIGNED AT (City and State)

P.O. BOX 2088 / 14093 Milled Ln, VC

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

ABC-510-A (Rev. April 2010)

RECEIVED

RECEIVED

JUN 03 2019

MAY 29 2019

Dept of Alcoholic Beverage Control  
San Marcos

Dept of Alcoholic Beverage Control  
San Marcos