



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: David Newell, Community Development Director

MEETING DATE: November 12, 2024

SUBJECT: Consideration of Resolution 2024-183, Making a Determination of Exemption under CEQA Guidelines Section 15301 and Further Making a Determination that the Public Convenience or Necessity Would be Served by the Issuance of Alcoholic Beverage Control License Type 21 (Off-Sale General) for a Market and Deli Located at 263 West Ramsey Street, within the Downtown Commercial Zone and Census Tract 441.01

RECOMMENDATION:

Adopt Resolution 2024-183.

BACKGROUND:

On July 13, 2022, the Planning Commission granted a Conditional Use Permit (CUP) to allow a market and deli store selling beer, wine and distilled spirits within an existing building located at 263 W Ramsey Street. Since that time, the City has issued permits to allow improvements and initiate the proposed use. More recently, the Applicant, Grapevine Liquor, initiated the application process with the California Department of Alcoholic Beverage Control (ABC) for a Type 21 (Off-Sale General - Beer, Wine and Distilled Spirits) liquor license, which allows the sale of beer, wine, and distilled spirits for off-site consumption.

The issuance of a liquor license by the ABC is governed by the Business and Professions Code (BPC). Under BPC Section 23958, the ABC is required to investigate and consider certain matters and deny a license if its issuance would result in or add to an undue concentration of licenses, except as provided in BPC Section 23958.4. BPC Section 23958.4(a)(3) identifies an "undue concentration" exists if the following occurs:

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.

Because the subject property is located within a census tract that is identified by the ABC as an area of undue concentration of liquor licenses, the Applicant is requesting that the City Council make a determination that the addition of the new liquor license will serve the public convenience or necessity, as permitted under BPC Section 23958.4(b). The Applicant has provided additional information on page 2 of the attached ABC Form 245. If the Council makes the determination that the public convenience or necessity will be served, then the license may be issued by the ABC.

JUSTIFICATION:

The subject site is located within Census Tract number 441.01, which is encompassed by Sunset Avenue to the west, San Gorgonio Avenue to the east, Nicolet Street to the north and Interstate 10 to the south. According to the ABC, one off-sale liquor license is allowed in this census tract based on its population. Currently, there are twelve licenses, including Type 20 (Off-Sale General - Beer and Wine) and Type 21 (Off-Sale General - Beer, Wine and Distilled Spirits), that are active within this Census Tract:

Business Name	Address	License Type
Chevron/G&M Oil	827 W. Ramsey St.	20
Smart & Final	2971 W. Ramsey St.	21
Rite Aid	806 W. Ramsey St.	21
Shopping Basket	2217 W. Ramsey St.	20
Cheers Liquor & Market	572 W. Ramsey St.	21
Shell	2192 W. Ramsey St.	20
Sunset Liquor	3181 W. Ramsey St.	21
4 Bros Liquor	2185 W. Ramsey St.	21
Dollar General	1323 W. Ramsey St.	20
Banning Liquor	62 N. 8th St.	21
Arco AM/PM	2228 W. Ramsey St.	20
Eddie's Liquor	1449 W. Ramsey St.	21

The ABC can only issue the proposed liquor license if the Council determines that the public convenience or necessity would be served. Hence, the applicant is requesting a determination of public convenience or necessity from the City Council to allow a thirteenth liquor license, which is proposed to take place in conjunction with the operation of the proposed store. The following supports the determination that the proposed license will serve the public convenience or necessity:

- The subject site is zoned Downtown Commercial, an area where typically more liquor licenses are concentrated to attract residents and tourists visiting retail, service, and entertainment uses. The proposed business will provide market and deli food, in addition to liquor sales, and increase retail options in the City. Therefore, the use is consistent with the following General Plan policies and programs from Chapter III, Community Development:
 - Policy 4: Attract a greater number of commercial retail businesses to the Downtown Core area to develop a safe, vital and consumer-friendly downtown shopping area.
 - Program 4.A: Provisions for the Downtown Commercial Zoning District shall encourage specialty retail uses, live-work uses, and other uses which support and expand the pedestrian and tourist-related shopping experience
- The Planning Commission issued a Conditional Use Permit for the proposed use on July 13, 2022, which included findings that the use is consistent with criteria in Section 17.52.050 of the Zoning Code (see attached CUP Resolution). The Commission found the use was consistent with the General Plan and Zoning Code; the use would not impair the integrity and character of the land use district; the site is physically suitable for the type and intensity of land use being proposed, among other findings necessary for approval of the CUP.

Based on the foregoing, staff has prepared the attached draft resolution for City Council consideration to find that the proposed license will serve the public convenience or necessity.

FISCAL IMPACT:

None.

ALTERNATIVES:

Do not adopt the recommended resolution and direct staff to prepare an resolution denying the request.

BUDGETED?:

Yes

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. [Resolution 2024-183 - Grapevine Liquor Determination of Necessity or Convenience](#)
2. [CUP - PC Resolution No. 2022-10.pdf](#)
3. [ABC Form 245.pdf](#)
4. [23958 Investigation denial of application grounds.pdf](#)
5. [239584 Undue concentration licensure for public convenience or necessity definit.pdf](#)