



## City Council

## Staff Report

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TO: Honorable Mayor and City Council

FROM: John Jansons, City Manager 

DATE: July 25, 2016

SUBJECT: Consider request for a Letter of Public Convenience or Necessity for a Type 20 Off-Sale Alcohol License (Beer and Wine) License for Rite Aid located at 1710 N. Farmersville Blvd.

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**RECOMMENDED ACTION:**

It is respectfully recommended that the City Council approve the request for a Letter of Public Convenience or Necessity for a Type 20 Off-Sale Liquor License (Beer and Wine) for Rite Aid Corporation located at 1710 N. Farmersville Blvd.

**BACKGROUND and DISCUSSION:**

The Department of Alcoholic Beverage Control (ABC) has advised City staff and the applicant that the issuance of this license would cause an over saturation of liquor licenses for off-sale alcohol sales in census tract 14 in which the new Rite Aid Pharmacy/Drug Store is opening this Fall. Currently, ABC allows for up to five license in this census tract, and there are currently five license in effect, so the issuance of this license to Rite Aid would create oversaturation by one license if granted.

Under Business and Professions code 23958.4 the new license application must be denied unless the governing body of the jurisdiction, the City Council, declares under sections 23958 and 23958.4 B&P that there is a "Public Convenience or Necessity" that would be served by granting the license.

The applicant contacted City staff and asked that the City Council consent to their request for a license (Attachment 1).

If Council agrees that allowing Rite Aid to include Beer and Wine sales among its product line offered in the new store serves a public convenience or necessity, then Staff will prepare a letter to that affect for the Mayor to sign and send to ABC indicating local consent to issue the license.

The new Rite Aid is scheduled to open on or about October 20, 2016.

**COORDINATION & REVIEW:**

The recommendation to support the issuance of a liquor license for Rite Aid and been coordinated with and reviewed by planning and police department staff.

**FISCAL IMPACT:**

Permitting alcohol sales will increase the sales tax revenue received by the City from this business.

**CONCLUSION:**

It is respectfully recommended that the City Council approve the request for a Letter of Public Convenience or Necessity for a Type 20 Off-Sale Liquor License (Beer and Wine) for Rite Aid Corporation located at 817 N. Farmersville Blvd.

**Attachment(s): 1 – Request for Letter of Convenience / Necessity**

**Recommended By:**

  
\_\_\_\_\_  
John Jansons, City Manager



Attachment 1

MAILING ADDRESS  
P.O. Box 3165  
Harrisburg, PA 17105

GENERAL OFFICE  
30 Hunter Lane  
Camp Hill, PA 17011

717.761.2633

(VIA EMAIL TO [jjansons@cityoffarmerville-ca.gov](mailto:jjansons@cityoffarmerville-ca.gov))

July 13, 2016

Attn: Mr. John Jansons  
City Manager  
City of Farmersville

RE: Thrifty Payless Inc  
DBA Rite Aid #6764  
1710 N Farmersville Blvd  
Farmersville CA 93223-2306  
Request of Letter of Public Convenience or Necessity

Dear Mr. Jansons:

It was a pleasure speaking with your today. As you are aware, we intend to open the above referenced Rite Aid store on or about October 20, 2016, and have made application to the CA Department of Alcoholic Beverage Control (ABC) for a Type 20 Off-Sale Beer & Wine license for the site.

Our newly constructed store at 1710 N Farmersville Boulevard, is in census tract 14. The ABC has informed us that census tract 14 has an over concentration alcohol licenses and is requiring us to obtain a Letter of Public Necessity or Convenience from the City of Farmersville.

Enclosed please find our statement of Public Necessity or Convenience. Upon review, please schedule our request for next appropriate City Council Meeting as agreed. Upon City Council's approval of our request, and in addition to any letters of Public Necessity or Convenience issued by the City, please also complete and sign Part 3 of the enclosed ABC 245 and return it to the attention of Jim Akers, Rite Aid Corporation, 30 Hunter Lane, Camp Hill, PA 17011.

As I mentioned, today is my last day with Rite Aid Corporation. If you should have any questions or if you require additional information, please contact Jim Akers directly at (717) 214-8545, fax (717) 730-7762, or email [jakers@riteaid.com](mailto:jakers@riteaid.com). Thank You. Your prompt assistance in this matter is greatly appreciated.

Very Truly Yours,  
THRIFTY PAYLESS, INC.

Tina Macier  
Licensing Supervisor

**Thrifty Payless Inc's Statement Regarding  
Public Necessity and Convenience - Rite Aid #6764**

Thrifty Payless, Inc intends to relocate Rite Aid #6764 from its current location at 650 E Visalia Road, Farmersville, CA to a newly constructed free-standing building with approximately 10,000 sq ft of space located at 1710 N Farmersville Boulevard, Farmersville, CA.

A significant rationale for construction the new building is to maximize convenience to local shoppers by facilitating a 'one-stop' shopping experience. As such, in addition to a broad array of household goods and health and beauty aids in our general merchandise sections; we intend to operate the following departments:

- Pharmacy
- Pre-Packaged Food & Drink
- One Hour Photo
- Alcoholic Beverages

We will also seek to make shopping at the location more convenient to our patrons by offering ample parking at the free-standing location, and for our pharmacy customers, by offering a drive through. We also will have a more secure store with full camera and taping systems which will help secure the alcoholic beverages.

Additionally, Thrifty Payless Inc responsibly operates several hundred other licensed premises within California. Our experience helps mitigate sales to minors, loitering and other unwanted effects sometimes associated with the sale of alcoholic beverages. Vending machines and coin operated machines are also prohibited.

In summary, by making responsible sales of alcoholic beverages from an attractive new building that is designed to maximize customer service; Rite Aid #6764 will actually enhance public convenience and necessity.

We respectfully request that the City of Farmersville issue a Letter of Public Necessity and Convenience for the new location at 1710 N Farmersville Boulevard, Farmersville, CA.

Department of Alcoholic Beverage Control

State of California  
Edmund G. Brown Jr., Governor

**INFORMATION AND INSTRUCTIONS -**

**SECTION 23958.4 B&P**

- Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
  - Part 2 is to be completed by the applicant, and returned to ABC.
  - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

**PART 1 - TO BE COMPLETED BY ABC**

1. APPLICANT'S NAME  
THRIFTY PAYLESS INC

2. PREMISES ADDRESS (Street number and name, city, zip code) 1710 N. FARMERSVILLE BLVD, FARMERSVILLE, CA 93223-2306 3. LICENSE TYPE 20

4. TYPE OF BUSINESS

<input type="checkbox"/> Full Service Restaurant	<input type="checkbox"/> Hofbrau/Cafeteria	<input type="checkbox"/> Cocktail Lounge	<input type="checkbox"/> Private Club
<input type="checkbox"/> Deli or Specialty Restaurant	<input type="checkbox"/> Comedy Club	<input type="checkbox"/> Night Club	<input type="checkbox"/> Veterans Club
<input type="checkbox"/> Cafe/Coffee Shop	<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Tavern: Beer	<input type="checkbox"/> Fraternal Club
<input type="checkbox"/> Bed & Breakfast:	<input type="checkbox"/> Theater	<input type="checkbox"/> Tavern: Beer & Wine	<input type="checkbox"/> Wine Tasting Room
<input type="checkbox"/> Wine only <input type="checkbox"/> All			
<input type="checkbox"/> Supermarket	<input type="checkbox"/> Membership Store	<input type="checkbox"/> Service Station	<input type="checkbox"/> Swap Meet/Flea Market
<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Department Store	<input type="checkbox"/> Convenience Market	<input type="checkbox"/> Drive-in Dairy
<input type="checkbox"/> Drug/Variety Store	<input type="checkbox"/> Florist/Gift Shop	<input type="checkbox"/> Convenience Market w/Gasoline	

X Other - describe: RETAIL PHARMACY

5. COUNTY POPULATION 462,189 6. TOTAL NUMBER OF LICENSES IN COUNTY  
On-Sale          Off-Sale          7. RATIO OF LICENSES TO POPULATION IN COUNTY  
On-Sale  Off-Sale

8. CENSUS TRACT NUMBER 14 9. NO. OF LICENSES ALLOWED IN CENSUS TRACT 5 10. NO. OF LICENSES EXISTING IN CENSUS TRACT  
On-Sale  Off-Sale  5 On-Sale  Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)  
X Yes, the number of existing licenses exceeds the number allowed  
 No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?  
Yes (Go to Item #13)  No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER          14. TOTAL NUMBER OF REPORTING DISTRICTS          15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS           
16. AVERAGE NO. OF OFFENSES PER DISTRICT          17. 120% OF AVERAGE NUMBER OF OFFENSES          18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT         

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)  
 Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17  
 No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)  
a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.  
b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winery's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.  
X c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name: FARMERSVILLE CITY COUNCIL

**FOR DEPARTMENT USE ONLY**

PREPARED BY (Name of Department Employee)

C. LEE

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control
3640 EAST ASHLAN AVE
FRESNO, CA 93726
(559) 225-6334

File Number: 570756
Receipt Number: 2368509
Geographical Code: 5408
Copies Mailed Date: June 23, 2016
Issued Date: 155 u Arco

DISTRICT SERVING LOCATION: FRESNO
First Owner: THRIFTY PAYLESS INC
Name of Business: RITE AID 6764
Location of Business: 1710 N FARMERSVILLE BLVD
FARMERSVILLE, CA 93223-2306
County: TULARE
Is Premise inside city limits? Yes
Mailing Address: 2600 CAPITOL AVE
STE 300
SACRAMENTO, CA 95816-5930

Census Tract 0014.00

Type of license(s): 20

Transferor's license/name: 558656 / THRIFTY PAYLESS INC

Dropping Partner: Yes \_\_\_ No [checked]

Table with 7 columns: License Type, Transaction Type, Fee Type, Master, Dup, Date, Fee. Row 1: 20 - Off-Sale Beer And Win, PREMISE TO PREMISE TRANSFER NA, Y, 0, 06/23/16, \$100.00. Row 2: Total, \$100.00.

Have you ever been convicted of a felony? No

Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? No

Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of TULARE

Date: June 23, 2016

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

Applicant Name(s)

Applicant Signature(s)

THRIFTY PAYLESS INC

See 211 Signature Page

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control
3640 EAST ASHLAN AVE
FRESNO, CA 93726
(559) 225-6334

File Number: 570756
Receipt Number: 2368509
Geographical Code: 5408
Copies Mailed Date: June 23, 2016
Issued Date: 125 u Arico

DISTRICT SERVING LOCATION: FRESNO

First Owner: THRIFTY PAYLESS INC
Name of Business: RITE AID 6764
Location of Business: 1710 N FARMERSVILLE BLVD
FARMERSVILLE, CA 93223-2306

County: TULARE

Is Premise inside city limits? Yes Census Tract 0014.00

Mailing Address: 2600 CAPITOL AVE
(If different from STE 300
premises address) SACRAMENTO, CA 95816-5930

Type of license(s): 20

Transferor's license/name: 558656 / THRIFTY PAYLESS INC Dropping Partner: Yes No

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