County of San Diego, Planning & Development Services

DISCRETIONARY PERMIT APPLICATION

FOR DETERMINATIONS OF PUBLIC CONVENIENCE OR NECESSITY FOR ALCOHOLIC BEVERAGE LICENSE APPLICATIONS

ZONING DIVISION

RECORD ID(S): PDS2015-ABC-15-002

	Planning	LD Review Teams	DEH	Trails Review	Other
Fees					
Deposits	955				

TOTAL FEES AND INITIAL DEPOSIT: $ 955

OWNER'S NAME MICHAEL TOUMA Phone: 619-318-6708

Mailing Address: 9744-9746 WINTER GARDENS BLVD., LAKESIDE, CA 92040

APPLICANT'S NAME: MICHAEL TOUMA Phone: 619-318-6708

Mailing Address: 9744-9746 WINTER GARDENS BLVD.. LAKESIDE, CA 92040

PREMISE ADDRESS: 9744-9746 WINTER GARDENS BLVD.,

PREMISE PHONE: 619-938-4999

1. Premise Assessor's Parcel Number: 382-070-69
2. Premise Census Tract: 167.02
3. ABC License Type: 40
4. Type of Business (bar, mini-mart, gas station, etc.):
   Lounge with beer license only.
5. Describe uses/activities that will be included as part of the business:
   The applicant currently offers hookah and has an entertainment permit.
6. New or existing business? Existing ***If in an existing building, provide an exterior photo.***
7. Previous ABC licenses at this address? No.

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

N/A.

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

Yes, there are 6 (six) other establishments that offer beer and wine and full liquor. They are as follows:
1.) La Palapa Mexican Restaurant;
2.) San Diego Home Cooking;
3.) Boll Weevil;
4.) Wild Bull Tavern;
5.) Albertson's Supermarket;
6.) Sausage & More;

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

Apartments adjacent to the proposed applicant's location (West) of the shopping center.

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

N/A

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

N/A

APPLICANT'S STATEMENT

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

I believe that my request is reasonable and meets the threshold of Public Convenience and/or Necessity due to both the concept that I am proposing and the undersaturation level for this specific census tract.

I am propposing a California Department of Alcoholic Beverage Control (ABC) Type-40 license (On-Sale Beer Only). I have a family friendly establishment where we offier water, sodas, teas, sandwiches, snacks as well as hooka to our patrons.

Based on the number of ABC licenses in this census tract, there are currently six (6) existing and eight (8) allowed. However, five are concentrated on Woodside Avenue and East of Winter Gardens and the sixth license is an Albertson's Supermarket on Winter Gardens Blvd. that has an ABC Type-86 (Instructional Tasting License). In light of this I believe that this request benefits the residents of this neighborhood with both convenience and necessity.

Lastly, I believe that with appropriate conditions on the ABC license and exsisting Entertainment Permit that my request will protect the residents of this neighborhood and allow my business to flourish.

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

3/9/15
Date

**** OFFICIAL USE ONLY ****

Thomas Guide Page/ Grid: 1231 J4 Community Plan Area: Lakeside

Planning/ Sponsor Group: Lakeside Supervisor District: 2

Use Regulations at the site: C36

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

Unresolved Health or Building Code violations of record at the site? N/A

Technician's Comments:

Reviewed by: J. Robles Date: 3/10/15

Department of Alcoholic Beverage Control

State of California
Edmund G. Brown Jr., Governo

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
TOUMA, MICHAEL MOUFAC

2. PREMISES ADDRESS (Street number and name, city, zip code)
9744-9746 WATER GARDENS BLVD CALEXICO 92209

3. LICENSE TYPE
40

4. TYPE OF BUSINESS

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

5. COUNTY POPULATION	6. TOTAL NUMBER OF LICENSES IN COUNTY	7. RATIO OF LICENSES TO POPULATION IN COUNTY
	☐ On-Sale ☐ Off-Sale	☐ On-Sale ☐ Off-Sal
8. CENSUS TRACT NUMBER	**9. NO. OF LICENSES ALLOWED IN CENSUS TRACT**	**10. NO. OF LICENSES EXISTING IN CENSUS TRACT**
167.02	8 ☒ On-Sale ☐ Off-Sale	6 ☒ On-Sale ☐ Off-Sal

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 cou
- ☐ 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 DISTRICT
529	232	15,722
16. AVERAGE NO. OF OFFENSES PER DISTRICT	**17. 120% OF AVERAGE NUMBER OF OFFENSES**	**18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT**
182.7	67.8 %	904.13 %

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 conjuction with a beer manufacturer's license, or winegrower'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.

☒ 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 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 ABC in order to process the application.

Governing Body/Designated Subordinate Name:

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)
M GONZALEZ

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ABC-245 (rev. 01-11)

ABC15-002

PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documention, if desired. Do *not* proceed to Part 3.

I believe that my request is reasonable and meets the threshold of Public Convenience and/or Necessity due to both the concept that I am proposing and the under-saturation level for this specific census tract.

I am proposing a California Department of Alcoholic Beverage Control (ABC) Type-40 license (On-Sale Beer Only). I currently have a family friendly establishment where we offer water, sodas, teas, sandwiches, snacks as well as hookah to our patrons.

Based on the number of ABC licenses in this census tract, there are currently six (6) existing and eight (8) allowed. However, five (5) are concentrated on Woodside Avenue and East of Winter Gardens and the sixth (6th) license is an Albertson's Supermarket on Winter Gardens Blvd. that has an ABC Type-86 (Instructional Tasting License). In light of this I believe that this request benefits the residents of this neighborhood with both convenience and necessity.

Lastly, I believe that with appropriate conditions on the ABC license and existing Entertainment Permit that my request will protect the residents of this neighborhood and allow my business to flourish.

22. APPLICANT SIGNATURE	23. DATE SIGNED
	1/5/15

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless 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.
Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

☐ Yes ☐ No ☐ See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

26. CITY/COUNTY OFFICIAL NAME	27. CITY/COUNTY OFFICIAL TITLE	28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE	30 DATE SIGNED