

CITY OF YUBA CITY  
STAFF REPORT

**Date:** March 16, 2021

**To:** Honorable Mayor & Members of the City Council

**From:** Development Services Department

**Presentation By:** Benjamin Moody, Development Services Director

**Summary:**

**Subject:** Type 21 Alcohol License for DVR Investments LLC, Mobil Mart, 248 Bridge Street

**Recommendation:**

- A. Adopt a Resolution making a finding of Public Convenience or Necessity (PCN) for issuance of a Type 21 Alcoholic Beverage Control (ABC) License for DVR Investments LLC located at 248 Bridge Street
- B. Authorize the Development Services Director to execute associated documents

**Fiscal Impact:** Staff time associated with processing the request.

**Purpose:**

To allow the issuance of an ABC Type 21 License for the sale of liquor at 248 Bridge Street.

**Background:**

The Department of Alcoholic Beverage Control (ABC) has determined that DVR Investment LLC, doing business as DVR Mobil Mart, a current Type 20 Off-sale beer and wine retailer has applied for a Type 21 Off-sale beer, wine, and alcohol license at 248 Bridge Street. The proposed location is within a census tract with a concentration of alcoholic beverage licenses that exceeds ABC's standard thresholds. Pursuant to Business and Professions Code Section 23958.4, an option exists that should a City Council determine that if a public convenience or necessity would be served, then the license process can proceed with issuance.

The Mobil Mart retail/gas station occupies 0.16 acres with a 952 square foot retail space located at the corner of Yolo Street and Bridge Street. The business operates daily from 5:00 a.m. to 12:00 a.m. Mobil Mart is a retail gas station that sells motor fuels like gasoline and diesel for cars and trucks as well as a variety of convenience items like food and auto-related products. DVR Investment currently holds a Type 20 License for the sale of beer and wine.

The property is located in a retail area near the intersection of Bridge Street and Second Street. The site is designated Community Commercial - C2 zoning. The business is bounded by other C2 zoned properties, with the properties to the south being residential in a commercial zoned district.

DVR Investments LLC has requested a Type 21 Off-Sale license to allow for the additional sale of alcohol at their store. No consumption of beer, wine, or alcohol would be permitted on-site with a Type 21 license. ABC operating requirements limit the sale of any alcohol between the hours of 6:00am and 10:00pm

In general, local jurisdictions do not approve or deny ABC Licenses. However, the Public Convenience or Necessity (PCN) finding is the ABC process that allows local jurisdictions to support or reject any application for off-sale and on-sale alcoholic beverages licenses in census tracts with an “undue concentration” of ABC licenses. ABC defines an “undue concentration” of off-sale alcoholic beverage licenses as the following:

- The area is located in a crime reporting district that has a 20 percent or greater number of reported crimes than the City average; or
- The ratio of off-sale retail licenses to the population within the census tract exceeds the ratio of licenses to the population in the county as a whole.

On September 23, 2020, DVR Investment LLC submitted a priority lottery form ABC521-1 to ABC. On December 1, 2020, DVR Investment LLC was notified by ABC of their pending award of application #620161. Pursuant to Business and Professions Code Section 23958.4, ABC requires DVR to coordinate with the City to make a Public Convenience or Necessity (PCN) determination for DVR Investment LLC for the Type 21, Off-Sale beer, wine, and alcohol license in order to proceed forward with issuance of the license.

**Analysis:**

Based on the ratio of off-sale retail ABC licenses to the population in the census tract (4,037 people), in which DVR Mobil Mart is located, three off-sale licenses are allowed and four off-sale licenses currently exist with DVR Investment LLC being the holder of one Type 20 License. If the applicant’s request is approved, the number of off-sale licenses within the census tract would remain the same due to DVR Investments’ transfer of Type 20 to Type 21 License. Below are the current establishments with off-sale retail licenses in the census tract, which are also shown in Attachment 3.

Business Name	Status	License Type	Orig. Iss. Date	Expir. Date	Primary Owner	Premises Addr.
MUGS	ACTIVE	21	08/01/2001	07/31/2021	JANDA, HARDEEP SINGH	620 COLUSA AVE, YUBA CITY, CA 95991-3906 Census Tract: 0502.02
COOPER MARKET & DELI	ACTIVE	21	10/19/2005	09/30/2021	KAUR, PARAMJIT	763 REEVES AVE, YUBA CITY, CA 95991-3941 Census Tract: 0502.02
DVR MOBIL MART	ACTIVE	20	12/05/2019	11/30/2021	DVR INVESTMENTS LLC	248 BRIDGE ST, YUBA CITY, CA 95991-5046 Census Tract: 0502.02
7 ELEVEN 17952C	ACTIVE	20	10/15/2020	06/30/2021	7 ELEVEN INC	468 BRIDGE ST, YUBA CITY, CA 95991 Census Tract: 0502.02

The Yuba City Police Department is not in favor of over concentrations of alcoholic beverage licenses in census tract areas of Yuba City. However, they do not oppose the issuance of this licenses.

Additionally, staff reviewed the business history to confirm there have been no past issues with the sale of alcohol or tobacco to minors.

Staff believes that a finding of public convenience can be made, with the business being a current holder of a Type 20 License in good standing. Additionally, being adjacent to a high traffic volume roadway, that has recently changed traffic flow due to the completion of the new Twin Cities Memorial Bridge. A large percentage of eastbound traffic is now re-diverted onto the bridge directly, prior to the business, therefore the proximity of 7 Eleven at 468 Bridge Street, likely serves a different group of customers, with Mobile Mart customers traveling to the Bridge from the north and south via Sutter and 2<sup>nd</sup> Street.

**Public Notice:**

A Public Notice through the ABC application process was mailed to all property owners within a 500-foot radius of the business. As of this report, no communications have been received by ABC regarding this request.

**Fiscal Impact:**

There is no negative fiscal impact to the City budget anticipated as a result of this recommendation, with minor staff time associated with reviewing the application.

**Alternatives:**

Request additional information for consideration and / or determine that the application does not meet the threshold to establish a need for public convenience.

**Recommendation:**

- A. Adopt a resolution making a finding of Public Convenience or Necessity (PCN) for issuance of a Type 21 Alcoholic Beverage Control (ABC) License for DVR Investments LLC located at 248 Bridge Street.
- B. Authorize the Development Services Director to execute associated documents.

**Attachments:**

- 1. Vicinity Zoning Map / Census Tract Map
- 2. Retail ABC License Establishments Census Tract 502.02
- 3. DVR Investment LLC, ABC License #609887 Details / Operating Requirements
- 4. Resolution – Finding of Public Convenience

Prepared by:

*/s/ Benjamin K. Moody*  
Benjamin K. Moody  
Development Services Director

Submitted by:

*/s/ Dave Vaughn*  
Dave Vaughn  
City Manager

Reviewed By:

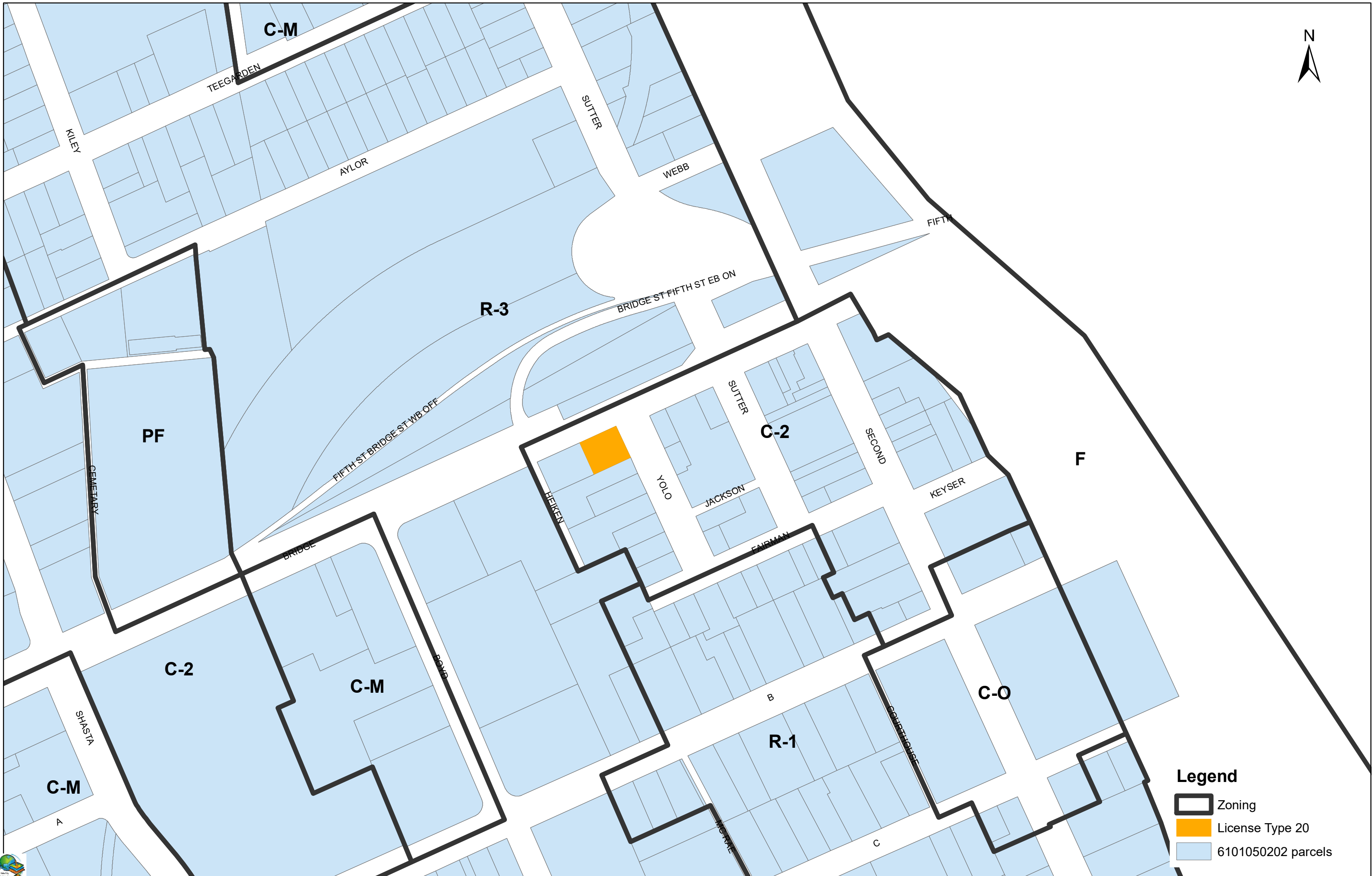
Finance Director




City Attorney

SM

SLC by email

# ATTACHMENT 1



- Legend**
-  Zoning
  -  License Type 20
  -  6101050202 parcels



# ATTACHMENT 2

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
NUMBER OF LICENSES AUTHORIZED  
BY CENSUS TRACT

County Name	County Population	County Ratio On Sale	County Ratio Off Sale	Census Tract #	Census Tract Population	On Sale	Off Sale
STANISLAUS	557,709	942	1,122	32.02	16,007	16	14
STANISLAUS	557,709	942	1,122	33	5,077	5	4
STANISLAUS	557,709	942	1,122	34	1,601	1	1
STANISLAUS	557,709	942	1,122	35	10,720	11	9
STANISLAUS	557,709	942	1,122	36.03	3,952	4	3
STANISLAUS	557,709	942	1,122	36.04	8,092	8	7
STANISLAUS	557,709	942	1,122	36.05	8,007	8	7
STANISLAUS	557,709	942	1,122	36.06	10,838	11	9
STANISLAUS	557,709	942	1,122	37	4,796	5	4
STANISLAUS	557,709	942	1,122	38.02	5,860	6	5
STANISLAUS	557,709	942	1,122	38.03	3,004	3	2
STANISLAUS	557,709	942	1,122	38.04	6,450	6	5
STANISLAUS	557,709	942	1,122	38.05	2,667	2	2
STANISLAUS	557,709	942	1,122	39.04	4,374	4	3
STANISLAUS	557,709	942	1,122	39.05	3,871	4	3
STANISLAUS	557,709	942	1,122	39.06	4,880	5	4
STANISLAUS	557,709	942	1,122	39.07	7,460	7	6
STANISLAUS	557,709	942	1,122	39.08	2,226	2	1
STANISLAUS	557,709	942	1,122	39.09	5,980	6	5
STANISLAUS	557,709	942	1,122	40	3,822	4	3
SUTTER	100,750	884	1,049	501.01	6,438	7	6
SUTTER	100,750	884	1,049	501.02	4,559	5	4
SUTTER	100,750	884	1,049	502.01	3,249	3	3
SUTTER	100,750	884	1,049	502.02	4,037	4	3
SUTTER	100,750	884	1,049	503.01	2,403	2	2
SUTTER	100,750	884	1,049	503.02	6,071	6	5
SUTTER	100,750	884	1,049	504.01	4,783	5	4
SUTTER	100,750	884	1,049	504.02	3,970	4	3
SUTTER	100,750	884	1,049	504.03	3,585	4	3
SUTTER	100,750	884	1,049	505.01	6,182	6	5
SUTTER	100,750	884	1,049	505.03	6,966	7	6
SUTTER	100,750	884	1,049	505.04	7,163	8	6
SUTTER	100,750	884	1,049	506.01	6,029	6	5
SUTTER	100,750	884	1,049	506.03	4,528	5	4
SUTTER	100,750	884	1,049	506.04	4,178	4	3
SUTTER	100,750	884	1,049	507.01	4,358	4	4
SUTTER	100,750	884	1,049	507.02	6,205	7	5
SUTTER	100,750	884	1,049	508	3,460	3	3
SUTTER	100,750	884	1,049	509	1,561	1	1
SUTTER	100,750	884	1,049	510	2,461	2	2
SUTTER	100,750	884	1,049	511	2,551	2	2
TEHAMA	65,129	824	892	1	4,699	5	5
TEHAMA	65,129	824	892	2	7,705	9	8
TEHAMA	65,129	824	892	3	4,515	5	5
TEHAMA	65,129	824	892	4	5,508	6	6
TEHAMA	65,129	824	892	5	5,507	6	6



# ATTACHMENT 3

# License Details

**Report Date:** Monday, March 01, 2021

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## License Information

License Number:

609887

Primary Owner:

DVR INVESTMENTS LLC

Office of Application:

23 - SACRAMENTO

## Business Name

DVR MOBIL MART

## Business Address

248 BRIDGE ST , YUBA CITY, CA, 95991

County:

SUTTER

Census Tract:

0502.02

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## Licensee Information

**Licensee:**

DVR INVESTMENTS LLC

## Company Information

OFFICER: RAHEJA, DHARMESH (MEMBER)

MEMBER: RAHEJA, PREETI SHIRO

MEMBER: RAHEJA, DHARMESH

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# License Types

## 20 - OFF-SALE BEER AND WINE

License Type Status:

ACTIVE

Status Date:

06-DEC-2019

Term:

12 Month(s)

Original Issue Date:

05-DEC-2019

Expiration Date:

30-NOV-2021

Master:

Y

Duplicate:

0

Fee Code:

P40

Transfers:

From License Number: [20-592996](#)

Transferred On: 05-DEC-2019

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## Operating Restrictions:

No alcoholic beverages shall be sold and/or delivered to any person while such person is in a motor vehicle.

The sale and delivery of alcoholic beverages shall be made to persons who are within the licensed premises only and not through a pass-out window or a slide-out tray to the exterior of the premises.

Sales and service of alcoholic beverages shall be permitted only between the hours of 6:00AM to 10:00PM each day of the week.

No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee(s) as depicted on the most recently certified ABC-257 and ABC-253.

The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control as depicted on the most recently certified ABC-257 and ABC-253.

Petitioner(s) shall actively monitor the area under their control in an effort to prevent the loitering of persons on any property adjacent to the licensed premises as depicted on the most recently certified ABC-253.

Beer or malt beverage products, regardless of size, shall only be sold in pre-packaged multi-unit quantities.

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### **Disciplinary Action:**

No Active Disciplinary Action found

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### **Disciplinary History:**

No Disciplinary History found.

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### **Holds:**

No Active Holds found

### **Escrows:**

No Escrow found

# ATTACHMENT 4

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
MAKING A FINDING OF PUBLIC CONVENIENCE OR NECESSITY (PCN) FOR THE  
ISSUANCE OF A TYPE 21 ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE FOR DVR  
INVESTMENTS LLC LOCATED AT 248 BRIDGE STREET**

WHEREAS, a request was made by the State Alcoholic Beverage Control (ABC), requesting a Public Convenience or Necessity (PCN) determination for DVR Investments LLC, dba DVR Mobil Mart, located at 248 Bridge Street, with hours of operation for the sale of alcohol from 6:00 AM to 10:00 AM, seven days a week; and

WHEREAS, DVR Investments LLC, dba Mobil Mart filed an application to the Alcoholic Beverage Control (ABC) for a Type 21 Off-Sale beer wine and alcohol license;

WHEREAS, Section 23958 of the Business and Professions Code requires the ABC to deny an application for a license if issuance of that license would tend to create a law enforcement problem or would result in or add to an undue concentration of licenses, except as provided in Section 23958.4 of said Business and Professions Code, which allows the ABC to issue a license if the local governing body of the area in which the applicant's premises are located finds that "public convenience or necessity" would be served by the issuance of a license; and

WHEREAS, a determination of Public Convenience or Necessity is required to allow additional licenses in an over concentration of Census Tract; and

WHEREAS, staff reviewed the business history to confirm there have been no past issues with the sale of alcohol or tobacco to minors; and

WHEREAS, the City has considered the request for Public Convenience or Necessity, the staff report and the required associated findings to justify a determination of Public Convenience or Necessity; and

WHEREAS, the approval of a PCN involves an mere addition of an different type of consumable product for sale at an already existing gas/mini mart service that sells consumable products, and given the current baseline, a determination regarding the PCN it is not a "project" for the purposes of the California Environmental Quality Act as it does not have a potential for resulting in a reasonably foreseeable physical change to the existing environment.

NOW, THEREFORE, be it resolved by the City Council of Yuba City does resolve as follows:

1. The above recitals are true and correct and incorporated herein by this reference.
2. Based on the evidence presented, the Yuba City Council determines that the public convenience or necessity would be warranted in conjunction with the current retail gas/mini mart operation for the following reasons:
  - a. The alcohol sales for off-site consumption would be a limited, part of the overall retail gas/mini mart service.
  - b. The request to permit liquor sales for off-premises consumption in conjunction with a retail gas/mini mart would not adversely affect the surrounding land uses and the growth and development of the area because the use is compatible with the nearby developments.

- c. The determination of Public Convenience or Necessity, under the conditions imposed, will not be detrimental to the health and safety of the citizens of Yuba City.

AYES:

NOES:

ABSENT:

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Marc Boomgaarden, Mayor

ATTEST:

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Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM  
COUNSEL FOR YUBA CITY:

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Shannon Chaffin, City Attorney  
Aleshire & Wynder, LLP