

STAFF REPORT

DATE: SEPTEMBER 14, 2022
TO: CHAIR HAKAN AND MEMBERS OF THE PLANNING COMMISSION
FROM: JOE PEREZ, COMMUNITY DEVELOPMENT DIRECTOR
BY: MIGUEL DEL RIO, ASSOCIATE PLANNER
SUBJECT: MASTER APPLICATION (MA) NO. 22124 (PCN22002): PROPOSED BEER AND WINE SALES FOR OFF-SITE CONSUMPTION FOR ALDI SUPERMARKET (TYPE-20 LICENSE)
LOCATION: 6365 PATS RANCH ROAD (APN: 152-630-003 & APN: 152-630-013)
APPLICANT: ALDI

RECOMMENDATION

By motion, adopt Planning Commission Resolution No. 2022-09-14-01, making a Determination for Public Convenience or Necessity No. 22002 for beer and wine sales for off-site consumption at an approved supermarket.

PROJECT DESCRIPTION

The applicant has submitted an application for Determination of Public Convenience or Necessity (PCN) No. 22002 for the sale of beer and wine for off-site consumption (Type-20 ABC License) at an approved ALDI supermarket currently in construction at 6365 Pats Ranch Road. See Exhibit 1 Aerial for the project location.

BACKGROUND

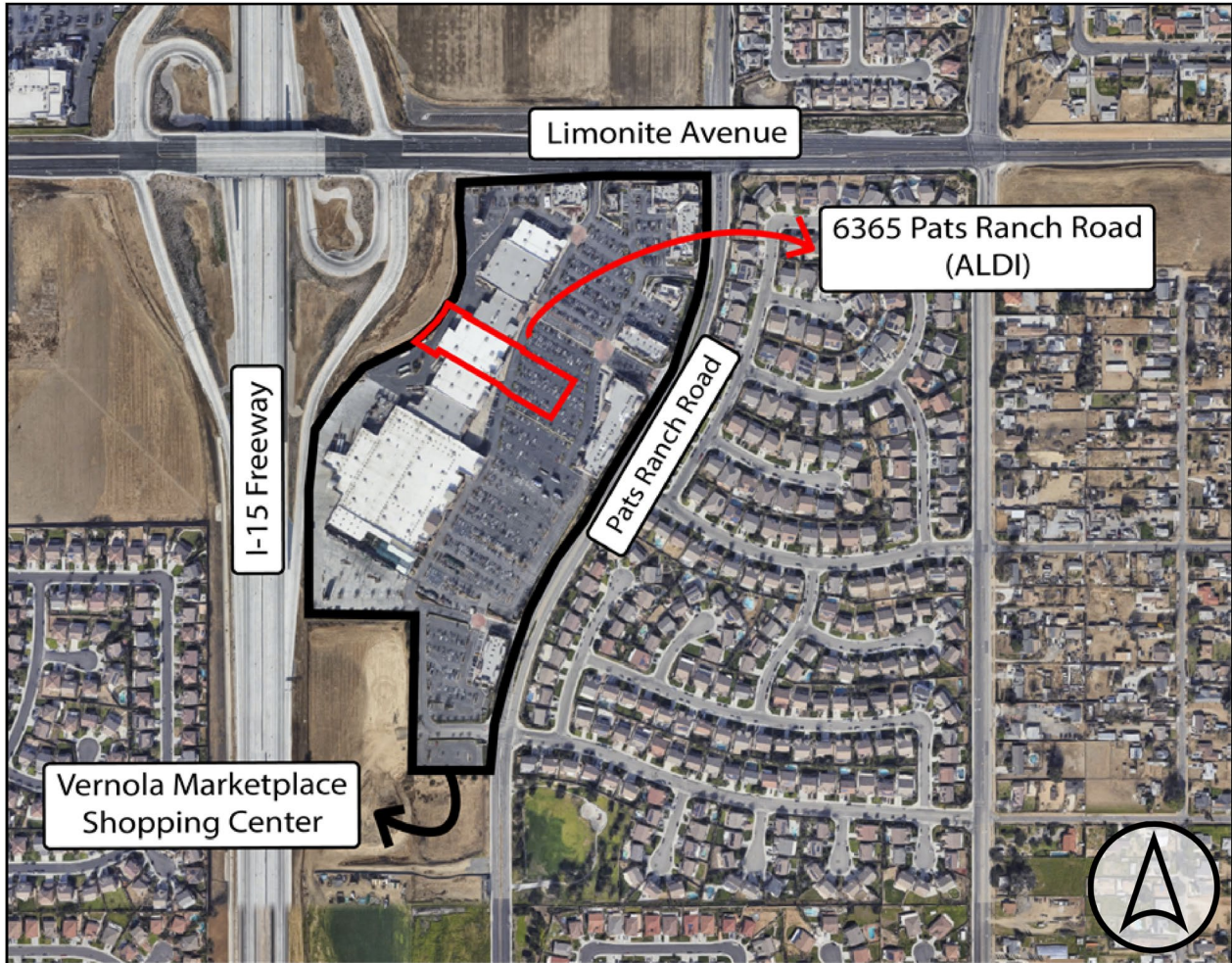
The proposed project is to allow the sale of alcohol at an approved supermarket within the Vernola Marketplace shopping center located on the southwest corner of Limonite Avenue and Pats Ranch Road.

The supermarket suite shares a structure with eight (8) other tenants including Lowes, Petco, and Ross. The Aldi's suite and project site are identified as 6365 Pats Ranch Road, previously occupied by Bed, Bath, and Beyond. A building permit has been issued to convert the vacant space into an ALDI supermarket. Building permits and entitlements for this project are listed below:

- B22-000353 - On February 14, 2022, the applicant submitted Building Permit application No. B22-000353 for commercial tenant improvements to convert the vacant space into an ALDI supermarket. On June 10, 2022, the building permit was issued for construction.
- MA22117 - On May 16, 2022, the applicant submitted a Site Development Permit application for three (3) new internally illuminated wall signs and to re-face three (3) existing ground signs for ALDI supermarket at the Vernola Marketplace shopping center. On June 13, 2022, the application was approved.

City of Jurupa Valley

EXHIBIT 1: AERIAL VIEW



PROPERTY DESCRIPTION

Aldi is located within the Vernola Marketplace shopping center that is bounded by Limonite Avenue to the north, Pats Ranch Road on the east, and I-15 freeway on the west. The Vernola Marketplace shopping center was approved by Riverside County under Plot Plan No. 19631 (PP19631) comprised of eight (8) pads for general commercial uses totaling approximately 386,397 square feet.

The project site has a General Plan Land Use Designation of Commercial Retail (CR), a zoning classification of Scenic Highway Commercial (C-P-S), and is within the I-15 Corridor Specific Plan (SP266). The site is located within Planning Area 7c of the I-15 Corridor Specific Plan. Planning Area 7c is intended for community serving retail uses like grocery stores, restaurants, and general retail. Table 1 includes general project information and Exhibit 3 is the site plan.

City of Jurupa Valley

TABLE 1 – GENERAL PROJECT INFORMATION

ADDRESS	6365 Pats Ranch Road
ACCESSOR'S PARCEL NUMBER(S)	152-630-003 & 152-630-013
TOTAL ACREAGE OF PROJECT SITE	1.79 acres
EXISTING GENERAL PLAN LAND USE DESIGNATION(S)	CR (Commercial Retail)
EXISTING GENERAL PLAN OVERLAY	Specific Plan Overlay
EXISTING SPECIFIC PLAN	I-15 Corridor Specific Plan
EXISTING ZONING CLASSIFICATION	C-P-S (Scenic Highway Commercial)

ANALYSIS

I-15 Corridor Specific Plan (SP622) Planning Area 7

The project site is located within Planning Area 7c (PA7c) of the I-15 Corridor Specific Plan (SP622). PA7c allows for community serving retail uses like grocery stores. The development standards for PA7c are the same as those contained in Article IXb (Scenic Highway Commercial C-P-S Zone) of Ordinance 348 (Title 9). Alcoholic beverage sales are allowed in the C-P-S zone. The project is consistent with the I-15 Corridor Specific Plan.

Alcoholic Beverage Sales (Section 9.240.490)

Exempt from CUP Requirement. The sale of alcoholic beverages for off-premises consumption is allowed in C-P-S zone with an approved Conditional Use Permit (CUP) unless the project is exempt. This project qualifies for an exemption to the requirement of an approved Conditional Use Permit. Per section 9.240.490(C)(2)(a), retail commercial establishments which “contain at least twelve thousand (12,000) square feet of interior floor space and is primarily engaged in the sale of groceries and do not sell motor vehicle fuels” is exempt from a Conditional Use Permit. The proposed sales of beer and wine for off-site consumption is for an approved 21,793 square foot ALDI supermarket. As such, approval of a Conditional Use Permit is not required.

Exempt from Separation Requirement. Per Section 9.240.490(C)(4), no new on-sale or off-sale alcoholic beverage establishment shall be located within one thousand (1,000) feet of residentially zoned properties, public or private schools, day care facilities, home day care facilities, health care facilities, religious facilities, parks or playgrounds, and other off-sale alcoholic beverage establishments except when an alcoholic beverage sale establishment is proposed as part of a commercial project consisting of four (4) or more buildings. The proposed alcohol sales are for an approved ALDI supermarket that is part of an eight (8) building shopping center. As such, the project is exempt from the separation requirements.

Operational Standards. Per Section 9.240.490(E), establishments with off-premises consumption of alcoholic beverages are subject to operational standards including limitations on the display areas and container sizes, nuisance prevention measures, waste management measures, loitering prevention, and advertising regulations. The applicant has provided a written statement declaring that ALDI will comply with all operational standards of the municipal code. The statement

City of Jurupa Valley

is attached as Attachment 5. Furthermore, recommended Condition of Approval No. 5 requires the adherence to these operational standards.

Determination of Public Convenience or Necessity. Per Section 9.240.490(E), a Determination of Public Convenience or Necessity (PCN) is required when the issuance of an Alcohol Beverage Control Board (ABC) license would result in or add to an undue concentration of licenses. The applicant is proposing the sale of alcoholic beverages for off-premise consumption in a census tract that currently has the maximum allowed ABC licenses resulting in the creation of an undue concentration as defined by the Professional Business Code.

The site is located within Census Tract 406.22 that is divided between cities of Jurupa Valley and Eastvale. According to the Alcohol Beverage Control Board (ABC), a maximum allowance of three (3) off-sale alcohol licenses are permitted within this Census Tract. As shown in Exhibit 2 and Table 1, there are three (3) existing off-sale licenses. The proposed Type 20 (beer and wine) license would result in four (4) off-sale licenses. Attached is a letter of justification from the applicant. See Attachment 3.

Table 1 lists all active off-sale alcohol licenses in the Census Tract 406.22 as of August 29, 2022. Exhibit 2 illustrates the location of each licenses. Currently two (2) of the three (3) licenses are located in the City of Eastvale.

TABLE 1: ACTIVE OFF-SALE RETAIL LICENSES IN CENSUS TRACT 406.22					
License Owner	Address	License Type	Issue Date	Expiration Date	Status
Beverages and More (BevMo)	6477 Pats Ranch Road, Jurupa Valley, 91752	21	10-02-2007	9-30-2022	Active
Chevron Gas Station	12464 Limonite Avenue, Eastvale, 91752	20	3-9-2011	6-30-2023	Active
Walgreens	12574 Limonite Avenue, Eastvale, 91752	20	5-9-2012	6-30-2023	Active

The issuance of a Determination of Public Convenience or Necessity would allow ALDI supermarket to acquire a Type 20 ABC License for the sale of beer and wine for off premises consumption. The ALDI supermarket will operate between the hours of 9:00 AM and 9:00 PM, seven (7) days a week. ALDI will primarily be engaged in the sale of commonly purchased groceries like fresh meats, fruits, vegetables, and bakery items.

Beer and wine products will take up one hundred and forty (140) square feet of the retail floor space within the supermarket. See Exhibit 4 for the floor plan. Alcoholic beverages will take up approximately four (4) percent of the store's shelf space and less than two (2) percent of the supermarket's 12,921 square foot floor space. The beer and wine products will be kept approximately thirty nine (39) feet from the nearest entrance on a thirty-two (32) foot long and an eight (8) foot long shelf. All beer and wine products are unrefrigerated and sold at room temperature. Overall the alcohol represents less than 2% of the overall store floor area. Exhibit 4 illustrates alcohol storage and retail space within the supermarket.

A number of safety and security measures are being implemented in the grocery store's design to deter crime and promote a safe environment. All ALDI employees are required to receive training at the time when they are hired and every 3 years to understand ALDI's alcohol sales and

City of Jurupa Valley

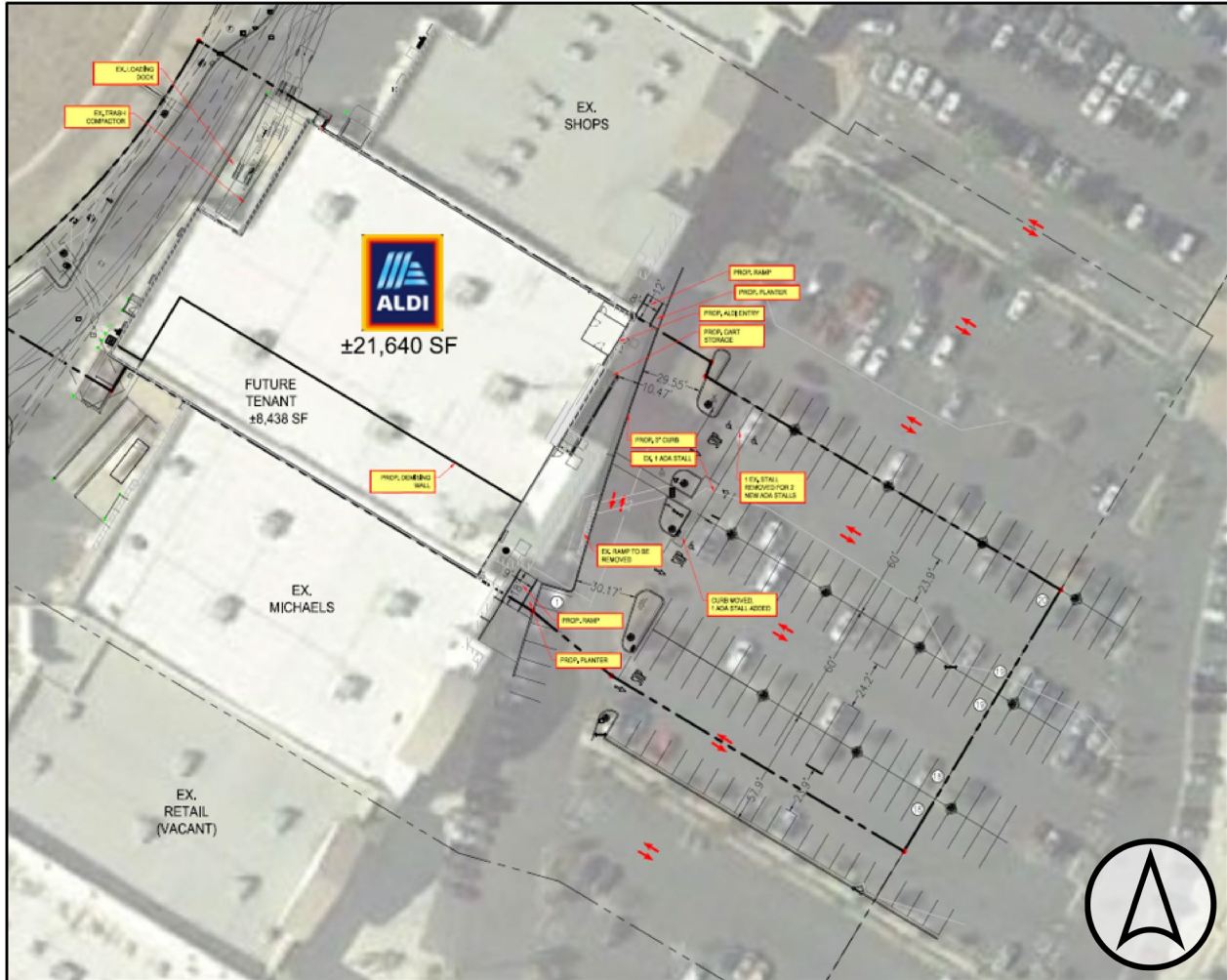
handling procedures which are based on the National Procedures for Alcohol Sales. The applicant will install a closed circuit surveillance system installed in various locations within the store including at the end of each aisle, point of sales, storage areas, store entrances, offices, halls, and loading areas. The store will also have strategically placed lighting within the building and along the exterior boundaries of the building to deter crime and loitering.

EXHIBIT 2: LOCATION OF EXISTING OFF-SALE LICENSES IN CENSUS TRACT 406.22



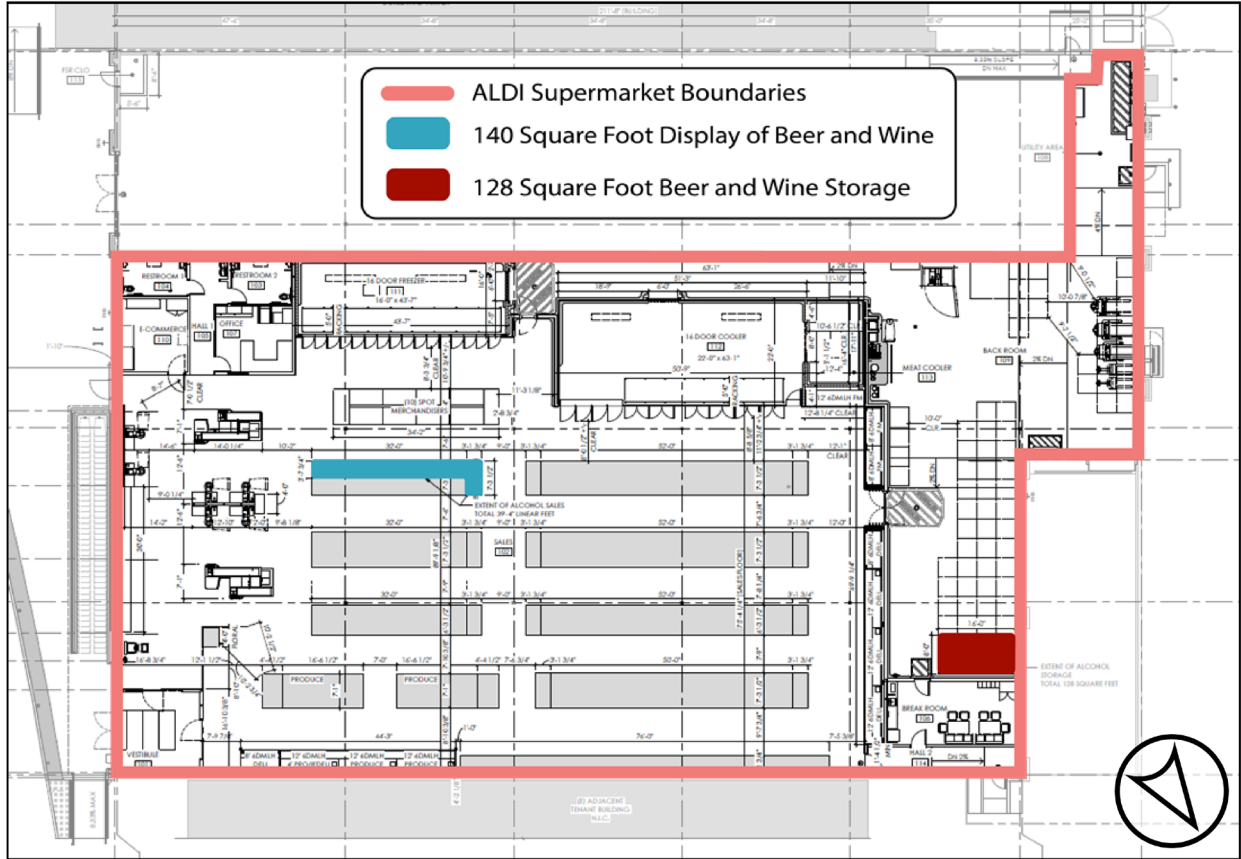
City of Jurupa Valley

EXHIBIT 3: SITE PLAN



City of Jurupa Valley

EXHIBIT 4 – PROPOSED ALCOHOL SALES AREA (FLOOR PLAN)



Determination of Public Convenience or Necessity (Section 9.240.490(G))

This code section includes criteria for the City to evaluate and consider when processing requests to for alcohol sales within an oversaturated census tract. The intent of the criteria is for staff to evaluate and consider the following:

- Type of outlet of the sales (example: liquor store, stand-alone convenience store, or market);
- Potential negative impacts to school children;
- Owner's ability to maintain the property and comply with applicable laws.

Table 2 presents the projects compliance to the criteria.

City of Jurupa Valley

TABLE 2: PUBLIC CONVENIENCE OR NECESSITY

	Criterion	Does the project comply?	Supporting information
1	Minimum Floor Area: 7,000 square feet	Yes.	The supermarket is 21,793 square-feet in size.
2	Maximum Floor Area for Sales of Alcoholic Beverages: 10%	Yes.	1.23% of the floor area is devoted to alcoholic beverage sales.
3	Minimum Floor Area devoted to Food Sales: 10%	Yes.	53.84% of the floor area is dedicated to food and non-alcoholic retail sales.
4	Location is not within a high crime area (defined as greater than 20% of the city-wide reported crime)	Yes.	Sheriff's Department confirmed the area is not considered a high crime area and is below the 20%.
5	No outstanding code violations or code enforcement activity	Yes.	No outstanding City or County Environmental Health violations.
6	Properly maintained location	Yes.	No violations for unmaintained land
7	The proposed business shall be located more than 1,000 feet from a public or private school	Yes.	There are no public or private schools located within 1,000 feet from the subject site.
8	Location is not located on a regular path for school children to a school	Yes.	The subject site is located within an existing commercial shopping center and not within a regular path used by school children going to school.

FINDINGS FOR A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY (PCN)

Per Section 9.240.490(A)(G)(5), the following findings must be made in making a determination of Public Convenience or Necessity. The proposed project meets all findings as follows:

- a) That the proposed use will not be detrimental to the health, safety and welfare of the community.

The proposed sale of alcoholic beverages for off-site consumption will not adversely affect or be detrimental to the public health, safety or general welfare of the community in that the area devoted to alcohol sales would be an ancillary part of a business involved primarily in the sale of groceries and will be approximately 2% of the total retail area square footage.

- b) That the proposed use would enhance the economic viability of the area in which it is proposed to be located.

The sale of beer and wine for off-site consumption is a vital component of the approved supermarket. Although alcoholic beverage sales will only comprise a small percentage of the supermarket sales, the availability of beer and wine is important to the store's financial viability,

City of Jurupa Valley

as customers expect to be able to procure beer and wine as part of their purchase. The sale of beer and wine would allow customers to purchase all items on their grocery list in one place incentivizing patronage at this site.

- c) That the proposed use is compatible with the surrounding area.

The proposed sale of alcohol is for an approved supermarket within an existing commercial shopping center. The determination of a Public Convenience or Necessity is compatible with the approved supermarket and the surrounding uses as the project provides a commercial service to an existing commercial shopping center. The proposed project will not disrupt the commercial character of the area.

- d) That the background of the proposed licensee and the history of the premises or any premises the applicant has operated in the past were not detrimental to the health, safety and welfare of the community.

Per the applicant's business operations letter, the applicant recognizes the seriousness of loitering, delinquency, crime, and under aged drinking. The applicant is committed to preventing any activity that would be detrimental to the health, safety, and welfare of the community. Alcohol sales training, adequate lighting, and surveillance systems are part of the alleviation measures used to create and maintain a safe environment. The applicant has nearly 2,200 stores in 38 states of the United States and 87 ALDI supermarkets in California all of which sell beer and wine.

During the review of this application, Police Departments were contacted in surrounding cities (Corona, Riverside, Norco, and Rancho Cucamonga) that have an ALDI supermarket to confirm if those existing ALDI supermarkets had any issues or negative impact on health, safety, and welfare of the communities they serve. The Police Departments of Corona, Riverside, Norco, and Rancho Cucamonga confirmed that the ALDI's location did not have any issues or negative impacts on health, safety, and welfare of the communities. Most of the received service calls on ALDI locations were attributed to incidents that happen in the parking lot or in the shopping center in general. These incidents include petty theft, car accidents, suspicious persons, and disturbing the peace. There is no evidence that the sale of off-sale alcoholic beverages contributed these crimes in the area.

- e) That the Applicant will agree, in writing, to the conditions placed upon the application.

A determination of Public Convenience or Necessity will not be valid until the applicant has agreed in writing to the Conditions of Approval imposed on the project.

SHERIFF'S DEPARTMENT COMMENTS

The County of Riverside Sheriff's Department has reviewed and considered the proposed sale of beer and wine at the approved ALDI supermarket and has no comments on the project. The Sheriff's Department does not consider the project location to be in a high crime area and has no concerns with the proposed off-site alcohol sales.

ENVIRONMENTAL REVIEW

The City of Jurupa Valley determined that the project is exempt pursuant to CEQA Guidelines Section 15061(b)(3). The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen

City of Jurupa Valley

with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

PUBLIC NOTICE

The public hearing notice was mailed to surrounding property owners within a 1,000-foot radius of the project site. Additionally, a legal advertisement was published in the Press Enterprise on September 4, 2022. No comments for this application were received as of the date of this report.

CONCLUSION

It is recommended that the determination of Public Convenience or Necessity (PCN) No. 22002 be approved with the recommended Conditions of Approval. All findings required for approval have been made. Conditions of Approval are recommended to ensure continual compliance with all requirements of ABC, the Sheriff's Department and the City. It has been determined that the proposed sale of beer and wine for off-site consumption will provide a convenience to future patrons of the approved ALDI supermarket.

Prepared by:



Miguel Del Rio
Associate Planner

Submitted by:



Joe Perez
Community Development Director

Reviewed by:

//s// Maricela Marroquin

Maricela Marroquin
Deputy City Attorney

ATTACHMENTS

1. Planning Commission Resolution No. 2022-09-14-01
 - a. Exhibit A - Recommended Conditions of Approval
2. Statement of Justification/Proposed Business Operations
3. Site Plan and Floor Plan
4. Declaration to Comply with Operational Standards

ATTACHMENT NO. 1

Resolution No. 2022-09-14-01

RESOLUTION NO. 2022-09-14-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY MAKING A DETERMINATION OF PUBLIC CONVENIENCE OF NECESSITY (PCN NO. 22002) TO ALLOW THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION AT AN APPROVED ALDI SUPERMARKET AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA

THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. **Findings.** The Planning Commission of the City of Jurupa Valley does hereby find, determine and declare that:

(a) ALDI has submitted an application for Determination of Public Convenience or Necessity (PCN No. 22002) for the sale of beer and wine for off-site consumption (Type 20 ABC License) at an approved ALDI supermarket currently under construction at 6365 Pats Ranch Road within the Vernola Marketplace Shopping Center located on the south west corner of Limonite Avenue and Pats Ranch Road. The supermarket, that is approved for a 21,793 square foot building, is part of an eight building shopping center.

(b) Under Municipal Code Section 9.240.490(C)(2)(a), the ALDI supermarket qualifies for an exemption to the requirement of obtaining a Conditional Use Permit for off-premises consumption of alcohol because the proposed sales of beer and wine for off-site consumption is for a commercial retail establishment that is primarily engaged in the sale of groceries and is over twelve thousand (12,000) square feet in size.

(c) The ALDI supermarket is exempt from the distance requirements in Municipal Code Section 9.240.490(C)(4) because the proposed alcohol sales are for an approved ALDI supermarket that is part of an eight (8) building shopping center.

Section 2. **California Environmental Quality Act Findings.** The project is exempt pursuant to CEQA Guidelines Section 15061(b)(3). The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Section 3. **Determination of Public Convenience or Necessity.**

(a) Section 9.240.490.G.(2) of the Jurupa Valley Municipal Code provides that the City Council has established procedures for the determination of public convenience or necessity and has delegated the responsibility for making such determinations to the City of Jurupa Valley Planning Commission. The Planning Commission will consider a request from an applicant to make a determination whether or not a case for public convenience or necessity exists.

(b) Section 9.240.490.G.(4) of the Jurupa Valley Municipal Code provides that a public hearing shall be held on the application in accordance with the provisions of Section 9.240.250 of the Jurupa Valley Municipal Code and all the procedural requirements and rights of appeal as set forth therein shall govern the hearing.

(c) Section 9.240.490.G.(4)(a) of the Jurupa Valley Municipal Code provides that the Planning Commission shall serve as the approving body subject to a public hearing, as required by Section 9.240.250 of the Jurupa Valley Municipal Code.

(d) Section 9.240.490.G.(5) of the Jurupa Valley Municipal Code provides that the Planning Commission must make the following findings in making a determination of public convenience or necessity and approving or conditionally approving an application for Issuance of a Letter of Determination of Public Convenience or Necessity:

1) That the proposed use will not be detrimental to the health, safety and welfare of the community;

2) That the proposed use will enhance the economic viability of the area in which it is proposed to be located;

3) That the proposed use is compatible with the surrounding area;

4) That the background of the proposed licensee and the history of the premises or any premises the applicant has operated in the past were not detrimental to the health, safety and welfare of the community; and

5) That the applicant will agree, in writing, to the conditions placed upon the license and application.

(e) Section 9.240.490.G.(6) of the Jurupa Valley Municipal Code provides that the Planning Commission may impose such conditions as are necessary to protect the health, safety and welfare of the community and fulfill the findings required for the determination of public convenience or necessity.

Section 4. Procedural Findings. The Planning Commission of the City of Jurupa Valley does hereby find, determine and declare that:

(a) The application for PCN No. 22002 was processed including, but not limited to, a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

(b) On September 14, 2022, the Planning Commission of the City of Jurupa Valley held a public hearing on PCN No. 22002, at which time all persons interested in the Project had the opportunity and did address the Planning Commission on these matters.

(c) All legal preconditions to the adoption of this Resolution have occurred.

Section 5. Findings for Determination of Public Convenience or Necessity No. 22002.

The Planning Commission of the City of Jurupa Valley does hereby find, determine and declare that findings for making a Determination of Public Convenience or Necessity can be made for the following reasons:

(a) That the proposed use will not be detrimental to the health, safety and welfare of the community.

The proposed sale of alcoholic beverages for off-site consumption will not adversely affect or be detrimental to the public health, safety or general welfare of the community in that the area devoted to alcohol sales would be an ancillary part of a business involved primarily in the sale of groceries and will be approximately 2% of the total retail area square footage..

(b) That the proposed use would enhance the economic viability of the area in which it is proposed to be located.

The sale of beer and wine for off-site consumption is a vital component of the approved supermarket. Although alcoholic beverage sales will only comprise a small percentage of the supermarket sales, the availability of beer and wine is important to the store's financial viability, as customers expect to be able to procure beer and wine as part of their purchase. The sale of beer and wine would allow customers to purchase all items on their grocery list in one place incentivizing patronage at this site.

(c) That the proposed use is compatible with the surrounding area.

The proposed sale of alcohol is for an approved supermarket within an existing commercial shopping center. The determination of a Public Convenience or Necessity is compatible with the approved supermarket and the surrounding uses as the project provides a commercial service to an existing commercial shopping center. The proposed project will not disrupt the commercial character of the area.

(d) That the background of the proposed licensee and the history of the premises or any premises the applicant has operated in the past were not detrimental to the health, safety and welfare of the community.

Per the applicant's business operations letter, the applicant recognizes the seriousness of loitering, delinquency, crime, and under aged drinking. The applicant is committed to preventing any activity that would be detrimental to the health, safety, and welfare of the community. Alcohol sales training, adequate lighting, and surveillance systems are part of the alleviation measures used to create and maintain a safe environment. The applicant has nearly 2,200 stores in 38 states of the United States and 87 ALDI supermarkets in California all of which sell beer and wine.

During the review of this application, Police Departments were contacted in surrounding cities (Corona, Riverside, Norco, and Rancho Cucamonga) that have an ALDI supermarket to confirm if those existing ALDI supermarkets had any issues or negative impact on health, safety, and welfare of the communities they serve. The Police Departments of Corona, Riverside, Norco, and Rancho Cucamonga confirmed that the ALDI's location did not have any issues or negative impacts on health, safety, and welfare of the communities. Most of the received service calls on

ALDI locations were attributed to incidents that happen in the parking lot or in the shopping center in general. These incidents include petty theft, car accidents, suspicious persons, and disturbing the peace. There is no evidence that the sale of off-sale alcoholic beverages contributed these crimes in the area.

(e) That the Applicant will agree, in writing, to the conditions placed upon the application.

A determination of Public Convenience or Necessity will not be valid until the applicant has agreed in writing to the Conditions of Approval, attached here to as Exhibit A, that are imposed on the project.

Section 6. **Certification.** The Planning Director shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Jurupa Valley on this 14th day of September, 2022.

Hakan Jackson
Chair of Jurupa Valley Planning Commission

ATTEST:

Joe Perez
Community Development Director/Secretary of the Planning Commission

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF JURUPA VALLEY)

I, Joe Perez, Community Development Director of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2022-09-14-01 was duly adopted and passed at a meeting of the Planning Commission of the City of Jurupa Valley on the 14th day of September, 2022, by the following vote, to wit:

AYES: COMMISSION MEMBERS:

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTAIN: COMMISSION MEMBERS:

JOE PEREZ
COMMUNITY DEVELOPMENT DIRECTOR

EXHIBIT "A"

CONDITIONS OF APPROVAL FOR MA22124 (PCN22002)

COMMUNITY DEVELOPMENT DEPARTMENT

1. **PROJECT PERMITTED.** MA22124 (PCN22002) is for the Determination of Public Convenience or Necessity (PCN) for the sale of alcoholic beverages for off-site consumption that will result an over concentrated census tract at 6365 Pats Ranch Road (APNS:152-630-003 and 152-630-013).
2. **INDEMNIFY CITY.** The applicant, the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor"), shall indemnify, defend, and hold harmless the City of Jurupa Valley and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the "Indemnitees") from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either (i) the City's approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act ("CEQA"), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an "Action") within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City's full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City.
3. **CONSENT TO CONDITIONS.** Within thirty (30) days after project approval, the owner or designee shall submit written consent to the required conditions of approval to the Community Development Director or designee.
4. **FEES.** The approval of MA22124 (PCN22002) shall not become effective until all planning fees have been paid in full.
5. **CONFORMANCE TO APPROVED EXHIBITS.** The project shall be in conformance to the approved plans (listed below) with any changes in accordance to these conditions of approval:
 - a. Proposed Business Operations Letter/Justification Letter
 - b. Site Plan
 - c. Floor Plan (dated 7-26-2022)
 - d. Declaration to Comply with Operational Standards

6. **GRAFFITI.** Graffiti shall be removed from the site within 24 hours.
7. **SECURITY SYSTEM.** Install (1) an alarm system and (2) a surveillance monitoring system on-site. The surveillance monitoring system shall include the surveillance monitoring of all entrances and exits. The surveillance plan shall be reviewed and approved by the Community Development Director **prior to the issuance of a Certificate of Occupancy.**
8. **L.E.A.D. CERTIFICATE.** The applicant and any employees of the retail establishment selling alcoholic beverages for off-site consumption shall provide the "Licensee Education on Alcohol and Drugs" (L.E.A.D.) completion certificate to the Community Development Department.
9. **GENERAL MAINTENANCE OF PROPERTY.** The applicant shall maintain the approved project site free of debris, weeds, abandoned vehicles, code violations, and any other factor or condition that may contribute to potential blight or crime.
10. **LANDSCAPE MAINTENANCE.** All landscaped areas shall be maintained in an orderly, attractive and healthy condition. This shall include proper pruning, mowing of turf areas, weeding, removal of litter, fertilization, replacement of plants when necessary, and the regular application of appropriate quantities of water to all landscaped areas. Irrigation systems shall be maintained in proper operating condition. Waterline breaks, head/emitter ruptures, overspray or runoff conditions and other irrigation system failures shall be repaired immediately.

The Applicant hereby agrees that these Conditions of Approval are valid and lawful and binding on the Applicant, and its successors and assigns, and agrees to the Conditions of Approval.

Applicant's name (Print Form): _____

Applicant's name (Signature): _____

Date: _____

ATTACHMENT NO. 2

Statement of Justification/Proposed Business Operations

**ALDI, Inc.
6365 Pats Ranch Rd
Mira Loma, CA 91752
APN 152630003**

Proposed Business Operations

Simply Smarter Shopping

At ALDI, Simply Smarter Shopping is the guiding principle that underscores everything we do. Our operations, store layouts and customer service are built around maximizing efficiencies to offer high-quality groceries while keeping our prices as low as possible. Our Simply Smarter Shopping model has resonated with customers for 46 years, and demand for ALDI is growing nationwide. The first ALDI opened in the Midwest in 1976 and today, we have nearly 2,200 stores in 38 states.

At ALDI, customers can find more than 1,800 of the most commonly purchased grocery items in the most popular sizes – including fresh meats, fruits, vegetables and bakery items. Essentially, the heart of your weekly shopping list. ALDI customers throughout the country have found that switching from national brands to ALDI exclusive private-label brands can save them up to 50 percent on their grocery bills. And we deliver that savings without sacrificing top quality. Our ALDI exclusive brands must meet or exceed the national name brands on taste, quality and, of course, price. That truly is the ALDI difference.

Project Summary

This application is to request a Public Convenience and Necessity (PCN) for a Type 20 ABC license, for incidental off-sale of beer and wine at the ALDI Food Market located at 6365 Pats Ranch Rd.

The subject property is zoned C-P-S Scenic Highway Commercial. Alcoholic beverage sales for off-site consumption is allowed at 6365 Pats Ranch Road pursuant to all rules and regulation of Section 9.240.490 (Alcoholic Beverage Sales) and all other applicable requirements of the Municipal Code. Grocery stores are considered a permitted use.

The sales of beer and wine is essential in order to provide ALDI customers with a wide selection of products. By providing a diverse range of products, including alcoholic beverages, readily available to the consumer at this ALDI store, this will provide a public convenience to the surrounding area. Without it, a consumer may need to make multiple stops at various retail outlets in order to obtain all items on their shopping list.

ALDI is designed and shall operate in such a manner that provides a safe environment for patrons, employees, and the surrounding community. ALDI recognizes the seriousness of loitering, delinquency, crime and underage drinking and is committed to taking all necessary precautions to address law enforcement concerns that may arise with this site. A number of security and safety measures are incorporated into the store design, including but not limited to the following:

1. A closed-circuit surveillance system will be installed throughout the store. Camera locations include at the end of each aisle, point of sales, back room, store entrance, offices, hall, and loading dock area. The Store Manager and District Manager are trained in using the CCTV system.
2. Adequate store lighting will be provided throughout the interior of the store and along the exterior boundaries of the building. Exterior lighting fixtures shall remain in compliance with lighting requirements outlined by the City of Jurupa Valley Municipal Code.
3. All ALDI employees undergo training at the time of employment and once every 3 years, to reviewing ALDI's alcohol sales and handling procedures, based on the National Procedures for Alcohol Sales.

The ALDI Food Market building is within an existing commercial space (previously Bed Bath & Beyond) and is +/- 21,640 SF. Alcoholic beverage sales are estimated to occupy a small percentage of sales floor area (approximately 4% of the store's shelf space). Additional entitlements, including a Conditional Use Permit, are not required for ALDI and their use.

The store will operate between the hours of 9:00AM – 9:00PM, seven days a week (hours subject to change). The store will have a total of approximately 20 employees, with 3-7 employees per shift.

Other detailed information regarding ALDI's request for a PCN:

- ALDI is applying for a Type 20 alcohol license (off-sale of beer and wine).
- There is not an existing alcohol license at this location. ALDI is applying for a new Type 20 license.

- The applicant's name and proposed business (including contact information) has been provided on the Land Use Entitlement Application included in this submittal.
- ALDI does not provide motor vehicle fuels sales and thus concurrent sales of motor vehicle fuels and alcoholic beverages for off-premises consumption is not a problem.
- A list of 87 ALDI locations in California, all of which sell beer and wine for off-sale consumption, has been provided on the following page.

List of ALDI Locations in California
(all of which have off-sale of alcohol)

City	Address
Clovis	1725 Herndon Ave.
Fresno	2072 W. Shaw Ave.
Calexico	2450 Rockwood Ave.
El Centro	2260 N. Imperial Ave.
Hanford	1789 W. Lacey
Bakersfield	5190 Stockdale Hwy.
Bakersfield	2120 Panama Lane
Delano	490 Woollomes Ave.
Alhambra	2121 W. Main St.
Altadena	2246 N. Lake Ave.
Arcadia	1403 South Baldwin Ave.
Bellflower	16123 Bellflower Blvd.
Burbank	683 N. Victory Blvd.
Cerritos	11530 South St.
Compton	203 Towne Center Dr.
Covina	1400 N. Azusa Ave.
Downey	11215 Lakewood Blvd.
Gardena	1550 W. Redondo Beach Blvd.
Glendora	1253 Lone Hill Ave.
Inglewood	3330 W. Century Blvd.
LA - Northridge	19350 Nordhoff #E
LA - Panorama City	Roscoe & Tobias
La Puente	1545 N. Hacienda Blvd.
La Verne	2268 Foothill Blvd.
Lancaster	2014 Ave J. East
Long Beach	4580 Atlantic Ave.
Monrovia	725 E. Huntington Dr.
Palmdale	740 W. Rancho Vista Blvd.
Pico Rivera	8950 Washington St.
Santa Clarita	24860 Orchard Village Rd.
Santa Fe Springs	13210 Telegraph Rd.
South Gate	5830 Firestone Blvd.
Torrance	24600 Crenshaw
Walnut	21555 Valley Blvd.
Whittier	15535 Whittier Blvd.
Anaheim	275 S. Euclid St.
Buena Park	8351 La Palma Ave.
Fountain Valley	17070 Magnolia St.
Garden Grove	9901 Chapman Ave.
La Habra	1001 E. Imperial Hwy.
Laguna Woods	24270 El Toro Rd.
Santa Ana	2830 S. Bristol St.
Westminster	13900 Goldenwest St.
Beaumont	1638 E. 2nd St.
Corona	705 N. Main St.
La Quinta	78-601 Highway 111

Lake Elsinore	18294 Collier Ave.
Menifee	30163 Haun Rd.
Moreno Valley	12630 Day Street
Murrieta	39025 Date Street
Palm Desert	72543 Hwy 111, Suite B
Palm Springs	5200 E. Ramon Rd., Suite B5
Perris	Perris & Citrus
Riverside	3750 Tyler St.
San Jacinto	San Jacinto & Commonwealth
Temecula	29655 Rancho California Rd.
Chino	3840 Grand Ave.
Fontana	15080 Summit Ave.
Hesperia	13360 Main St.
Hesperia	18667 Bear Valley Rd.
Highland	4020 Highland Ave.
Rancho Cucamonga	11070 E. Foothill Blvd.
Redlands	27641 San Bernardino Ave. Suite 110
Rialto	630 W. Foothill Blvd.
San Bernardino	625 E. Hospitality Lane
Upland	349 S. Mountain Ave.
Yucaipa	34000 Yucaipa Blvd.
Santa Maria	425 E. Betteravia Ave.
Chula Vista	40 N. 4th Ave., Suite 110
Chula Vista	1850 Main Court
Encinitas	333 N. El Camino Real
Escondido	1330 East Valley Pkwy, #M
Escondido	1352 B W. Valley Pkwy
Mira Mesa	6755 Mira Mesa Blvd.
Oceanside	4251 Oceanside Blvd.
Poway	13438 Poway Rd.
Ramona	215 16th Street
San Diego	Navajo Rd. & Hwy 125
Vista	1750 University Dr.
Arroyo Grande	1221 E. Grand Ave.
Porterville	770 S. Jaye St
Oxnard	1710 E. Gonzales Rd.
Oxnard	635 S. Ventura Rd.
Simi Valley	425-A E. Cochran St.
Simi Valley	3963 Cochran St.
Thousand Oaks	179 Moorpark Rd. Suite A
Ventura	4717 Telephone Rd.

ATTACHMENT NO. 3

Site Plan and Floor Plan



30 Executive Park, Suite 100
Irvine, CA 92614
t: 949 296 0450 f: 949 296 0479

PROJECT INFORMATION

SITE AREA
ALDI PARCEL AREA: ±1,801 AC

BUILDING AREA
PROP. ALDI ± 21,640 SF
PROP. FUTURE TENANT ± 48,438 SF
TOTAL BUILDING AREA ± 30,078 SF
ALDI SITE COVERAGE: ±27.58% (±12,015 SF/AC)
TOTAL PARCEL COVERAGE: ±38.34% (±16,700 SF/AC)

PARKING SUMMARY

USER	RATIO REQUIRED	SPACES REQ'D	SPACES PROVIDED
ALDI	5 SP/1000 SF	117	85
FUTURE TENANT	5 SP/1000 SF	42	15
TOTAL PARKING:		159	95
ALDI RATIO PROVIDED:		±3.09 SP/1000 SF	
TOTAL RATIO PROVIDED:		±3.32 SP/1000 SF	

NOTE: PARKING IS RECIPROCAL FOR ENTIRE SHOPPING CENTER

ZONING INFORMATION
CITY OF JURUPA VALLEY, CA
JURISDICTION: C-P-S (SCENIC HIGHWAY COMMERCIAL)
EXISTING ZONING: I-15 CORRIDOR OVERLAY
PROPOSED ZONING: C-P-S (SCENIC HIGHWAY COMMERCIAL)
I-15 CORRIDOR OVERLAY

BUILDING SETBACKS
NO REQUIREMENTS FOR BUILDINGS THAT DO NOT EXCEED 35' HEIGHT

PROJECT NOTES
1. THIS SITE PLAN IS BASED ON TOPOGRAPHIC SURVEY PREPARED BY BASE CONSULTING GROUP, INC. DATED 10/23/2021.

DRAWING ISSUE REVISION RECORD

DATE	DATE	INITIALS
08/18/2021	PREP SP-1	CD
08/10/2021	PREP SP-1.1 W/CFP-4	CD
11/05/2021	PREP SP-2 BASED ON SURVEY	BS
11/12/2021	PREP SP-2.1	BS

CLIENT ALDI
CLIENT REPRESENTATIVE MATTHEW BACA
SITE PLANNER CD
SITE DEV. COORDINATOR LORI GARNER



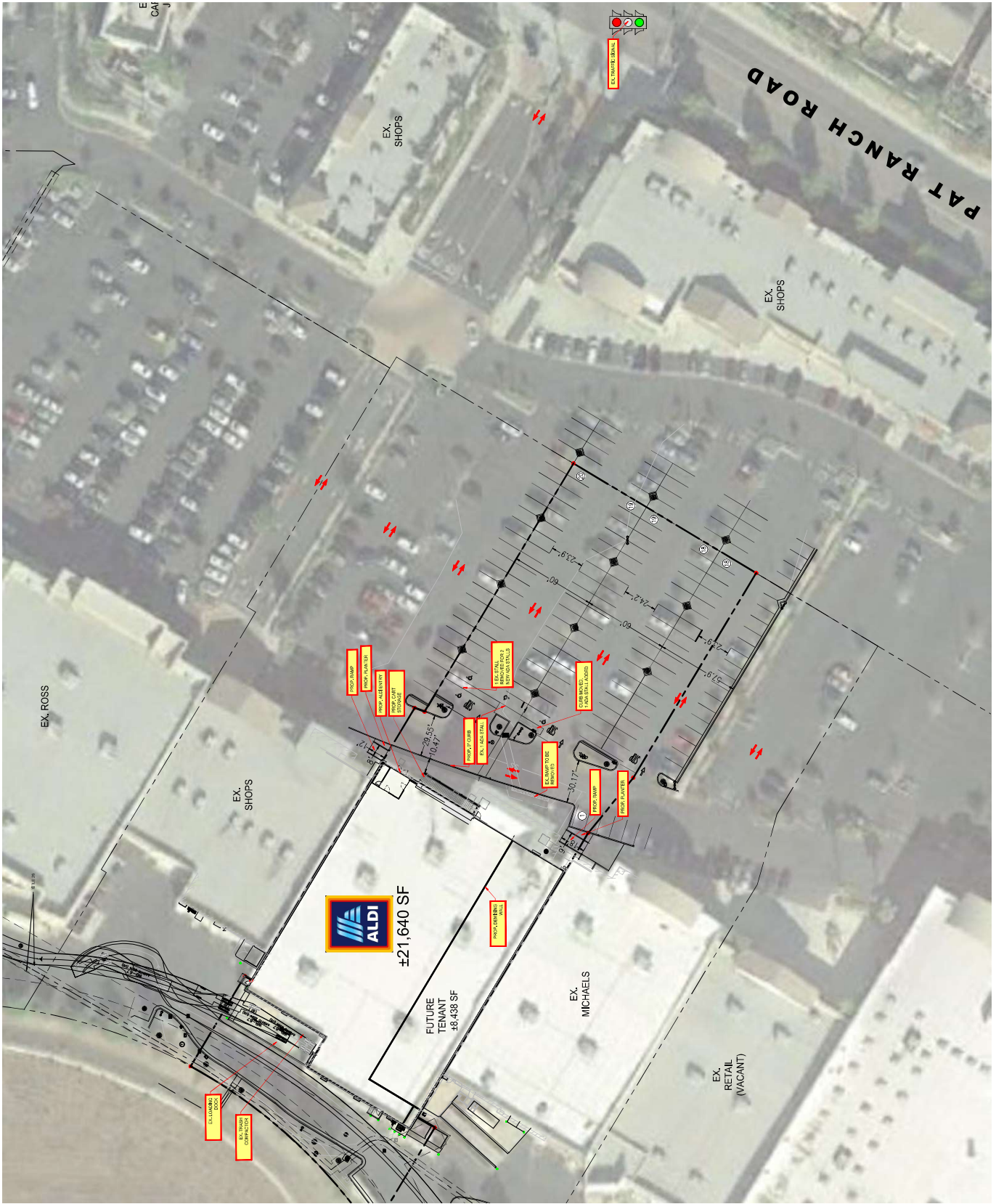
JURUPA VALLEY, CA
SEC INTERSTATE 15
& LIMONITE AVENUE

GFA PROJECT NUMBER 20210704-0



SCALE: 1" = 30'

SP 2.1



Date:	
Issue:	
Date:	
Issue:	
Date:	
Issue:	


Date:	
Revision:	
Date:	
Revision:	
Date:	
Revision:	
Date:	
Revision:	

Spec	Spec
Project Architect/Engineer	Date: ##/##/##
Project Lead	Date: ##/##/##
Lead Name	Date: ##/##/##
Project Designer	Date: ##/##/##
Designer Name	Date: ##/##/##

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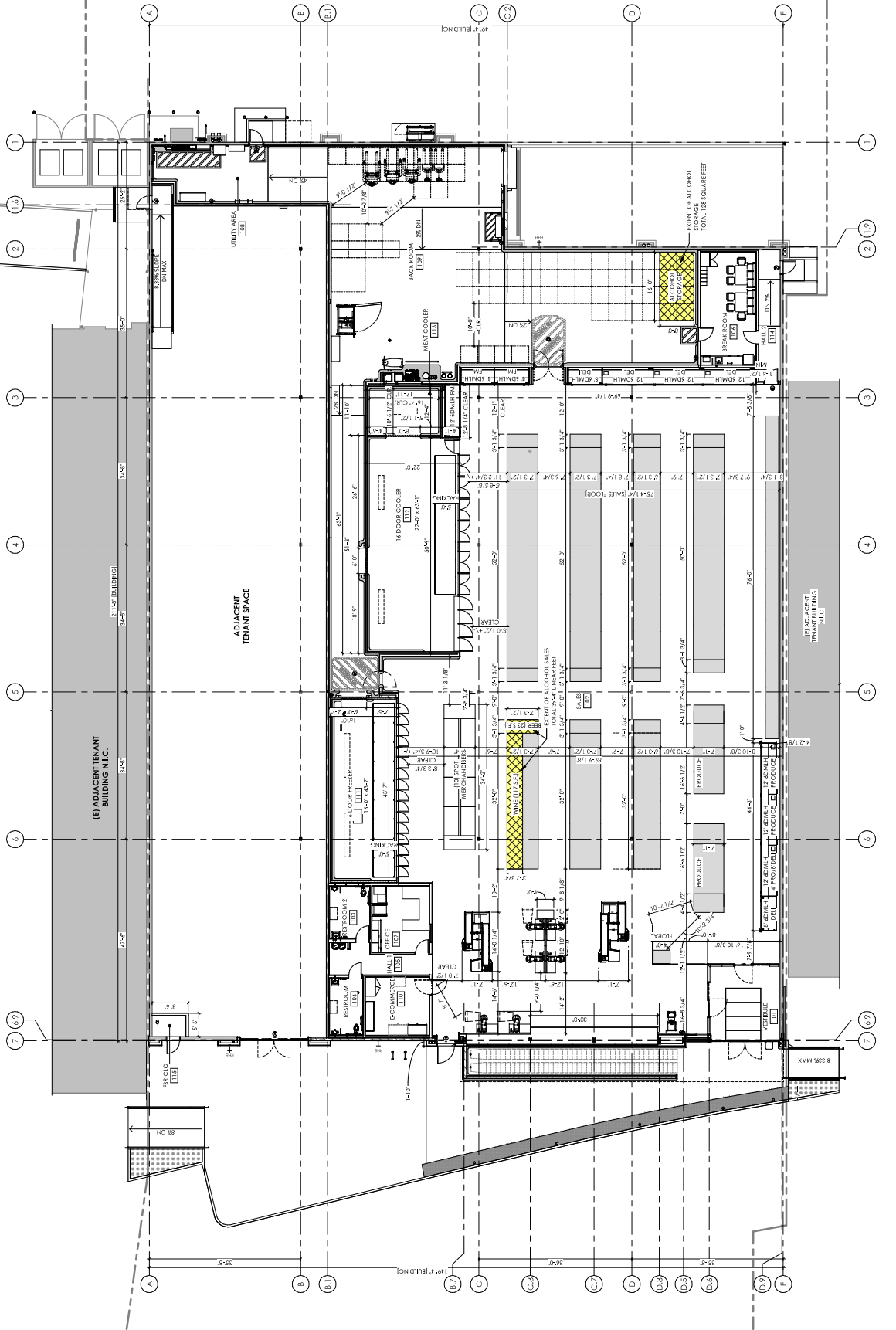


ALDI Inc. Store # 16
 1261 4th Place
 Moreno Valley, CA 92554-0703

Mira Loma - Vernola
 6345 Pats Ranch Rd
 Jurupa Valley, CA, 91752
 Riverside County
 Project Name & Location:
 Alcohol Exhibit

Drawing Name:	Project No.
Date: 07.26.22	21-131
Type: RHSDV7ER	Drawn By: MF
EXHIBIT	Scale: AS NOTED
Drawing No.	

OVERALL BUILDING: 21,793 S.F.
 LIQUOR @ SALES FLOOR: 140 S.F.
 LIQUOR @ BACK ROOM: 128 S.F.
 TOTAL: 268 S.F.
 LIQUOR STORAGE: 1.23% OF BUILDING



PLOTTED: 7/26/2022 3:38:50 PM

ATTACHMENT NO. 4

Declaration to Comply with Operational Standards

July 27, 2022

Re ALDI 6365 Pats Ranch Road
APN 152630003, MA22124 (PCN22002)

Dear Mr. Del Rio:

I hereby declare that Aldi will comply with the operational standards per the City of Jurupa Valley Municipal Code Sec. 9.240.490.(E). Below you can find our responses to each standard.

All proposed establishments (and modifications to existing establishments approved with conditional use permits) with the sale of alcoholic beverages for on-premises and off-premises consumption shall be designed, constructed, and operated to conform to all of the following operational standards:

1. That it does not result in adverse effects to the health, peace, or safety of persons residing or working in the surrounding area.

Response: Aldi will maintain a safe and peaceful environment.

2. That it does not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.

Response: ALDI's sale of beer and wine for off-site consumption does not jeopardize or endanger public health.

3. That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including, without limitation, disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations, curfew violations, lewd conduct, or law enforcement detentions and arrests.

Response: ALDI's sale of beer and wine for off-site consumption will not result in any of the nuisance activities noted.

4. That an off-sale consumption establishment complies with the following alcohol sale limitations:

- i. No wine shall be displayed, sold, or given away in containers of less than seven hundred fifty (750) milliliters, except multipack containers of wine, and multipack wine coolers containing no more than six (6) percent alcohol by volume.

Response: Aldi will comply.

- ii. No wine shall be displayed, sold, or given away with an alcoholic content greater than fifteen (15) percent by volume unless in corked bottles and aged at least two (2) years.

Response: Aldi will comply.

- iii. No distilled spirits shall be displayed, sold, or given away in containers of less than three hundred seventy-five (375) milliliters, including, without limitation, airline bottles, except pre-mixed cocktails.

Response: Aldi will comply.

- iv. No distilled spirits shall be displayed, sold or distributed in three hundred seventy-five (375) milliliters hip flask containers.

Response: Aldi will comply.

- v. No beer, ale, or malt liquor shall be offered for sale in a container with a volume greater than thirty-two (32) ounces. This restriction is not intended to prohibit the sale of such beverages in kegs or other types of containers, with a volume of two (2) or more gallons, which are clearly designed to dispense multiple servings.

Response: Aldi will comply.

- vi. No sale, distribution or giving away of alcoholic beverages shall be made from a drive-thru or walk-up window.

Response: Aldi will comply.

- vii. No display, sale, distribution or giving away of beer or wine, wine coolers or similar alcoholic beverages shall be made from an ice tub, barrel, or similar container.

Response: Aldi will comply.

- viii. All display of alcoholic beverages shall be at least five (5) feet from the store entrance.

Response: Aldi will comply.

5. That it complies with the following public nuisance prevention measures:

- i. Adequate lighting. The exterior areas of the premises, including on-site parking area and pedestrian paths, shall be provided with sufficient lighting in a manner that provides adequate illumination for alcohol establishment patrons while not spilling onto surrounding properties or streets. A photometric study may be required to demonstrate compliance.

Response: Aldi will comply.

- ii. Waste management. Adequate waste receptacles shall be provided on site and in the building. The premises shall be kept free of the accumulation of litter or waste. Removal of waste or litter from the waste receptacles shall occur at a minimum of once each day the business is open.

Response: Aldi will comply.

- iii. Loitering. The following measures shall be required:

- 1. No fixtures or furnishings that encourage loitering and nuisance behavior shall be permitted on the exterior of the building where alcoholic beverage sales occur. This

includes, without limitation, chairs, seats, stools, benches, tables, and crates, etc. located outside of the building.

Response: Aldi will comply.

2. Except for on-sale establishments, no video or other electronic games shall be located in an alcoholic beverage establishment.

Response: Aldi will comply.

3. No pay phones shall be permitted on the exterior of the building where alcoholic beverage sales occur.

Response: Aldi will comply.

- iv. Prohibited advertising display or signage. Exterior advertising of alcoholic products, tobacco and paraphernalia, or similarly controlled products, as defined in Section 5.68.020 of this Code, are prohibited.

Response: Aldi will comply.

- v. Required signage. The following signs shall be required to be prominently posted in a readily visible manner on an interior wall or fixture, and not on windows, in English and Spanish:

1. "California State Law prohibits the sale of alcoholic beverages to persons younger than 21 years of age;"

Response: Aldi will comply.

2. "No Loitering or Public Drinking;"

Response: Aldi will comply.

3. "It is illegal to possess an open container of alcohol in the vicinity of this establishment (not required for on-sale establishment)."

Response: Aldi will comply.

- vi. Presentation of documents. A copy of any applicable conditions of approval and the ABC license shall be required to be kept on the premises and presented to any enforcement officer or authorized state or county official upon request.

Response: Aldi will comply.

- vii. Mitigating alcohol related problems. The establishment shall be required to operate in a manner appropriate with mitigating alcohol related problems that negatively impact those individuals living or working in the neighborhood including, without limitation, sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, drug use, loud noise and litter.

Response: ALDI's training standards include the prohibition on sales to minors, and ALDI's operations will not encourage any of the negatively impactful activities noted in the above.

viii. Drug paraphernalia. An off-sale alcohol establishment shall be prohibited from selling drug/tobacco paraphernalia products as defined in California Health and Safety Code Sections 11014.5 and 11364.5. "Drug paraphernalia" means all equipment products and materials of any kind that are used intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act commencing with California Health and Safety Code Section 11000.

Response: Aldi will comply.

ix. Prohibited vegetation. Exterior vegetation shall not be planted or maintained to create a hiding place for persons on the premises.

Response: Aldi will comply.

x. Window obstructions. To ensure a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance, no more than fifteen (15) percent of windows and entry doors shall be blocked by signs, vending machines, shelves, racks, storage, etc.

Response: Aldi will comply.

xi. Posting of documents. A copy of these operational standards, any applicable alcoholic beverage control agency regulations or city operating conditions, and any training requirements shall be posted in at least one (1) prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.

Response: Aldi will comply.

Sincerely,

Matthew Baca
Director of Real Estate
Aldi Inc.