



August 14, 2012

Robert Kirschmann  
Associate Planner  
Town of Yucca Valley  
Monterey Business Center  
58928 Business Center Drive  
Yucca Valley, CA

Dear Mr. Kirshmann:

Please consider this letter our official request for a finding of Public Convenience or Necessity required by the Department of Alcoholic Beverage Control pursuant to § 23958.4 of the Business and Professions Code. Please consider the following as justification of Public Convenience and Necessity, as well as our explanation of how this store Dollar General will not interfere with its neighbors' quiet enjoyment of their property for the approval of our application for an Off-Sale General license, at the above location.

### **Premises Description**

The proposed premise will be located at NWC 29 Palms Hwy & Hopi Trail in the City of Yucca Valley. This area attracts countless residents, tourists, businesspersons, and retail employees. As a result of the large number of visitors drawn to this thoroughfare, the public demand substantiates a need for a greater number of stores than are indicated by census tract ratios.

### **Public Convenience or Necessity**

First, it is important to emphasize that Business & Professional Code § 23958.4 require a positive finding of public convenience **"or"** necessity in order for an on-site ABC application to be approved. This it is legally sufficient if Dolgen California LLC shows **either** public convenience **or** public necessity. It is **not** legally necessary to show both.

Second, it is only necessary to show public convenience or necessity where there is an "undue concentration" of licensees in the census tract. The term "undue concentration" (also referred to as "over concentration") is specifically defined in Business and Professional Code § 23958.4 as simply a ratio of **the number of licenses in a census tract** compared to **the average number of licenses in a County**, as a whole. It does **not** mean that a particular census tract necessarily has too many licenses for the needs of convenience of residents in that tract.



"Over Concentration" also does not mean that the State, or anyone else, has previously looked at this census tract and determined that it has suffered any deleterious effects from the actual number of licenses existing; or that it will suffer if a new license is issued. It merely provides a guideline for making such a determination, in the form of determining whether in a particular situation, the ABC license would serve the "public convenience or necessity".

Thus the fact that the census tract in which the Dolgen California LLC, (DBA: Dollar General) site is located is statutorily "over concentrated" does not mean that the selling of alcoholic beverages at a store selling a small amount of alcoholic beverages at a discount box store will have adverse impacts. Rather, it simply means that either public convenience or public necessity will be served by the sale of alcoholic beverages at this site in conjunction with the sales of other items carried.

### **BASIS FOR SUPPORTING OFFSITE ALCOHOLIC BEVERAGES SALES AS AN INTEGRAL PART OF THE PROPOSED PROJECT.**

#### **1. The convenience of Dollar General's Concept:**

Dollar General the nation's largest small – box discount retailer; they make shopping for everyday needs simpler and hassle – free by offering a carefully edited assortment of the most popular brands at low everyday prices in small, convenient locations. Dollar General ranks among the largest retailers of top quality brands made by America's most – trusted manufactures, such as Proctor & Gamble, Kimberly Clark, Unilever, Kellogg's, General Mills and Nabisco.

They stand for convenience, quality brands and low process. The successful Dollar General prototype makes shopping a truly hassle-free experience. They may not carry every brand or size, but can assure you they will have the most popular ones helping to save you time by staying focused on life's simple necessities.

In Dollar General, consumers can find everyday low prices on products they use every day with out the need of a membership. The goal of Dollar General is to provide their customers a better life and their employee's opportunity and a great working environment.

#### **2. A Good Neighbor:**

Dolgen California LLC thinks it is important to be a neighbor. That is why they will be keeping their stores, parking lots, and backyards clean and tidy, and their deliveries will be scheduled to minimize noise and disruption. That means no

night deliveries to stores with homes nearby and no driving through school zones during student pickup and drop-off times.

### **3. Security and Control:**

Dolgen California LLC is committed to taking all feasible steps to address law enforcement concerns about the site. In addition, Dollar General recognizes the seriousness of loitering, delinquency, crime, and underage drinking and has an aggressive minor policy which has proven to be successful for their company. They comply with all education/certificate requirements for each state they are in, and conduct internal training and refresher training programs in addition to state required education.

Dollar General Stores are designed to provide a safe environment for patrons and employees. To that end, the following design elements are incorporated into our security plan. The storefront includes a significant number of windows so that the interior of the store is visible from the exterior of the building. Additional security measures include; adequate lighting levels both on the interior and exterior of the store, employee supervision of the facility, closed circuit video monitoring system with cameras located strategically throughout the property, and careful window signage and landscaping placement to avoid obstruction of visibility into and out of the facility.

Dollar General understands the importance of maintaining the appearance of a facility to both expanding their customer base and preventing criminal activity. Dolgen California LLC's property maintenance program includes timely graffiti and litter removal, repairs to structures and replacement of dead or diseased plant material, signs and curb painting to encourage parking in designated parking spaces, and strategic trash receptacle placement.

### **4. The site will not result in an adverse impact on public health, safety, or welfare:**

Dollar General acquisition of this site will have a positive impact on public health, safety, and welfare. In fact, by providing a new, safe, and convenient location to make grocery purchases, public health, safety, and welfare will be advanced by this site. The addition of selling alcoholic beverages will not change this.

### **5. Community Service and Investment:**

At Dolgen California LLC, they believe in promoting a spirit of involvement, and carry Dollar General's mission to serve deep into the communities they call home. Through charitable outreach, Dolgen California LLC strives for a real and

lasting impact on individuals and their families.

Literacy is the foundation for improving the quality of life for many Americans. Nationwide, more than 40 million adults can't read well enough to fill out a job application or read a book to their children. Inspired by one of the company's founders, who had only a third-grade education, Dollar General today helps thousands of individuals take their first steps toward literacy, a general education diploma or English proficiency

When you shop Dollar General, you join an effort to make our communities and our world a better place. They are committed to conducting business in a way that promotes healthy families, thriving communities and a cleaner environment. At Dollar General, corporate responsibility is built into their mission to serve others. By providing safe products, supporting our communities and enforcing environmentally-friendly practices, they proudly display the values that make their company great.

### **CONCLUSION**

Dolgen California LLC, has been a responsible retailer of alcoholic beverages for over 20 years in over 25 different locations. Permitting the sale of alcoholic beverages at this site will not change this, but will allow Dollar General's concept at this site, providing customers the added convenience to make purchases of alcoholic beverages. Dolgen California LLC by reason of its location, character, manner, and method of operation, merchandise, and potential clientele, will serve the community of Yucca Valley. To that end, Dolgen California, LLC respectfully requests that they are granted a finding of Public Convenience for the alcoholic beverage license.

Thank you for your attention to this matter.

Sincerely,



Jeanette Carvajal  
For Dolgen California LLC