



City of Arts & Innovation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

ZONING CODE TEXT AMENDMENT SUPPLEMENTAL REPORT

AGENDA ITEM NO.: 3

**WARD NO: ALL
NEIGHBORHOOD: ALL**

PLANNING COMMISSION HEARING DATE: August 21, 2014

I. CASE NUMBER(S): P14-0359

II. PROJECT SUMMARY:

- 1) Proposal:** To consider an amendment to the Zoning Code (Title 19 of the Municipal Code) with regard to businesses that sell alcohol, as follows: (1) Chapter 19.450 - Alcohol Sales, to reorganize and clarify existing text; require a CUP or Minor CUP for all off-sale activities; add conditions of operation to prohibit off-site sales of single unit, cold ready to drink alcoholic beverages; to establish "last call" times for on-site alcohol sales, and to codify occupancy restrictions based on a Fire Marshal determination; include Deemed Approved Use requirements and standards for existing non-conforming alcohol related businesses; rename the "Other Applicable Regulations" section to "Public Convenience or Necessity"; add applicable Public Convenience and Necessity findings and criteria; allow the reduction of separation requirements from existing potentially sensitive uses by conditional use permit, and remove section 19.450.050, Variances; (2) Chapter 19.150 - Base Zones Permitted Land Uses, amending tables and clarifying zones in which alcohol is currently allowed as a primary or incidental use; (3) Chapter 19.910 – Definitions, to add a "Deemed Approved Use" definition; (4) Chapter 19.080 - Nonconformities, to be consistent with the new Chapter 19.450 Deemed Approved Uses requirements, standards and procedures; and (5) other minor Title 19 edits for consistency of the Riverside Municipal Code.
- 2) Location:** Citywide
- 3) Applicant:** City of Riverside
3900 Main Street
Riverside, CA 92522
- 4) Case Planner:** Jay Eastman, AICP, Principal Planner
(951) 826-5264
jeastman@riversideca.gov

III. RECOMMENDATION:

That the City Planning Commission:

1. **RECOMMEND that the City Council DETERMINE** that Planning Case **P14-0359** is exempt from further California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Section 15061(b)(3), as it can be seen with certainty that there is no possibility that the proposed amendment to the Zoning Code will have a significant effect on the environment; and
2. **RECOMMEND APPROVAL** of Planning Case **P14-0359** to the City Council, as detailed in the attached exhibits and based on the findings outlined in the staff report and summarized as follows:
 - a. That the proposed Zoning Code Text Amendment is consistent with the goals, policies, and objectives set forth in the General Plan 2025;
 - b. That the proposed Zoning Code Text Amendment will formalize and clarify the process, requirements, and standards for alcohol related uses within the City.
 - c. That the proposed Zoning Code Text Amendment promotes the public health, safety, and general welfare and serves the goals and purposes of the Zoning Code; and
 - d. That the proposed Zoning Code Text Amendment is consistent with Seizing Our Destiny Strategic Route 1.4: *Strong Innovative Economy that Builds Community – Streamline government procedures, processes and forms*, through a clear and reasonable process for alcohol selling businesses that will not generate significant impacts; Strategic Route 10.1, *Collaborating to Build Community – Provide opportunities for Riversiders to develop a shared understanding of “the common good”*, by deliberating in a public forum the impact of alcohol selling businesses and public convenience or necessity; and Strategic Route 11.2, *Telling our Story – Ensure that a positive image is projected*, by reducing overconcentration and reoccurring problems associated with alcohol establishments.

IV. BACKGROUND/HISTORY:

At a City Council meeting in May 2012 the Mayor requested that the Council direct staff to review and update the Municipal Code’s alcohol sales regulations. By unanimous vote the Council directed staff to present proposed updates to the Utility Services/Land Use/Energy Development Committee.

In October 2012 the Utility Services/Land Use/Energy Development Committee reviewed the City’s existing alcohol sales regulations and directed staff to evaluate the following specific changes to the Code:

1. Establish earlier alcohol sales cut-off times;
2. Adopt retroactive performance standards for all alcohol sales;
3. Prohibit single beverage sales at facilities with alcohol sales for off-site consumption;
4. Increase the separation distances between facilities selling alcoholic beverages for off-site consumption;

5. Reduce refrigerated space allowances within facilities selling alcoholic beverages for off-site consumption; and/or
6. Codify a Public Convenience or Necessity (PCoN) process to better address the requirements of California's Department of Alcoholic Beverage Control.

Following the Committee's direction, planning staff investigated code regulations in other cities, and worked with the Police Department and City Attorney's Office to draft revisions.

On May 22, 2014 the Planning Commission was presented a Zoning Code Amendment with proposed regulations related to businesses that sell alcohol within the City. The report presented to the Planning Commission is attached as Exhibit B.

At their meeting the Commission expressed concern with the proposed Ordinance, and directed staff to bring the project back at the July 17, 2014 meeting. Areas of concern identified by the Planning Commission include:

- Refine the restriction on the sale of single containers of alcoholic beverages based on the size of container and brand;
- Not require a minor conditional use permit for off-sale establishments larger than 15,000 square feet of floor area;
- And review whether the minimum age of nighttime employees at vehicle fuel businesses that sell alcohol should be 21 years old.

Unfortunately, due to scheduling conflicts, the Planning Division and Police Department were not able to review and coordinate revisions prior to the July 17, 2014 meeting. Staff recommended, and the Commission agreed, to continue the item to August 21, 2014.

V. DETAILED PROJECT DESCRIPTION:

A detailed description of the proposed Zoning Code Amendment is contained within the staff report prepared for the Planning Commission's May 22, 2014 meeting (Exhibit B).

VI. PROJECT ANALYSIS:

The analysis contained in this report is specific to the items the Commission directed staff to evaluate on May 22, 2014.

Prohibiting Single Sale Containers for Off-Sale:

An item specifically identified by Mayor Loveridge in May 2012, and reiterated by the Land Use Committee in October 2012, is the prohibition of "single serve, ready to drink" alcoholic beverages at off-sale businesses. The justification for prohibiting single-unit, ready to drink beverages is based on other communities that have shown these restrictions to reduce consumption in public spaces, loitering, vandalism and driving under the influence (DUI). Such regulations are reportedly successful because they reduce the convenience of "immediate consumption", and encourage the sale of packaged items that are more likely to be purchased in advance of consumption, wherein they are taken home to be refrigerated or stored, and consumed later in a controlled environment.

As directed by Council, staff investigated the adoption of a single serve, ready to drink regulation. This resulted in a recommendation to add the following language as part of Proposed Section 19.450.050, Site Operational Standards:

“The sale of cold, ready-to-drink, single-unit containers of beer, malt beverage products, fortified wines, and wine coolers shall be strictly prohibited. Such products, regardless of container size, shall be sold only in manufacturer pre-packaged, multi-unit quantities.”

While this requirement would be an addition to the Zoning Code, the City has been applying versions of this regulation to new off-sale alcohol CUPs since 2007. In essence, codifying this standard condition is consistent with the effort the City has been implementing for the last 7 years. However, by codifying the standard it ensures that prospective businesses are aware of the City’s expectations well before they meet with City staff or submit a CUP application; and it helps ensure the same expectations and process are applied to all off-sale alcohol proposals.

However, at the May 22, 2014 meeting the Planning Commission expressed concern that many existing businesses that sell cold, ready to drink, single-unit beverages are not a problem. Some Commissioners felt that the restriction might dissuade quality businesses from locating in the City; and codifying a current policy eliminates the flexibility that allows the City to accommodate these businesses. The Commission directed staff to research the issue to better define the relationship between size of container and brand, and define the correlation between the different vendors and associated risks.

Analysis related to single-serve beverages goes back to the Mayor’s original presentation in 2012, which was based on a 2007 study conducted in San Bernardino County. The purpose of the San Bernardino study was to determine if there is a correlation between the sale of single serve ready to drink beverages and violence. A paper titled *“The Impact of Retail Practices on Violence: The Case of Single Serve Alcohol Beverage Containers”* outlines that study, and was included in the Utilities Services/Land Use/Energy Development Committee’s October 2012 report (Exhibit B’s Exhibit 3). The paper describes the study’s purpose as follows:

“...Retail practices of alcohol outlets, both on- and off-sale outlets, have...
...been used as policy tools at the community level. For example, restrictions on hours of sale have been examined and some evidence has been uncovered that such policies can cause fluctuations in apparent consumption. Other variations on retail behaviour, and the difficulties involved in enacting local legislation have been investigated, but little if any research has focused on the impact of specific types of beverage containers, such as single serve containers, the subject of this paper. This is surprising, given that the motivations and demographics of customers purchasing a couple bottles of wine may be importantly different than those who choose to buy a single, chilled 40 oz Budweiser. To assume that, although the size of containers varies (as well as some being chilled and ready to consume) the customer motivation in regards to consumption remains more or less consistent is unlikely and, regardless, in need of further investigation. It may well be that those customers interested in buying a chilled, ready-to-drink 40 oz can of Budweiser differ importantly from customers who decide to buy a six pack for later consumption, and these differences may bear on subsequent alcohol fuelled violence. This alcohol–violence link is supported by substantial empirical evidence showing a

relationship between alcohol outlet density and violent crime. Campbell *et al.* reviewed more than 40 studies and report a consistent positive and significant impact across studies between outlet density and crime.”

The study concluded the following:

“We have examined a newly developed measure, the average proportion of cooler shelf space devoted to single serve alcohol containers, in the context of a study of alcohol outlet density and violence in San Bernardino, California. The effect of the single serve measure was positive and statistically significant, if modest, net of outlet density and other theoretically and empirically important predictors of violence. These results suggest that using a regulatory approach to alcohol availability and, specifically, to single serve container availability, may be an effective way to reduce alcohol-related harm, such as violence, especially as part of an overall strategy designed to reduce such crime in San Bernardino.”

As was identified by the Planning Commission on May 22, 2014, it is difficult to apply a one-size-fits-all approach to prohibiting single-unit container sales, because the impacts associated by single-unit sales appear to be influenced by business management practices and a business’ location. As an example, the Commission expressed that large corporate businesses, such as Stater Bros., have standard management policies, and regularly train staff with regard to alcohol sales. Likewise, small businesses that provide a high end product (such as hard-to-find craft beers) are not generating negative impacts as a result of their single-unit beverage sales, and therefore a single-unit restriction is not warranted. Furthermore, off-sale businesses in newly developed or “exclusive” neighborhoods are pressured to provide their customers the highest level of customer service possible. These neighborhoods do not have the high violence or loitering issues that a single serve restriction is intended to mitigate.

Staff believes the issues associated with container size, brand, store size, corporate ownership, etc. are indicators, or symptoms, of larger problems, and that regulating this level of detail would be complicated, incomplete, and difficult to implement. Rather, staff believes that business management practices and a location’s crime statistics are better factors in evaluating when a single-unit restriction should be applied.

To address the Council’s direction to codify the single serve regulations, which the Commission has been applying as CUP conditions since 2007, and to address the need to provide flexibility when necessary, staff is recommending the following changes to the draft Ordinance proposed on May 22, 2014:

19.450.050, Site Operation Standards.

B. Off-Site Sale of All Alcoholic Beverages

3. The sale of cold, ready-to-drink, single-unit containers of beer, malt beverage products, fortified wines, and wine coolers shall be strictly prohibited. Such products, regardless of container size, shall be sold only in manufacturer pre-packaged, multi-unit quantities.

a. This operational standard may be waived upon review and approval of an “Alcohol Management Plan” (AMP). An AMP shall be

submitted to the Community Development Department in a format acceptable to the City, and must be reviewed and approved by the Chief of Police or his designee prior to the granting of a waiver. The City's approval of the AMP shall consider the area's crime levels, number of DUIs, and number of existing off-sale locations. A waiver of the single-unit container restriction shall be granted by the Zoning Administrator upon a finding that the AMP mitigates any potential impacts the sale of cold, ready-to-drink, single-unit containers of alcoholic beverages could have on businesses, residents and properties in the vicinity. The business' operations shall remain in compliance with the AMP at all times, and non-compliance shall be an enforceable violation pursuant to Chapter 19.070.

Staff believes this proposed language will standardize the expectation for new businesses selling alcohol in the City, and will inform businesses early on in their decision making process (rather than learning about the single-container restriction as a CUP condition).

To implement the new language, it is staff's intent to develop an Alcohol Management Plan (AMP) template that can be distributed at the public counter, and filled out by the applicant based on their businesses operations, location, and unique site circumstances. The template would be co-created by the Planning Staff and the Police Department, and the Community Development Department would be the point agency for processing an applicant's AMP.

Alternatively, the Planning Commission can recommend that the Council not codify the single-unit restriction, and continue implementing the process on a case-by-case process. If the Planning Commission wishes to go in this direction, staff would request the Commission consider recommending a new requirement that off-sale alcohol businesses submit an Alcohol Management Plan (AMP) for review and approval by the City, and that the management plan address practices related to the sale of cold, ready to drink, single serve alcoholic beverages.

Minor Conditional Use Permit for Off-Sale at Retail Businesses Over 15,000sf:

In the report presented to the Planning Commission on May 22, 2014, staff clarified that there were no changes to the processes by which alcohol related uses are approved, except that a Minor Conditional Use Permit (MCUP) would be required for businesses that sell alcohol as an ancillary activity and have a gross floor area of 15,000 square feet or more (i.e., a grocery store, large retail outlet, etc.). The Code currently exempts these businesses from obtaining any kind of use permit. Staff recommended a MCUP because, if the business becomes a problem, it is difficult to revoke or apply conditions retroactively when the business was permitted "by right". Staff had recommended a Minor Conditional Use Permit because it is an administrative review by the Zoning Administrator, and would normally not delay project approval since it would be processed concurrent with other required approvals (such as Design Review). Additionally, the Code currently requires Florist Shops with ancillary alcohol sales to obtain a MCUP; therefore it appeared reasonable to apply a review process that is equitable to what is required for Florist Shops (a less significant alcohol activity).

The Planning Commission expressed concern that a MCUP would be an additional cost for businesses that have not historically been a significant issue for the City; and therefore did not

wish to recommend a MCUP for the ancillary sale of alcohol at retail businesses with 15,000 square feet or more of gross floor area.

In response to the Commission's direction, staff has changed the proposed Zoning Code Amendment to read as follows:

19.450.020, Applicability and Permit Requirements.

Alcohol Sales, as defined in Article X (Definitions), are permitted as set forth in Article V, Base Zones and Related Use and Development Provisions, subject to the requirements contained in this Chapter.

A. Off-Sale of All Alcoholic Beverages

Any establishment, business or facility that proposes to engage in the off-site sale of alcoholic beverages shall obtain a conditional use permit pursuant to Chapter 19.760 (Conditional Use Permit), except as follows:

1. Establishments that do not sell alcohol as their principal business, have 15,000 square feet or more of gross floor area, and accept the applicable regulations in Sections 19.450.030, 19.450.040, and 19.450.050 as conditions of approval, ~~shall obtain a Minor Conditional Use Permit pursuant to Article IX, Land Use and Development Permit Requirements/Procedures~~ shall be exempt, except when the City is required to make a determination of public convenience or necessity (PCoN), and said PCoN is denied.

Staff has included the Public Convenience and Necessity (PCoN) caveat because, in the unlikely circumstance that the City determines that a PCoN finding for an Alcoholic Beverage Control (ABC) license cannot be made, and ABC moves forward with issuing the license in spite of the City's protest, staff believes the Commission should be afforded the opportunity to review and mitigate any potential impacts that led to City denying the PCoN determination in the first place.

Age of Employees at Vehicle Fuel Business' that Sell Beer and Wine:

California law stipulates the following for motor vehicle fueling business that sell alcohol:

“Employees on duty between the hours of 10 P.M. and 2 A.M. who sell beer or wine shall be at least 21 years of age.”

The **existing Zoning Code** states that the following applies to motor vehicle fueling businesses that sell alcohol:

“Employees on duty between the hours of ten p.m. and two a.m. shall be at least 21 years of age to sell beer and wine.”

The City's existing Zoning Code language is clearly a variation of the State's requirement, but is more restrictive in that it says nighttime shift employees shall be 21 year of age, based on the

(interpreted) intent that all employees on duty will be old enough to sell alcohol. Staff believes the existing Code language is poorly worded, and that it should not be clouded by interpretation.

In the draft Ordinance presented to the Planning Commission on May 22, 2014, staff had recommended an amendment to the existing Code to eliminate “to sell beer and wine”. The Proposed Zoning Code simply reads:

“Employees on duty between the hours of ten p.m. and two a.m. shall be at least 21 years of age.”

At the May 22, 2014 meeting the Planning Division staff clarified that there is no preference as to whether nighttime gas station employees are at least 21 years old or not, as the age of employees is not a land use compatibility issue. The Planning Commission directed staff to discuss this requirement with the Police Department, and identify whether the Police has a preference.

On August 8, 2014 the Planning Division spoke with the Police Department regarding the minimum age of employees working night shifts at gas stations. The Police Department was not aware of any problems associated with alcohol sales by night employees under the age of 21. The Police Department did not identify a preference with limiting the age of employees, as long as the revisions to the Municipal Code comply with the minimum requirements of State Law.

VII. PUBLIC NOTICE AND COMMENTS:

This proposal was continued to August 21, 2014 at the July 17, 2014 Planning Commission meeting, and was continued to July 17, 2014 at the May 22, 2014 Planning Commission meeting. Public notice is not required for items that are continued to a date certain. Pursuant to Section 19.670.040 (Notice of Hearing for Legislative Actions) of the Zoning Code, a one-eight page ad public notice was placed in the local newspaper of general circulation within the City (The Press Enterprise) ten (10) days prior to the May 22, 2014 meeting.

As of the writing of this report, no public comments have been received by staff regarding this proposal.

VIII. EXHIBITS:

- A. Proposed Chapter 19.450 – Revised August 11, 2014
- B. May 22, 2014 Planning Commission Staff Report and Exhibits.

Chapter 19.450

P14-0359, EXHIBIT A

ALCOHOL SALES ACTIVITIES

- 19.450.010 Purpose.**
- 19.450.020 Applicability and Permit Requirements.**
- 19.450.030 Site Location Standards.**
- 19.450.040 Site Development Standards.**
- 19.450.050 Site Operation Standards.**
- 19.450.060 Deemed Approved Use Procedures and Performance Standards.**
- 19.450.070 Public Convenience or Necessity (PCorN).**

19.450.010 Purpose.

The purpose of this Chapter is to establish standards for businesses engaged in alcohol sales activities in order to protect the health, safety, and general welfare of the citizens of the City. This Chapter establishes reasonable and uniform standards to prevent the inappropriate location, operation, development and/or performance of alcohol sales activities within the City. The standards protect residential, commercial, industrial and civic areas and minimize the adverse impacts of nonconforming and incompatible uses. The Chapter also provides development standards to ensure alcohol sales activities are not the source of undue public nuisances in the community and to monitor Deemed Approved establishments to ensure they do not substantially change in mode or character of operation.

19.450.020 Applicability and Permit Requirements.

Alcohol Sales, as defined in Article X (Definitions), are permitted as set forth in Article V, Base Zones and Related Use and Development Provisions, subject to the requirements contained in this Chapter.

A. Off-Sale of All Alcoholic Beverages

Any establishment, business or facility that proposes to engage in the off-site sale of alcoholic beverages shall obtain a conditional use permit pursuant to Chapter 19.760 (Conditional Use Permit), except as follows:

1. Establishments that do not sell alcohol as their principal business, have 15,000 square feet or more of gross floor area, and accept the applicable regulations in Sections 19.450.030, 19.450.040, and 19.450.050 as conditions of approval, ~~shall obtain a Minor Conditional Use Permit pursuant to Article IX, Land Use and Development Permit Requirements/Procedures shall be exempt, except when the City is required to make a determination of public convenience or necessity (PCoN), and said PCoN is denied.~~
2. Florist shops that propose the incidental sale of wine along with gift or floral baskets, and accept the applicable regulations in Sections 19.450.030, 19.450.040, and 19.450.050 as conditions of approval, shall obtain a Minor Conditional Use Permit pursuant to Article IX, Land Use and Development Permit Requirements/Procedures.
3. Breweries, Microbreweries, Wineries, Brewpubs, Brew-On-Premises and Distilleries shall be regulated pursuant to Chapter 19.272.

Proposed Chapter 19.450 – Revised August 11, 2014

B. On-Sale of All Alcoholic Beverages

1. Any restaurant establishment, business or similar facility that proposes to engage in the on-site sale of alcoholic beverages, except as identified below, shall obtain a minor conditional use permit pursuant to Article IX, Land Use and Development Permit Requirements/Procedures.

a. Exemptions from Minor Conditional Use Permit Requirement for On-Site Sale of Alcohol

The Zoning Administrator shall exempt a restaurant business from obtaining a minor conditional use permit for on-site alcoholic beverage sales when all of the following conditions are complied with, and the business owner has signed an affidavit certifying that the conditions will be upheld:

- (1) The premise contains a kitchen or food-servicing area in which a variety of food is prepared and cooked.
- (2) The primary use of the premises is for sit-down food service to patrons.
- (3) The premise serves food to patrons during all hours the establishment is open for customers.
- (4) If there is a separate area primarily intended for the consumption of alcoholic beverages, it does not constitute more than 30 percent of the public access floor area or 1,000 square feet, whichever is less.
- (5) No alcoholic beverages, including beer or wine are sold or dispensed for consumption beyond the premises.
- (6) Business hours of operation shall be between 5:00 A.M. and 10:00 P.M. Sunday through Thursday, and 5:00 A.M. and 12:00 A.M. Friday and Saturday.
- (7) The use is not subject to any discretionary permit (e.g., a discretionary permit for Assemblies of People - Entertainment, etc.).
- (8) The premise is defined as a "bona fide public eating place" by the State of California Department of Alcoholic Beverage Control.
- (9) The business meets the standards of Sections 19.450.050.E and 19.450.060.C.

2. Bars, Saloons, Cocktail Lounges and Taverns in the CR, CG and CRC zones that accept the applicable regulations in Sections 19.450.030, 19.450.040, and 19.450.050 as conditions of approval shall obtain a Minor Conditional Use Permit

Proposed Chapter 19.450 – Revised August 11, 2014

pursuant to Article IX, Land Use and Development Permit Requirements/Procedures.

19.450.030 Site Location Standards.

The standards set forth in Article V, Base Zones and Related Use and Development Provisions, shall apply to all establishments selling alcohol, unless otherwise specified in Title 19. To preserve the public’s health, safety and welfare, alcohol sales uses permitted by Article V and Section 19.450.020 shall be separated from sensitive uses, non-compatible land uses, and other alcohol sales facilities, wherein alcohol sales activities and/or over-concentration could create negative impacts. To minimize these impacts, the following distance buffers and site location standards shall apply:

A. Off-Site Sale of All Alcoholic Beverages

1. The business shall be in a location that is fully visible from a public street with an unobstructed view from the public street for public safety.
2. All businesses that sell alcohol for off-site sales shall be separated from existing uses as specified in Table 19.450.030.A.

Table 19.450.030.A			
Separation Requirements for Off-Site Alcoholic Beverage Sales			
EXISTING USES/ZONES from which alcohol sales shall be separated from...	PROPOSED BUSINESS...		
	All alcohol sales, except motor vehicle fuel sales and florist shops:	Motor vehicle fuel business with concurrent alcohol sales:	Florist shop incidental wine sales with gift or floral basket:
School, Public or Private (Pre-school through 12th grade)	600 feet	600 feet	0 Feet
Assemblies of People – Non-Entertainment	600 feet	600 feet	0 Feet
Public Park	600 feet	600 feet	0 Feet
Residential Dwelling or Residentially Zoned Property	100 feet	100 feet	0 Feet
Parolee/Probationer Home	1,000 feet	1,000 feet	1,000 feet
Emergency Shelters	1,000 feet	1,000 feet	1,000 feet
Supportive Housing	1,000 feet	1,000 feet	1,000 feet
Transitional Housing and Transitional Housing Development	1,000 feet	1,000 feet	1,000 feet
Business with California ABC Off-Sale General License, with Less than 15,000 Square Feet Gross Floor Area	1,000 feet	1,000 feet	0 Feet
Business Selling Alcohol as Primary Business	1,000 feet	1,000 feet	0 Feet
Motor Vehicle Fuel Business with Concurrent Alcohol Sales	0 Feet	300 Feet	0 Feet
Notes: 1. All distances are measured from a point on the outside walls of the building or building lease space of the business requesting alcohol sales, to the nearest property line of the existing use/zone. 2. Standard conditions apply as listed in Section 19.450.050.			

Proposed Chapter 19.450 – Revised August 11, 2014

B. On-Site Sale of All Alcoholic Beverages

- Distance requirements identified in Table 19.450.030.B that buffer an alcoholic beverage use from residential uses does not apply to a residence that is part of a mixed use zone or mixed use project approved with a conditional use permit.

Table 19.450.030.B		
Separation Requirements for On-Site Alcoholic Beverage Sale		
EXISTING USES/ZONES from which alcohol sales shall be separated from...	PROPOSED BUSINESS...	
	All alcohol sales, except business in Downtown Arts and Entertainment District:	Businesses in the Downtown Arts and Entertainment District¹:
Hospital	600 feet	Zero Feet ²
School, Public or Private (Pre-school through 12th grade)	600 feet	Zero Feet ²
Assemblies of People – Non-Entertainment	600 feet	Zero Feet ²
Public Park	600 feet	Zero Feet ²
Residential Dwelling or Residentially Zoned Property	100 Feet ³	Zero Feet ²
Parolee/Probationer Home	1,000 feet	1,000 feet
Emergency Shelters	1,000 feet	1,000 feet
Supportive Housing	1,000 feet	1,000 feet
Transitional Housing and Transitional Housing Development	1,000 feet	1,000 feet
Notes: 1. Downtown Arts and Entertainment District is defined by Article X, Definitions 2. Reference R.M.C. Sec. 19.450.030.B.2 3. Reference R.M.C. Sec. 19.450.030.B.3 4. All distances are measured from a point on the outside walls of the building or building lease space of the business requesting alcohol sales, to the nearest property line of the existing use/zone. 5. Standard conditions apply as listed in Section 19.450.050.		

- In the Downtown Arts and Entertainment District, as defined by Article X, Definitions, the Zoning Administrator shall consider distances of an alcoholic beverage sales use from hospital, public or private school (pre-school through twelfth grade), Assemblies of People - Non-Entertainment, and public parks, for the purpose of achieving compatibility of the business with the neighboring uses.
- For businesses that sell alcohol for On-Site Sales, the separation from residential uses and zones shall not be mandatory when the proposed on-site sale of alcohol is within a mixed use project approved with a conditional use permit, or within a mixed use zone.

C. Reduction in Separation Requirement

- Except for Florist Shops with incidental wine sales, separation requirements of Table 19.450.030.A and Table 19.450.030.B may be reduced based on the careful review of unique circumstances that may apply to a particular use.

Proposed Chapter 19.450 – Revised August 11, 2014

2. A reduction in separation requirements of Table 19.450.030.A shall be prohibited for Florist Shops with incidental wine sales.
3. A reduction in the separation requirements of Table 19.450.030.A and Table 19.450.030.B shall not be granted unless the following findings can be made:
 - a. The public convenience would be served by the establishment of the proposed use;
 - b. The proposed use is not anticipated to be the source of nuisance behavior associated with excessive consumption of alcoholic beverages;
 - c. The proposed use would not be detrimental to the public health, safety, or welfare;
 - d. The proposed use would not increase the severity of existing law enforcement or public nuisance problems in the surrounding area; and
 - e. The proposed use is consistent with the objectives, policies, general land uses, and programs of the General Plan, and applicable specific plan(s).
4. Except for Florist Shops with incidental wine sales, reductions in the separation requirements of Table 19.450.030.A shall be considered pursuant to a Conditional Use Permit (Chapter 19.760), except the public notification requirements of Chapter 19.670 shall be increased from a 300-foot radius to a 1,000-foot radius from the subject property.
5. Reductions in separation requirements of Table 19.450.030.B shall be considered pursuant to a Minor Conditional Use Permit (Chapter 19.730), except the public notification requirements of Chapter 19.670 shall be increased from a 300-foot radius to a 1,000-foot radius from the subject property.

19.450.040 Site Development Standards.

The standards set forth in Article V, Base Zones and Related Use and Development Provisions, shall apply to all establishments selling alcohol, unless otherwise specified here.

- A. On-Site and Off-Site Sale of All Alcoholic Beverages
 1. Sites shall not be designed to allow for the sale of alcoholic beverages from a drive-thru lane or drive-thru window.
 2. The business shall have lighting to provide illumination for security and safety of parking and access areas. On-site lighting plans shall be submitted for review and approval. Lighting, as certified by a qualified lighting engineer, shall be provided at a level no less than one-foot-candle of lighting throughout private parking lots and access areas serving the business. Additional levels of illumination may be required in areas the Zoning Administrator or Planning Commission determine there are specific security or safety concerns.
 3. The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any

Proposed Chapter 19.450 – Revised August 11, 2014

public place or posted premises, in accordance with Section 9.05.020 of the Municipal Code.

- B. Additional Standards for Off-Site Sale of Alcohol Concurrent with the Sale of Motor Vehicle Fuel
 - 1. The minimum enclosed retail sales area for store products shall be 1,500 square feet.
- C. Additional Standards for On-Site Sale of All Alcoholic Beverages
 - 1. Sufficient soundproofing shall be provided to prevent noise and vibrations from penetrating onto surrounding property(ies) or building lease space(s).
 - 2. The seating capacity and/or occupancy shall not exceed the maximum(s) established by the City Fire Marshall.

19.450.050 Site Operation Standards.

The standards set forth in Article V, Base Zones and Related Use and Development Provisions, shall apply to all establishments selling alcohol, unless otherwise specified here.

- A. General
 - 1. The management at each location selling alcoholic beverages shall be responsible for complying with alcohol related laws; and training employees, and educating the public of alcohol laws and related penalties, such as the minimum age to purchase/consume alcohol, open containers and driving while intoxicated.
- B. Off-Site Sale of All Alcoholic Beverages
 - 1. Alcoholic beverages shall not be sold in a drive-thru lane or from a drive-thru window.
 - 2. At a minimum, the business shall post prominent signs, decals or brochures at the point of purchase to communicate alcohol laws and related penalties.
 - 3. The sale of cold, ready-to-drink, single-unit containers of beer, malt beverage products, fortified wines, and wine coolers shall be strictly prohibited. Such products, regardless of container size, shall be sold only in manufacturer pre-packaged, multi-unit quantities.
 - a. This operational standard may be waived upon review and approval of an "Alcohol Management Plan" (AMP). An AMP shall be submitted to the Community Development Department in a format acceptable to the City, and must be reviewed and approved by the Chief of Police or his designee prior to the granting of a waiver. The City's approval of the AMP shall consider the area's crime levels, number of DUIs, and number of existing off-sale locations. A waiver of the single-unit container restriction shall be granted by the Zoning Administrator upon a finding that the AMP mitigates any potential impacts the sale of cold, ready-to-drink, single-unit containers of alcoholic beverages could have on

Proposed Chapter 19.450 – Revised August 11, 2014

businesses, residents and properties in the vicinity. The business' operations shall remain in compliance with the AMP at all times, and non-compliance shall be an enforceable violation pursuant to Chapter 19.070.

C. Additional Standards for Off-Site Sale of Alcohol Incidental to Florist Shop

1. The sale of wine shall be clearly incidental to a florist shop business, and shall not exceed five percent of the annual gross sales revenue of the florist business.
2. The sale of wine shall be limited to gift or floral arrangements. Wine not packaged as part of gift or floral arrangements may not be sold.
3. No beer or distilled spirits may be sold.

D. Additional Standards for Off-Site Sale of Alcohol Concurrent with the Sale of Motor Vehicle Fuel

1. Only beer and wine shall be sold.
2. The sale of distilled spirits, fortified wine or malt liquor is prohibited.
3. The minimum inventory level shall be \$15,000 retail value, excluding beer, wine, fuel and automotive products.
4. The maximum percentage of beer and wine sales to total store sales shall be 30% percent on a retail basis during any consecutive twelve-month period.
5. No beer or wine shall be displayed within five feet of the store's entrance or checkout counter.
6. Cold beer or wine shall only be displayed in permanently affixed electrical coolers.
7. No beer or wine advertising shall be located on gasoline islands; and no self-illuminated advertising for beer or wine shall be located on buildings or windows.
8. Employees on duty between the hours of 10:00 P.M. and 2:00 A.M. shall be at least 21 years of age.

E. On-Site Sale of All Alcoholic Beverages

1. A last call to purchase alcohol shall be provided nightly no later than 1:15 A.M. No alcohol sales shall be allowed after 1:30 A.M.
2. No alcoholic beverages are to be sold or dispensed for consumption beyond the premises.

19.450.060 Deemed Approved Use Procedures and Performance Standards.

The provisions of this section shall be known as the Deemed Approved Use Procedures and Performance Standards. The purpose of these procedures and standards is to protect and promote the public health, safety, convenience, prosperity and general welfare of the City of

Proposed Chapter 19.450 – Revised August 11, 2014

Riverside by establishing expectations, criteria and mitigation procedures related to impacts generated by uses with alcoholic beverage activities. All legal nonconforming alcohol sales uses shall comply with the Deemed Approved Use Performance Standards in this Chapter.

- A. Applicability. The Deemed Approved Procedures and Performance Standards shall apply to all Alcohol Sales activities for On-Site (on-sale) and Off-Site (off-sale) consumption existing and operating within the City of Riverside on the effective date of this Chapter.

All Alcohol Sales activities that were legal Nonconforming Uses on the effective date of this Ordinance, regardless of whether or not the use was previously granted a Conditional Use Permit, shall automatically become a Deemed Approved Use as of the effective date of this Ordinance, and shall no longer be considered a legal Nonconforming Use. The standards of this section shall apply to all alcohol sales uses that hold Deemed Approved Use status pursuant to this Chapter.

- B. Notification to Owners of Establishments Conducting Deemed Approved Use

The Community Development Department, using the most recent City business registration (tax certificate) information on record, shall notify the owner of each Deemed Approved Use of the Deemed Approved Use's status. The Community Development Department, using the addresses shown on the City's tax certificate and County's property tax assessment records, shall provide notice of the Deemed Approved Use status to the owner of property on which said use is located. The notice(s) shall be sent by United States Postal Service first class mail with certified mail return receipt requested, and shall include a copy of the performance standards in this Chapter, with the requirement that they be posted for public review in a conspicuous and unobstructed place visible from the entrance of the establishment. This notice shall also provide that the use is required to comply with all performance standards, and all other aspects of the Deemed Approved Use regulations. Should the notice be returned, then the notice shall be re-sent via regular United States Postal Service Mail. Failure of any person to receive notice given pursuant to this Chapter shall not affect the Deemed Approved Use status of the activity.

- C. Deemed Approved Use Performance Standards

An alcohol sales use shall retain its Deemed Approved Use status only if it conforms to all of the following Deemed Approved Use performance standards:

1. The use shall not cause adverse effects to the health, peace or safety or persons residing or working in the surrounding area;
2. The use shall not jeopardize or endanger the public health or safety of persons residing, visiting or working in the surrounding area;
3. The use shall not allow repeated nuisance activities within the premises, or contribute to nuisance activities in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passerby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the

Proposed Chapter 19.450 – Revised August 11, 2014

late night or early morning hours, traffic violations, curfew violations, or lewd conduct;

4. The use shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the California Department of Alcoholic Beverage Control (ABC), California Business and Professions Code Sections 24200, 24200.6 and 25612.5, as well as any condition imposed by permit(s) issued pursuant to applicable laws, regulations or orders. This includes compliance with annual City business registration;
5. The use's upkeep and operating characteristics shall be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood;
6. A copy of these performance standards, any applicable Alcoholic Beverage Control (ABC) and/or City operating conditions, and any training requirements, shall be posted and maintained in at least one prominent place within the interior of the establishment so that it is readily visible and legible to the employees and patrons of the establishment; and
7. All owners and employees of the alcohol beverage sales establishment who are involved in the sale of alcoholic beverages shall complete an approved course in "Responsible Beverage Sales" (RBS) within 60 days of hire for employees hired after the passage of this ordinance, or within six months of the passage of this ordinance for existing employees and owners. To satisfy this requirement, a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS), or other comparable certifying/licensing body designated by the State of California.

D. Termination of Deemed Approved Use Status

The occurrence of any of the following shall terminate the Deemed Approved Use status of the alcohol sales activity, and shall require compliance with Section 19.450.020 of this Chapter, including the requirement to obtain a use permit and meet separation requirements, as well as Sections 19.450.030, 19.450.040 and 10.450.050.

1. Changes in operation or activity of an existing alcohol sales activity that results in the California Department of Alcoholic Beverage Control (ABC) requiring a different type of license;
2. Substantial modification to the mode or character of operation.
3. As used herein, the phrase "substantial modification to the mode or character of operation" includes but is not limited to the following:
 - a. The on-site or off-site establishment increases the floor area, land area or shelf space devoted to the display, sales, or service of any alcoholic beverage(s);
 - b. The on-site or off-site establishment expands a customer service area primarily devoted to the sale or service of any alcoholic beverages, and/or

Proposed Chapter 19.450 – Revised August 11, 2014

- increases the number of customer seats primarily devoted to the sale or service of any alcoholic beverages;
- c. The on-site or off-site establishment extends the business' hours of operation;
 - d. The establishment proposes to reinstate alcohol sales after the Alcoholic Beverage Control (ABC) license has been revoked or suspended by ABC for a period greater than 30 days; or
 - e. The alcohol sales activity voluntarily discontinues active operation for more than five (5) consecutive days, or ceases to be licensed by the Alcoholic Beverage Control (ABC) for any period of time, except as identified below.
4. A substantial change in the mode or character of operation shall NOT include:
- a. Re-establishment, restoration, or repair of an existing alcohol sales activity on the same premises after the premises have been rendered totally or partially inaccessible by act of God, provided that the re-establishment, restoration, or repair does not increase the sales or service of any alcoholic beverage, or extend the businesses hours of operation of any establishment that sells or serves alcoholic beverages.
 - b. Temporary closure for not more than 30 days within a six month period in cases of employee vacation or illness, or for purposes of repair, renovation, or remodeling if that repair, renovation, or remodeling does not change the nature of the premises and does not increase the sales or service of any alcoholic beverage, extend the hours of operation of any establishment, or add to the capacity, floor or land area, or shelf space devoted to alcoholic beverages of any establishment that sells or serves any alcoholic beverages.
5. Discontinuance. Once it is determined by the City that there has been a discontinuance of alcohol sales, or a cessation of Alcoholic Beverage Control (ABC) licensing, it may be resumed only after complying with Section 19.450.020, including the requirement to obtain a new or updated use permit and meet separation requirements, as well as comply with Sections 19.450.030, 19.450.040, and 10.450.050. The property owner shall be notified by the City of the termination of the Deemed Approved status, and shall be informed of the property owner's right to appeal the City's decision to the Approving Authority in accordance with Chapter 19.680 of the Municipal Code.
- E. Procedures to Remedy Nuisances and Violations by Deemed Approved Uses

The Community Development Director or his/her designee shall determine whether violations of this Chapter have occurred, are occurring, or are likely to occur in the future. Violations of this Chapter include the Deemed Approved Use performance standards and any applicable conditions of approval. The Director shall also determine whether there are undue negative impacts or public nuisance activity, regardless of whether there has been a violation of this Chapter.

Proposed Chapter 19.450 – Revised August 11, 2014

Upon the City's receipt of a complaint from the public, Police Department, City official or any other interested person, the Community Development Department shall open a code enforcement case and initiate the following procedures:

1. A City Code Enforcement Officer shall assess the nature of the complaint and determine its validity.
2. If the Code Enforcement Officer determines a Deemed Approved Use is in violation of Performance Standards, conditions of approval, or has undue impacts, the officer may issue a notice, citation, or other action in accordance with Chapter 1.17 of the Municipal Code to resolve the complaint and close the case.
3. All complaints filed in regards to a Deemed Approved Use shall be reviewed by the Community Development Director or his/her designee to determine if the Deemed Approved Use is in compliance with the performance standards of Section 19.450.060.C. If it is determined the Deemed Approved use is not in compliance, or the Responsible Party fails to satisfactorily resolve the complaint in a timely manner, the Community Development Director or his/her designee shall initiate a hearing before an Administrative Hearing Officer, pursuant to Chapter 1.17 of the Municipal Code.
4. Nothing herein shall prohibit the Community Development Director or Zoning Administrator from acting as the Administrative Hearing Officer, as determined by the City Manager, pursuant to Section 1.17.020.
5. The Administrative Hearing Officer may continue the Deemed Approved Use status for the activity(ies) in question; may impose Administrative Civil Penalties for violations of the performance standards; may impose reasonable conditions, including but not limited to the requirements listed within Sections 19.450.040 and 19.450.050, to ensure compliance with the performance standards; may suspend the Deemed Approved Use activities; may revoke the Deemed Approved Use status for businesses that were not previously granted a use permit; or for Deemed Approved Uses previously granted a use permit, initiate a revocation hearing pursuant to Chapter 19.700.
6. A determination to impose new conditions on the Deemed Approved Use, such conditions shall be based upon the information presented before the Approving Authority.
7. In reaching a determination as to whether a Deemed Approved Use has violated the performance standards, or assessing Administrative Civil Penalties, or the amount of the Administrative Civil Penalties to assess, or the appropriateness of imposing additional or amended conditions on a use, or suspending or revoking a use, the Approving Authority may consider:
 - a. The length of time the Deemed Approved Use has been out of compliance with the performance standards.

Proposed Chapter 19.450 – Revised August 11, 2014

- b. The impact of the violation of the performance standard(s) on the community.
 - c. Any information regarding the owner of the Deemed Approved Use's efforts to remedy the violation(s) of the performance standard(s). "Efforts to Remedy" shall include, but are not limited to:
 - 1. Timely calls to law enforcement agencies that are placed by the owner of the Deemed Approved Use, his or her employees, or agents.
 - 2. Requesting that those persons engaging in activities causing violations of the performance standard(s) cease those activities, unless the owner of the Deemed Approved Use, or his or her employees or agents feels that their personal safety would be threatened in making that request.
 - 3. Making improvements to the Deemed Approved Use's property or operations, including but not limited to the installation of lighting sufficient to illuminate the area within the use's property line, the installation of security cameras, clear unobstructed windows, clean sidewalks, and graffiti abated within three days.
8. If the Approving Authority determines the operations of the Deemed Approved Use constitute a violation and/or nuisance, the owner is unable to abate the violation and/or nuisance, and the nuisance is shown to be a threat to the public's health, safety or welfare of visitors, employees or residents on-site or of the surrounding neighborhood, the Approving Authority may suspend or revoke the Deemed Approved Use status. Any activity authorized as a Deemed Approved Use shall cease and desist upon the effective date of the suspension or revocation, and the continued operation of the activity shall require compliance with Sections 19.450.020, including the requirement to obtain a discretionary use permit; and Sections 19.450.030; 19.450.040; and 10.450.050. All determinations, decisions, and conditions made or imposed regarding the Deemed Approved Use shall run with the land.

19.450.070 Public Convenience or Necessity (PCorN).

Where the California Department of Alcoholic Beverage Control (ABC) determines that an area has an over concentration of alcoholic beverage licenses and/or a higher than average crime rate, the City's Zoning Administrator or Planning Commission shall use the following findings to render a determination as to whether Public Convenience or Necessity (PCorN) will be served by a proposed project.

A. PCorN Findings

A Public Convenience or Necessity determination shall be based upon the following findings:

- 1. That a public convenience would be served by the establishment of the proposed use;

Proposed Chapter 19.450 – Revised August 11, 2014

2. That the proposed use is consistent with the General Plan, Municipal Code, and any applicable Specific Plan;
3. That the proposed use is compatible with the nature, condition and character of adjacent land uses;
4. That the proposed use would not have an adverse effect on adjacent uses, or be the source of nuisance behavior associated with excessive consumption of alcoholic beverages;
5. That the proposed use would not result in an excessive number of similar establishments in close proximity; and
6. That the proposed use would not increase the severity of existing law enforcement or public nuisance problems in the surrounding area.

B. Criteria for Consideration

The following criteria shall be considered in making the required PCorN findings, pursuant to Section 19.450.070.A:

1. The proximity to sensitive receptors, such as those listed in Section 19.450.030;
2. The nature of the proposed use and its relation to the surrounding community; and
3. Any evidence or testimony provided by the Riverside Police Department, including, but not limited to, site-specific neighborhood analysis of calls for service, that indicate the proposed use would pose a detriment to the immediate neighborhood or continue current law enforcement problems.



City of Arts & Innovation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

EXHIBIT B

(CPC 8/21/14)

ZONING CODE TEXT AMENDMENT

AGENDA ITEM NO.: 7

WARD NO: ALL
NEIGHBORHOOD: ALL

PLANNING COMMISSION HEARING DATE: May 22, 2014

I. CASE NUMBER(S): P14-0359

II. PROJECT SUMMARY:

- 1) Proposal:** To consider an amendment to the Zoning Code (Title 19 of the Municipal Code) with regard to businesses that sell alcohol, as follows: (1) Chapter 19.450 - Alcohol Sales, to reorganize and clarify existing text; require a CUP or Minor CUP for all off-sale activities; add conditions of operation to prohibit off-site sales of single unit, cold ready to drink alcoholic beverages; to establish "last call" times for on-site alcohol sales, and to codify occupancy restrictions based on a Fire Marshal determination; include Deemed Approved Use requirements and standards for existing non-conforming alcohol related businesses; rename the "Other Applicable Regulations" section to "Public Convenience or Necessity"; add applicable Public Convenience and Necessity findings and criteria; allow the reduction of separation requirements from existing potentially sensitive uses by conditional use permit, and remove section 19.450.050, Variances; (2) Chapter 19.150 - Base Zones Permitted Land Uses, amending tables and clarifying zones in which alcohol is currently allowed as a primary or incidental use; (3) Chapter 19.910 - Definitions, to add a "Deemed Approved Use" definition; (4) Chapter 19.080 - Nonconformities, to be consistent with the new Chapter 19.450 Deemed Approved Uses requirements, standards and procedures; and (5) other minor Title 19 edits for consistency of the Riverside Municipal Code.
- 2) Location:** Citywide
- 3) Applicant:** City of Riverside
3900 Main Street
Riverside, CA 92522
- 4) Case Planner:** Jay Eastman, AICP, Principal Planner
(951) 826-5264
jeastman@riversideca.gov

III. RECOMMENDATION:

That the City Planning Commission:

1. **RECOMMEND that the City Council DETERMINE** that Planning Case **P14-0359** is exempt from further California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Section 15061(b)(3), as it can be seen with certainty that there is no possibility that the proposed amendment to the Zoning Code will have a significant effect on the environment; and
2. **RECOMMEND APPROVAL** of Planning Case **P14-0359** to the City Council, as detailed in the attached exhibits and based on the findings outlined in the staff report and summarized as follows:
 - a. That the proposed Zoning Code Text Amendment is consistent with the goals, policies, and objectives set forth in the General Plan 2025;
 - b. That the proposed Zoning Code Text Amendment will formalize and clarify the process, requirements, and standards for alcohol related uses within the City.
 - c. That the proposed Zoning Code Text Amendment promotes the public health, safety, and general welfare and serves the goals and purposes of the Zoning Code; and
 - d. That the proposed Zoning Code Text Amendment is consistent with Seizing Our Destiny Strategic Route 1.4: *Strong Innovative Economy that Builds Community – Streamline government procedures, processes and forms*, through a clear and reasonable process for alcohol selling businesses that will not generate significant impacts; Strategic Route 10.1, *Collaborating to Build Community – Provide opportunities for Riversiders to develop a shared understanding of “the common good”*, by deliberating in a public forum the impact of alcohol selling businesses and public convenience or necessity; and Strategic Route 11.2, *Telling our Story – Ensure that a positive image is projected*, by reducing overconcentration and reoccurring problems associated with alcohol establishments.

IV. BACKGROUND/HISTORY:

In May 22, 2012 the City Council unanimously voted to support Mayor Loveridge’s recommendation to have the Utility Services/Land Use/Energy Development Committee review and consider updates to the City’s alcohol sales regulations. The Mayor’s request was based on background information that links crime, violence and other undesirable activities with alcohol sales; and recent efforts of other cities to amend alcohol sales regulations to improve the health and safety of their communities.

In October 2012 the Utility Services/Land Use/Energy Development Committee reviewed the City’s existing alcohol sales regulations and directed staff to evaluate modifications to the Zoning Code. Potential modifications identified by City staff at that time included: (1) Earlier alcohol sales cut-off times; (2) Retroactive performance standards for all alcohol sales; (3) Prohibition of single beverage sales at facilities with alcohol sales for off-site consumption; (4) Increased separation distances between facilities selling alcoholic beverages for off-site consumption; (5) Reduced refrigerated space allowances within facilities selling alcoholic

beverages for off-site consumption; and/or (6) a codified Public Convenience or Necessity (PCoN) process to better address the requirements of California’s Department of Alcoholic Beverage Control. Following the Committee’s direction, the Planning staff investigated code regulations in other cities, working with the Police Department and City Attorney’s Office to draft revisions to the Zoning Code. The attached recommended amendment (Exhibit 2) is based on a collaborative effort of these departments.

V. DETAILED PROJECT DESCRIPTION:

Staff has reviewed the City’s existing alcohol regulations as outlined in Municipal Code Chapter 19.450. Changes to the Code are recommended to:

- Reorganize and clarify existing regulations, so that they are easier to read and communicate to the public;
- Establish standards that minimize potential negative impacts;
- Establish a clear and defensible process for terminating or conditioning existing “non-conforming” businesses that generate negative impacts; and
- Ensure that all Chapters of Title 19 are consistent with the new Alcohol Sales Ordinance.

Reorganize and clarify existing regulations

Staff has attached to this report a new (proposed) Chapter 19.450, *Alcohol Sales*, and recommends that the existing Chapter 19.450 be repealed in its entirety. The recommendation to repeal all of Chapter 19.450 is not based on a significant change in content, but rather the existing language has been substantially reorganized, and a large quantity of text has been reworded for clarity, to the extent that it is easier to replace the entire Chapter rather propose “strike-outs”.

One of the major reorganizations of the Chapter has been to break existing Section 19.450.030, *Site Locations, Operation and Development Standards*, in to three separate sections. As currently written, the information related to site location, operational expectations and construction requirements is consolidated into one section, making it hard to find information quickly, and requires the public to read through information not necessarily applicable to their proposal. By breaking the Site Location, Operation and Development standards into three separate sections, the City is able to clearly define site location requirements separate from operational requirements or development standards, and vice-versa.

The current Code specifies “buffer” requirements for establishments proposing the sale of alcohol. These buffers are intended to separate alcohol sales from land uses that may be negatively impacted by alcohol related activities (i.e., schools, Assemblies of People – Non-Entertainment, residential dwellings, Parolee Homes, etc.). The current Code identifies these separation requirements in a text format, which is repeated throughout Chapter 19.450. Staff has recommended combining this information into two easy to read tables, as reflected by proposed Table 19.450.030.A, *Separation Requirements for Off-Site Alcohol Beverage Sales*, and Table 19.450.030.B, *Separation Requirements for On-Site Alcohol Beverage Sales*.

It is important to note that staff has not recommended any changes to the Codes current land use separation requirements. Staff had originally considered an increase in setbacks to minimize impacts on sensitive land uses. However, after consultation with the California Department of Alcoholic Beverage Control, the Riverside Police Department, and City Attorney's office, it was determined that the existing setbacks are adequate, and that impacts on sensitive land uses can be better address through stricter operational standards, and a process that allows the City to revoke alcohol sales when a business generates on-going problems. Furthermore, staff is concerned that increasing the buffer requirements could prevent new businesses that meet community expectations and do not generate significant impacts.

Staff has also not recommended any changes in the processes by which alcohol related uses are approved, except to require a Minor Conditional Use Permit (MCUP) for businesses that sell alcohol as an ancillary activity and have more than 15,000 square feet or more of gross floor area (i.e., a grocery store, large retail outlet, etc.). Currently the Code exempts these businesses from obtaining any kind of use permit. Staff recommends a MCUP because, if the business becomes a problem, it is much more difficult to revoke or apply conditions retroactively when the business was permitted "by right". While large retail business with ancillary alcohol sales are typically not a significant problem in the City, staff understands that there have been isolated locations where problems reoccur. The Minor Conditional Use Permit process is an administrative review by the Zoning Administrator.

Although staff has not recommended any changes to the process for approving alcohol uses, except as discussed above, staff has made revisions to the Code to provide clarity. As currently written, Article V, *Base Zones Permitted Land Uses*, Table 19.150.020.A does not specify how to process a business that sells alcohol as a primary use (e.g., a liquor store, BevMo, Total Wine, etc.). Rather it defers to the "Incidental Uses Table" (Table 19.150.020). Presently staff is processing businesses that sell alcohol as "retail" businesses, but cite Section 15.450.020, which requires all off-site alcohol sales to obtain a Conditional Use Permit (CUP). To clarify that alcohol sales as a primary use requires a CUP, staff recommends amending Table 19.150.020.A to be consistent with the existing requirements of Section 15.450.020. Additionally, staff is recommending that the Table be amended to ensure that Bars, Saloons, Cocktail Lounges and Taverns (Bars) cross-reference Chapter 19.450. The table and text amendments proposed by staff do not change the process currently in place for approving Bars.

RMC Section 19.450.040, *Other Applicable Regulations*, as currently adopted, briefly addresses the City's obligation under state law to review new alcohol sales licenses considered by the California Department of Alcoholic Beverage Control (ABC) to be in an area with an overconcentration of alcohol licenses, and/or a higher than average crime rate. For any such license, State law currently stipulates that the City is to review the proposed business and make a finding that the new alcohol license will serve a "public convenience or necessity". Staff recommends that the existing section of the Code be renamed "*Public Convenience or Necessity (PCoN)*", and that the City codify findings for determining whether public convenience or necessity will be served, as well as the criteria used for making the findings.

Establish standards to minimize potential negative impacts

The majority of businesses that sell alcohol for on-site and off-site consumption in the City do not generate significant impacts on the surrounding community. Unfortunately, it is nearly impossible for the City to determine which business will become a problem, since problems are

typically a result of poor management practices. Additionally, land use approvals run with the land, therefore an approved business may transition over the years to another operator, and potentially then becomes a problem location. For these reasons, the review and issuance of a use permit is needed to ensure that conditions are established, and permits can be revoked if necessary.

Restaurants are often encouraged uses and, when focused on the sale of food, typically do not generate significant alcohol related problems. Therefore the existing Code allows the Zoning Administrator to exempt restaurants from obtaining a Minor Conditional Use Permit (i.e., approve restaurants with the on-sale of alcohol “by right”), provided the restaurant complies with eight standards typical of restaurant uses. In reviewing these exemption standards, staff noted that there is still the opportunity for a business to be approved as a restaurant, but transition into an after-hours bar, and thereby potentially generate neighborhood impacts. As such, staff recommends that the following standard be added under Section 19.450.020.B:

- Business hours of operation shall be between 5:00 A.M. and 10:00 P.M. Sunday through Thursday, and 5:00 A.M. and 12:00 A.M. Friday and Saturday.

Restaurants that wish to operate at later hours may do so, but would not be exempt from obtaining a Minor Conditional Use Permit.

Staff also recommends the following condition to clarify that restaurants must comply with the requirements applicable to all alcohol sales businesses:

- The Business meets the standards of Sections 19.450.050.E and 19.450.060.C.

The Zoning Administrator’s approval will require the business owner to sign an affidavit certifying that the conditions granting the MCUP exemption will be upheld.

Staff also recommends a new development standard under proposed Section 19.450.040, *Site Development Standards*, which stipulates that the seating capacity and/or occupancy limits of a business with on-site alcohol sales shall be established by the City Fire Marshall. Adding this standard clarifies the City’s intent and obligation to correlate occupancy limits with public safety. The recommended standard is:

- The seating capacity and/or occupancy shall not exceed the maximum(s) established by the City Fire Marshall.

An issue identified by Mayor Loveridge in May 2012, reiterated by the Utility Services/Land Use/Energy Development Committee in October 2012, and advocated by the Police Department, is the prohibition of “single serve, ready to drink” alcoholic beverages. Single serve, ready to drink beverages have been shown to contribute to consumption in public spaces, leading to loitering, vandalism and the potential for driving under the influence (DUI) violations. Prohibiting single serve, ready to drink alcoholic beverages is intended to minimize the conveniences of immediate consumption; and encourage the sale of “packaged” items that are more likely to be purchased in advance of consumption and taken home and refrigerated. Staff has therefore proposed a standard condition for off-site alcohol sales, under proposed Section 19.450.050.B, stating the following:

- The sale of cold, ready-to-drink, single-unit containers of beer, malt beverage products, fortified wines, and wine coolers shall be strictly prohibited. Such products, regardless of container size, shall be sold only in manufacturer pre-packaged, multi-unit quantities.

This condition has been placed on all new CUP's for the off-sale of alcoholic beverages since 2007. However, there are many off-sale facilities in the City that pre-date this condition. By codifying this standard, it will insure that, day forward, all new off-sale facilities will be required to comply with this requirement.

Please note that this performance standard specifically states "cold" single-unit containers' are prohibited. Thus, it would not be illegal to allow for the sale of single unit craft beers, cooking sherry, port wine, and similar remains permissible at grocery stores or specialty retail outlets, such as BevMo or Cost Plus World Market.

Additionally, staff has also added a new performance standard in proposed Section 19.450.050.E, which clarifies a "last call" timeline for all businesses that sell alcohol for on-site consumption. The intent is to prohibit businesses from selling alcohol immediately prior to closing, which would otherwise encourage binge drinking and potentially increase situations where the effects of consumed alcohol becomes more pronounced when a patron is driving or off the establishment's premises. The recommended standard is:

- A last call to purchase alcohol shall be provided nightly no later than 1:15 A.M. No Alcohol sales shall be allowed after 1:30 A.M.

Process for terminating or modifying conditions of existing "non-conforming" businesses

As noted earlier, the City currently has a significant number of businesses that were approved to sell alcohol at a time when there were no use permit requirements or conditions of approval. These businesses are currently operating as legal non-conforming uses, which allows them to continue selling alcohol without complying with existing development and operation standards. Several of these legal non-conforming businesses generate reoccurring problems, and none of them would be subject to the new conditions recommended as part of this Code amendment.

In consultation with the Police Department and City Attorney's office, staff is recommending that the City adopt a new land use classification of "Deemed Approved Use" for legal non-conforming alcohol sales businesses, adopt a process to transition these non-conforming businesses to Deemed Approved Use status, and adopted an enforcement process that will mitigate, condition or revoke the Deemed Approved Use status of any business that becomes a nuisance for the community.

Staff has recommended that a Section 19.450.060, *Deemed Approved Use Procedures and Performance Standards* be added to the Municipal Code to allow the City to address existing and future nonconforming businesses. The process and performance standards recommended by staff are outlined in detail within the proposed Chapter 19.450 amendment.

Ensure alcohol sales regulations are consistent throughout Title 19

Several of the updates to Chapter 19.450 will require that other sections of the Code are updated to maintain consistency. Amendments to the tables within Article V, *Base Zones Permitted Land*

Uses have already been discussed in detail above. Additional changes for consistency include some revisions to Chapter 19.272, *Breweries, Microbreweries, Wineries, Brewpubs, Brew-On-Premises and Distilleries*.

The new Deemed Approved Uses added to Chapter 19.450 will necessitate changes to Article III, *Nonconforming Provisions*, and staff recommends adding a definition of “Deemed Approved Uses” in Article X, *Definitions*.

Staff has also added language within Chapter 19.450 to ensure that the Alcohol Sales regulations adequately cross references existing criteria within Chapter 19.272 (ref. proposed Section 19.450.020.A.3), and maintains the existing process of approving Bars, Saloons, Cocktail Lounges and Taverns in the CR, CG and CRC zones by Minor Conditional Use Permit (ref. proposed Section 19.450.020.B.2).

Staff is also recommending that existing Section 19.450.050, *Variances*, be removed in its entirety. As the Code currently has a Variance process detailed in Chapter 19.720 of the Zoning Code, a variance section in the Alcohol Ordinance is redundant. Furthermore, the existing Code alludes to using Variances to deviate from performance standards and land use activities, which is prohibited by State law.

The existing Zoning Code Section 19.450.050, *Variances*, establishes some unique restrictions related to the granting of a Variance (e.g., Florist Shops with Incidental Wine Sales cannot request a Variance). This section also identifies an enhanced mailing requirement of a 1,000-foot radius (instead of a 300-foot radius) for Variances related to alcohol uses. To ensure consistency with the existing Code and the proposed Alcohol Amendment, staff recommends adding Section 19.450.030.C, *Reductions in Separation Requirements* which will allow an applicant to request by Conditional Use Permit (for off-site sales) or Minor Conditional Use Permit (for on-site sales) to reduce a minimum setback from a specified sensitive uses. Staff recommends allowing for deviations in separation requirements in order to maintain consistency between the old and new codes. However, staff has not included any process to allow for the deviation of the Operation Standards in Section 19.450.050, as these regulations are intended to be minimum criteria necessary to preserve the public’s health, safety and welfare.

VIII. PUBLIC NOTICE AND COMMENTS:

Pursuant to Section 19.670.040 (Notice of Hearing for Legislative Actions) of the Zoning Code, a one-eight page ad public notice was placed in the local newspaper of general circulation within the City (The Press Enterprise) ten (10) days prior to the hearing. As of the writing of this report, no comments have been received by staff regarding this proposal.

IX. EXHIBITS:

1. Riverside Municipal Code, Chapter 19.450, *Alcohol Sales* (Existing)
2. Proposed Text Amendments:
 - a. Chapter 19.450, *Alcohol Sales Activities*
 - b. ARTICLE V, BASE ZONES PERMITTED LAND USES, Table 19.150.020.A and Table 19.150.020.B
 - c. ARTICLE III: NONCONFORMING PROVISIONS
 - d. Chapter 19.272, *Breweries, Microbreweries, Wineries, Brewpubs, Brew-On-Premises and Distilleries*

- e. ARTICLE X: DEFINITIONS
- 3. May 22, 2012 Utility Services/Land Use/Energy Development Committee staff report and attachments.

Chapter 19.450**ALCOHOL SALES**

- 19.450.010 Purpose.**
- 19.450.020 Applicability and Permit Requirements.**
- 19.450.030 Site Location, Operation and Development Standards.**
- 19.450.040 Other Applicable Regulations.**
- 19.450.050 Variances.**

19.450.010 Purpose.

The purpose of regulating the sale of alcohol is to ensure compatibility of such uses with surrounding uses and properties and to avoid any impacts associated with such uses. (Ord. 6966 §1, 2007)

19.450.020 Applicability and Permit Requirements.

Alcohol Sales, as defined in Article X (Definitions), are permitted as set forth in Article V, Base Zones and Related Use and Development Provisions subject to the requirements contained in this Chapter.

- A. Any establishment, business or facility that proposes to engage in the off-sale of alcoholic beverages shall obtain a conditional use permit pursuant to Chapter 19.760 (Conditional Use Permit), except for the following uses:
 - 1. Establishments that do not propose to sell alcohol as their principal business and that contain 15,000 square feet or more of gross floor area.
 - 2. Florist shops that propose the incidental sale of wine along with gift or floral baskets; such uses shall obtain a minor conditional use permit processed pursuant to Chapter 19.730 (Minor Conditional Use Permit).
- B. Any establishment, business or facility that proposes to engage in the on-sale of alcoholic beverages, unless exempted by Subsection 1, below shall obtain a minor conditional use permit pursuant to Article IX, Land Use and Development Permit Requirements/Procedures
 - 1. The Zoning Administrator shall exempt a business providing on-sale of alcoholic beverages from the minor conditional use permit requirement if all of the following conditions apply:
 - a. The premises contains a kitchen or food-servicing area in which a variety of food is prepared and cooked.
 - b. The primary use of the premises is for sit-down food service to patrons.
 - c. The premises serves food to patrons during all hours the establishment is open for customers.
 - d. If there is a separate area primarily intended for the consumption of alcoholic beverages, it does not constitute more than 30 percent of the public access floor area or 1,000 square feet, whichever is less.

P14-0359, Exhibit 1

- e. No alcoholic beverages, including beer or wine are sold or dispensed for consumption beyond the premises.
- f. The use is not subject to any discretionary permit as an entertainment use.
- g. The premises is defined as a "bona fide public eating place" by the State of California Department of Alcoholic Beverage Control.
- h. The business is not located within 100 feet of any existing residential dwelling or property zoned for residential use, as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the residential property. This provision shall not apply to residential uses that are a part of a mixed use zone or mixed use project. (Ord. 6966 §1, 2007)

19.450.030 Site Location, Operation and Development Standards.

The standards set forth in Article V, Base Zones and Related Use and Development Provisions, shall apply to all establishments selling alcohol, unless otherwise specified here.

A. Off-sale of All Alcoholic Beverages

- 1. The business shall not be located within 600 feet of a public or private school (pre-school through twelfth grade), assemblies of people - non-entertainment or public park, as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the school, assemblies of people - non-entertainment or park site.
- 2. The business shall not be located within 100 feet of any existing residential dwelling or property zoned for residential uses as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the residential zoned property.
- 3. The business shall be located a minimum distance of 1,000 feet from any existing parolee/probationer home, emergency shelter, supportive housing, transitional housing and transitional housing development or businesses licensed by the State of California for off-sale general alcoholic beverage sales with less than 15,000 square feet of gross floor area or which sells alcoholic beverages as its principal business as measured from any point upon the outside walls of the building or building lease space of the business applying for the discretionary permit to the nearest property line of the site containing the existing off-site alcoholic beverage sales business.
- 4. No sale of alcoholic beverages shall be made from a drive-thru lane or drive-thru window.
- 5. The business shall be in a location that is fully visible from a public street with an unobstructed view from the public street for public safety.

P14-0359, Exhibit 1

6. The business shall have lighting to provide illumination for security and safety of parking and access areas. On-site lighting plans shall be submitted for review and approval.
 7. The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section [9.05.020](#) of the Municipal Code.
 8. The management at each location of off-sale of alcoholic beverages pursuant to this section shall be responsible for educating the public regarding drunk driving laws and the related penalties for breaking those laws. (This includes minimum age law, open container law and driving while intoxicated law.) This can be accomplished by posting prominent signs, decals or brochures at the point of purchase and providing adequate training for employees.
- B. Florist Shop with Incidental Off-site Sale of Wine
1. The sale of wine shall be clearly incidental to a florist shop business, and shall not exceed five percent of the annual gross sales revenue of the florist business.
 2. The sale of wine shall be limited to gift or floral arrangements. Individual containers of wine not packaged as part of such arrangements may not be sold.
 3. No beer or distilled spirits may be sold.
 4. The business shall be located a minimum distance of 1,000 feet from any existing parolee/probationer home, emergency shelter, supportive housing or transitional housing and transitional housing development as measured from any point upon the outside walls of the building or building lease space of the business applying for the discretionary permit to the nearest property line of the site containing the existing off-site alcoholic beverage sales business.
- C. On-sale of All Alcoholic Beverages
1. The business shall not be located within 600 feet of a hospital, public or private school (pre-school through twelfth grade), assemblies of people - non-entertainment or public park, as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the hospital, school, assemblies of people - non-entertainment or park site, except in the Downtown Arts and Entertainment District, as defined in Article X (Definitions), where the 600 foot distance restriction does not apply. However, in said Downtown Arts and Entertainment District, the Zoning Administrator shall consider distances from the above listed uses for the purpose of achieving compatibility of the business with neighboring uses as part of the review process.
 2. The business shall not be located within 100 feet of any existing residential dwelling or property zoned for residential uses as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the residential property. This provision shall not be

P14-0359, Exhibit 1

mandatory with regard to residential uses that are a part of a mixed use zone or mixed use project approved under a conditional use permit.

3. The business shall be located a minimum distance of 1,000 feet from any existing parolee/probationer home, emergency shelter, supportive housing or transitional housing and transitional housing development as measured from any point upon the outside walls of the building or building lease space of the business applying for the discretionary permit to the nearest property line of the site containing the existing parolee/probationer home, emergency shelter, supportive housing or transitional housing and transitional housing development.
 4. Lighting, as certified by a qualified lighting engineer, shall be provided at a level no less than one foot candle of lighting throughout private parking lots and access areas serving the business.
 5. The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section [9.05.020](#) of the Municipal Code.
 6. Soundproofing shall be provided sufficient to prevent noise and vibrations from penetrating into surrounding properties or building lease space.
- D. Concurrent Sale of Motor Vehicle Fuel With Alcoholic Beverages.
1. Only beer and wine, not hard liquor, may be sold.
 2. The minimum enclosed retail sales area for store products shall be 1,500 square feet.
 3. The minimum inventory level shall be \$15,000 retail value excluding beer, wine, fuel and automotive products.
 4. The maximum percentage of beer and wine sales to total store sales shall be 30% percent on a retail basis during any consecutive twelve-month period.
 5. The management at each location of common site sales shall be responsible for "educating the public" regarding drunk driving laws and the related penalties for breaking those laws. (This includes minimum age law, open container law and driving while intoxicated law.) This can be accomplished by posting prominent signs, decals or brochures at the point of purchase and providing adequate training for employees.
 6. No displays of beer or wine shall be located within five feet of the store's entrance or checkout counter.
 7. Cold beer or wine shall be sold from, or displayed in permanently affixed electrical coolers only.
 8. No beer or wine advertising shall be located on gasoline islands; no lighted advertising for beer or wine shall be located on buildings or in windows.

9. Employees on duty between the hours of ten p.m. and two a.m. shall be at least 21 years of age to sell beer and wine.
10. No sale of alcoholic beverages shall be made from a drive-thru window.
11. The business shall not be located within 600 feet of a public or private school (pre-school through 12th grade), assemblies of people - non-entertainment or public park, as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the school, assemblies of people - non-entertainment or park site.
12. The business shall not be located within 100 feet of any existing residential dwelling or property zoned for residential uses as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the residential zoned property.
13. The business shall be located a minimum distance of 300 feet from any other business with the concurrent sale of motor vehicle fuel with alcoholic beverages or 1,000 feet from any other business licensed by the State of California for off-sale general alcoholic beverage sales with less than 15,000 square feet of gross floor area or that sells alcoholic beverages as its principal business as measured from any point upon the outside walls of the building or building lease space of the business applying for the discretionary permit to the nearest property line of the site containing the existing off-sale alcoholic beverage sales business.
14. The business shall be located a minimum distance of 1,000 feet from any existing parolee/probationer home, emergency shelter, supportive housing or transitional housing and transitional housing development as measured from any point upon the outside walls of the building or building lease space of the business applying for the discretionary permit to the nearest property line of the site containing the existing emergency shelter, supportive housing or transitional housing and transitional housing development. (Ord. 7158 §13, 2012; Ord. 6966 §1, 2007)

19.450.040 Other Applicable Regulations.

Where the Department of Alcoholic Beverage Control (ABC) determines that an area has an over concentration of alcoholic beverage licenses and/or a higher than average crime rate ABC may deny an application for alcohol sales unless the Zoning Administrator or City Planning Commission makes a determination that public convenience or necessity will be served by the proposed project. (Ord. 6966 §1, 2007)

19.450.050 Variances.

- A. Variances may be granted from the provisions of Section 19.450.030 (A and C) above based upon careful review of unique circumstances that may apply to a particular use. Any such variance request shall increase the property notification requirement from a 300-foot radius to a 1,000-foot radius from the subject property.
- B. No variances from the provisions of Section 19.450.030 (B) above are permitted.

P14-0359, Exhibit 1

- C. Variances may be granted from the provisions of Section 19.450.030 (D) (11-14) above based upon careful review of unique circumstances that may apply to a particular use. Any such variance request for provisions of Section 19.450.030 (D) (11-14) above shall increase the property notification requirement from a 300-foot radius to a 1,000-foot radius from the subject property. No variances from the provisions of Section 19.450.030 (D) (6 -10) above are permitted. (Ord. 6966 §1, 2007)

Chapter 19.450**ALCOHOL SALES ACTIVITIES**

- 19.450.010 Purpose.**
- 19.450.020 Applicability and Permit Requirements.**
- 19.450.030 Site Location Standards.**
- 19.450.040 Site Development Standards.**
- 19.450.050 Site Operation Standards.**
- 19.450.060 Deemed Approve Use Procedures and Performance Standards.**
- 19.450.070 Public Convenience or Necessity (PCorN).**

19.450.010 Purpose.

The purpose of this Chapter is to establish standards for businesses engaged in alcohol sales activities in order to protect the health, safety, and general welfare of the citizens of the City. This Chapter establishes reasonable and uniform standards to prevent the inappropriate location, operation, development and/or performance of alcohol sales activities within the City. The standards protect residential, commercial, industrial and civic areas and minimize the adverse impacts of nonconforming and incompatible uses. The Chapter also provides development standards to ensure alcohol sales activities are not the source of undue public nuisances in the community and to monitor Deemed Approved establishments to ensure they do not substantially change in mode or character of operation.

19.450.020 Applicability and Permit Requirements.

Alcohol Sales, as defined in Article X (Definitions), are permitted as set forth in Article V, Base Zones and Related Use and Development Provisions, subject to the requirements contained in this Chapter.

A. Off-Sale of All Alcoholic Beverages

Any establishment, business or facility that proposes to engage in the off-site sale of alcoholic beverages shall obtain a conditional use permit pursuant to Chapter 19.760 (Conditional Use Permit), except as follows:

1. Establishments that do not sell alcohol as their principal business, have 15,000 square feet or more of gross floor area, and accept the applicable regulations in Sections 19.450.030, 19.450.040, and 19.450.050 as conditions of approval, shall obtain a Minor Conditional Use Permit pursuant to Article IX, Land Use and Development Permit Requirements/Procedures.
2. Florist shops that propose the incidental sale of wine along with gift or floral baskets, and accept the applicable regulations in Sections 19.450.030, 19.450.040, and 19.450.050 as conditions of approval, shall obtain a Minor Conditional Use Permit pursuant to Article IX, Land Use and Development Permit Requirements/Procedures.
3. Breweries, Microbreweries, Wineries, Brewpubs, Brew-On-Premises and Distilleries shall be regulated pursuant to Chapter 19.272.

B. On-Sale of All Alcoholic Beverages

1. Any restaurant establishment, business or similar facility that proposes to engage in the on-site sale of alcoholic beverages, except as identified below, shall obtain a minor conditional use permit pursuant to Article IX, Land Use and Development Permit Requirements/Procedures.

a. Exemptions from Minor Conditional Use Permit Requirement for On-Site Sale of Alcohol

The Zoning Administrator shall exempt a restaurant business from obtaining a minor conditional use permit for on-site alcoholic beverage sales when all of the following conditions are complied with, and the business owner has signed an affidavit certifying that the conditions will be upheld:

- (1) The premise contains a kitchen or food-servicing area in which a variety of food is prepared and cooked.
- (2) The primary use of the premises is for sit-down food service to patrons.
- (3) The premise serves food to patrons during all hours the establishment is open for customers.
- (4) If there is a separate area primarily intended for the consumption of alcoholic beverages, it does not constitute more than 30 percent of the public access floor area or 1,000 square feet, whichever is less.
- (5) No alcoholic beverages, including beer or wine are sold or dispensed for consumption beyond the premises.
- (6) Business hours of operation shall be between 5:00 A.M. and 10:00 P.M. Sunday through Thursday, and 5:00 A.M. and 12:00 A.M. Friday and Saturday.
- (7) The use is not subject to any discretionary permit (e.g., a discretionary permit for Assemblies of People - Entertainment, etc.).
- (8) The premise is defined as a "bona fide public eating place" by the State of California Department of Alcoholic Beverage Control.
- (9) The business meets the standards of Sections 19.450.050.E and 19.450.060.C.

2. Bars, Saloons, Cocktail Lounges and Taverns in the CR, CG and CRC zones that accept the applicable regulations in Sections 19.450.030, 19.450.040, and 19.450.050 as conditions of approval shall obtain a Minor Conditional Use Permit

P14-0359, Exhibit 2a

pursuant to Article IX, Land Use and Development Permit Requirements/Procedures.

19.450.030 Site Location Standards.

The standards set forth in Article V, Base Zones and Related Use and Development Provisions, shall apply to all establishments selling alcohol, unless otherwise specified in Title 19. To preserve the public's health, safety and welfare, alcohol sales uses permitted by Article V and Section 19.450.020 shall be separated from sensitive uses, non-compatible land uses, and other alcohol sales facilities, wherein alcohol sales activities and/or over-concentration could create negative impacts. To minimize these impacts, the following distance buffers and site location standards shall apply:

- A. Off-Site Sale of All Alcoholic Beverages
 - 1. The business shall be in a location that is fully visible from a public street with an unobstructed view from the public street for public safety.
 - 2. All businesses that sell alcohol for off-site sales shall be separated from existing uses as specified in Table 19.450.030.A.

Table 19.450.030.A			
Separation Requirements for Off-Site Alcoholic Beverage Sales			
EXISTING USES/ZONES from which alcohol sales shall be separated from...	PROPOSED BUSINESS...		
	All alcohol sales, except motor vehicle fuel sales and florist shops:	Motor vehicle fuel business with concurrent alcohol sales:	Florist shop incidental wine sales with gift or floral basket:
School, Public or Private (Pre-school through 12th grade)	600 feet	600 feet	0 Feet
Assemblies of People – Non-Entertainment	600 feet	600 feet	0 Feet
Public Park	600 feet	600 feet	0 Feet
Residential Dwelling or Residentially Zoned Property	100 feet	100 feet	0 Feet
Parolee/Probationer Home	1,000 feet	1,000 feet	1,000 feet
Emergency Shelters	1,000 feet	1,000 feet	1,000 feet
Supportive Housing	1,000 feet	1,000 feet	1,000 feet
Transitional Housing and Transitional Housing Development	1,000 feet	1,000 feet	1,000 feet
Business with California ABC Off-Sale General License, with Less than 15,000 Square Feet Gross Floor Area	1,000 feet	1,000 feet	0 Feet
Business Selling Alcohol as Primary Business	1,000 feet	1,000 feet	0 Feet
Motor Vehicle Fuel Business with Concurrent Alcohol Sales	0 Feet	300 Feet	0 Feet
Notes: 1. All distances are measured from a point on the outside walls of the building or building lease space of the business requesting alcohol sales, to the nearest property line of the existing use/zone. 2. Standard conditions apply as listed in Section 19.450.050.			

B. On-Site Sale of All Alcoholic Beverages

1. Distance requirements identified in Table 19.450.030.B that buffer an alcoholic beverage use from residential uses does not apply to a residence that is part of a mixed use zone or mixed use project approved with a conditional use permit.

Table 19.450.030.B		
Separation Requirements for On-Site Alcoholic Beverage Sale		
EXISTING USES/ZONES from which alcohol sales shall be separated from...	PROPOSED BUSINESS...	
	All alcohol sales, except business in Downtown Arts and Entertainment District:	Businesses in the Downtown Arts and Entertainment District¹:
Hospital	600 feet	Zero Feet ²
School, Public or Private (Pre-school through 12th grade)	600 feet	Zero Feet ²
Assemblies of People – Non-Entertainment	600 feet	Zero Feet ²
Public Park	600 feet	Zero Feet ²
Residential Dwelling or Residentially Zoned Property	100 Feet ³	Zero Feet ²
Parolee/Probationer Home	1,000 feet	1,000 feet
Emergency Shelters	1,000 feet	1,000 feet
Supportive Housing	1,000 feet	1,000 feet
Transitional Housing and Transitional Housing Development	1,000 feet	1,000 feet
Notes: 1. Downtown Arts and Entertainment District is defined by Article X, Definitions 2. Reference R.M.C. Sec. 19.450.030.B.2 3. Reference R.M.C. Sec. 19.450.030.B.3 4. All distances are measured from a point on the outside walls of the building or building lease space of the business requesting alcohol sales, to the nearest property line of the existing use/zone. 5. Standard conditions apply as listed in Section 19.450.050.		

2. In the Downtown Arts and Entertainment District, as defined by Article X, Definitions, the Zoning Administrator shall consider distances of an alcoholic beverage sales use from hospital, public or private school (pre-school through twelfth grade), Assemblies of People - Non-Entertainment, and public parks, for the purpose of achieving compatibility of the business with the neighboring uses.
3. For businesses that sell alcohol for On-Site Sales, the separation from residential uses and zones shall not be mandatory when the proposed on-site sale of alcohol is within a mixed use project approved with a conditional use permit, or within a mixed use zone.

C. Reduction in Separation Requirement

1. Except for Florist Shops with incidental wine sales, separation requirements of Table 19.450.030.A and Table 19.450.030.B may be reduced based on the careful review of unique circumstances that may apply to a particular use.

2. A reduction in separation requirements of Table 19.450.030.A shall be prohibited for Florist Shops with incidental wine sales.
3. A reduction in the separation requirements of Table 19.450.030.A and Table 19.450.030.B shall not be granted unless the following findings can be made:
 - a. The public convenience would be served by the establishment of the proposed use;
 - b. The proposed use is not anticipated to be the source of nuisance behavior associated with excessive consumption of alcoholic beverages;
 - c. The proposed use would not be detrimental to the public health, safety, or welfare;
 - d. The proposed use would not increase the severity of existing law enforcement or public nuisance problems in the surrounding area; and
 - e. The proposed use is consistent with the objectives, policies, general land uses, and programs of the General Plan, and applicable specific plan(s).
4. Except for Florist Shops with incidental wine sales, reductions in the separation requirements of Table 19.450.030.A shall be considered pursuant to a Conditional Use Permit (Chapter 19.760), except the public notification requirements of Chapter 19.670 shall be increased from a 300-foot radius to a 1,000-foot radius from the subject property.
5. Reductions in separation requirements of Table 19.450.030.B shall be considered pursuant to a Minor Conditional Use Permit (Chapter 19.730), except the public notification requirements of Chapter 19.670 shall be increased from a 300-foot radius to a 1,000-foot radius from the subject property.

19.450.040 Site Development Standards.

The standards set forth in Article V, Base Zones and Related Use and Development Provisions, shall apply to all establishments selling alcohol, unless otherwise specified here.

A. On-Site and Off-Site Sale of All Alcoholic Beverages

1. Sites shall not be designed to allow for the sale of alcoholic beverages from a drive-thru lane or drive-thru window.
2. The business shall have lighting to provide illumination for security and safety of parking and access areas. On-site lighting plans shall be submitted for review and approval. Lighting, as certified by a qualified lighting engineer, shall be provided at a level no less than one-foot-candle of lighting throughout private parking lots and access areas serving the business. Additional levels of illumination may be required in areas the Zoning Administrator or Planning Commission determine there are specific security or safety concerns.
3. The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any

public place or posted premises, in accordance with Section 9.05.020 of the Municipal Code.

B. Additional Standards for Off-Site Sale of Alcohol Concurrent with the Sale of Motor Vehicle Fuel

1. The minimum enclosed retail sales area for store products shall be 1,500 square feet.

C. Additional Standards for On-Site Sale of All Alcoholic Beverages

1. Sufficient soundproofing shall be provided to prevent noise and vibrations from penetrating onto surrounding property(ies) or building lease space(s).
2. The seating capacity and/or occupancy shall not exceed the maximum(s) established by the City Fire Marshall.

19.450.050 Site Operation Standards.

The standards set forth in Article V, Base Zones and Related Use and Development Provisions, shall apply to all establishments selling alcohol, unless otherwise specified here.

A. General

1. The management at each location selling alcoholic beverages shall be responsible for complying with alcohol related laws; and training employees, and educating the public of alcohol laws and related penalties, such as the minimum age to purchase/consume alcohol, open containers and driving while intoxicated.

B. Off-Site Sale of All Alcoholic Beverages

1. Alcoholic beverages shall not be sold in a drive-thru lane or from a drive-thru window.
2. At a minimum, the business shall post prominent signs, decals or brochures at the point of purchase to communicate alcohol laws and related penalties.
3. The sale of cold, ready-to-drink, single-unit containers of beer, malt beverage products, fortified wines, and wine coolers shall be strictly prohibited. Such products, regardless of container size, shall be sold only in manufacturer pre-packaged, multi-unit quantities.

C. Additional Standards for Off-Site Sale of Alcohol Incidental to Florist Shop

1. The sale of wine shall be clearly incidental to a florist shop business, and shall not exceed five percent of the annual gross sales revenue of the florist business.
2. The sale of wine shall be limited to gift or floral arrangements. Wine not packaged as part of gift or floral arrangements may not be sold.
3. No beer or distilled spirits may be sold.

D. Additional Standards for Off-Site Sale of Alcohol Concurrent with the Sale of Motor Vehicle Fuel

1. Only beer and wine shall be sold.
2. The sale of distilled spirits, fortified wine or malt liquor is prohibited.
3. The minimum inventory level shall be \$15,000 retail value, excluding beer, wine, fuel and automotive products.
4. The maximum percentage of beer and wine sales to total store sales shall be 30% percent on a retail basis during any consecutive twelve-month period.
5. No beer or wine shall be displayed within five feet of the store's entrance or checkout counter.
6. Cold beer or wine shall only be displayed in permanently affixed electrical coolers.
7. No beer or wine advertising shall be located on gasoline islands; and no self-illuminated advertising for beer or wine shall be located on buildings or windows.
8. Employees on duty between the hours of 10:00 P.M. and 2:00 A.M. shall be at least 21 years of age.

E. On-Site Sale of All Alcoholic Beverages

1. A last call to purchase alcohol shall be provided nightly no later than 1:15 A.M. No alcohol sales shall be allowed after 1:30 A.M.
2. No alcoholic beverages are to be sold or dispensed for consumption beyond the premises.

19.450.060 Deemed Approved Use Procedures and Performance Standards.

The provisions of this section shall be known as the Deemed Approved Use Procedures and Performance Standards. The purpose of these procedures and standards is to protect and promote the public health, safety, convenience, prosperity and general welfare of the City of Riverside by establishing expectations, criteria and mitigation procedures related to impacts generated by uses with alcoholic beverage activities. All legal nonconforming alcohol sales uses shall comply with the Deemed Approved Use Performance Standards in this Chapter.

- A. Applicability. The Deemed Approved Procedures and Performance Standards shall apply to all Alcohol Sales activities for On-Site (on-sale) and Off-Site (off-sale) consumption existing and operating within the City of Riverside on the effective date of this Chapter.

All Alcohol Sales activities that were legal Nonconforming Uses on the effective date of this Ordinance, regardless of whether or not the use was previously granted a Conditional Use Permit, shall automatically become a Deemed Approved Use as of the effective date of this Ordinance, and shall no longer be considered a legal

Nonconforming Use. The standards of this section shall apply to all alcohol sales uses that hold Deemed Approved Use status pursuant to this Chapter.

B. Notification to Owners of Establishments Conducting Deemed Approved Use

The Community Development Department, using the most recent City business registration (tax certificate) information on record, shall notify the owner of each Deemed Approved Use of the Deemed Approved Use's status. The Community Development Department, using the addresses shown on the City's tax certificate and County's property tax assessment records, shall provide notice of the Deemed Approved Use status to the owner of property on which said use is located. The notice(s) shall be sent by United States Postal Service first class mail with certified mail return receipt requested, and shall include a copy of the performance standards in this Chapter, with the requirement that they be posted for public review in a conspicuous and unobstructed place visible from the entrance of the establishment. This notice shall also provide that the use is required to comply with all performance standards, and all other aspects of the Deemed Approved Use regulations. Should the notice be returned, then the notice shall be re-sent via regular United States Postal Service Mail. Failure of any person to receive notice given pursuant to this Chapter shall not affect the Deemed Approved Use status of the activity.

C. Deemed Approved Use Performance Standards

An alcohol sales use shall retain its Deemed Approved Use status only if it conforms to all of the following Deemed Approved Use performance standards:

1. The use shall not cause adverse effects to the health, peace or safety of persons residing or working in the surrounding area;
2. The use shall not jeopardize or endanger the public health or safety of persons residing, visiting or working in the surrounding area;
3. The use shall not allow repeated nuisance activities within the premises, or contribute to nuisance activities in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passerby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, or lewd conduct;
4. The use shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the California Department of Alcoholic Beverage Control (ABC), California Business and Professions Code Sections 24200, 24200.6 and 25612.5, as well as any condition imposed by permit(s) issued pursuant to applicable laws, regulations or orders. This includes compliance with annual City business registration;
5. The use's upkeep and operating characteristics shall be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood;

6. A copy of these performance standards, any applicable Alcoholic Beverage Control (ABC) and/or City operating conditions, and any training requirements, shall be posted and maintained in at least one prominent place within the interior of the establishment so that it is readily visible and legible to the employees and patrons of the establishment; and
7. All owners and employees of the alcohol beverage sales establishment who are involved in the sale of alcoholic beverages shall complete an approved course in "Responsible Beverage Sales" (RBS) within 60 days of hire for employees hired after the passage of this ordinance, or within six months of the passage of this ordinance for existing employees and owners. To satisfy this requirement, a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS), or other comparable certifying/licensing body designated by the State of California.

D. Termination of Deemed Approved Use Status

The occurrence of any of the following shall terminate the Deemed Approved Use status of the alcohol sales activity, and shall require compliance with Section 19.450.020 of this Chapter, including the requirement to obtain a use permit and meet separation requirements, as well as Sections 19.450.030, 19.450.040 and 10.450.050.

1. Changes in operation or activity of an existing alcohol sales activity that results in the California Department of Alcoholic Beverage Control (ABC) requiring a different type of license;
2. Substantial modification to the mode or character of operation.
3. As used herein, the phrase "substantial modification to the mode or character of operation" includes but is not limited to the following:
 - a. The on-site or off-site establishment increases the floor area, land area or shelf space devoted to the display, sales, or service of any alcoholic beverage(s);
 - b. The on-site or off-site establishment expands a customer service area primarily devoted to the sale or service of any alcoholic beverages, and/or increases the number of customer seats primarily devoted to the sale or service of any alcoholic beverages;
 - c. The on-site or off-site establishment extends the business' hours of operation;
 - d. The establishment proposes to reinstate alcohol sales after the Alcoholic Beverage Control (ABC) license has been revoked or suspended by ABC for a period greater than 30 days; or
 - e. The alcohol sales activity voluntarily discontinues active operation for more than five (5) consecutive days, or ceases to be licensed by the Alcoholic Beverage Control (ABC) for any period of time, except as identified below.

4. A substantial change in the mode or character of operation shall NOT include:
 - a. Re-establishment, restoration, or repair of an existing alcohol sales activity on the same premises after the premises have been rendered totally or partially inaccessible by act of God, provided that the re-establishment, restoration, or repair does not increase the sales or service of any alcoholic beverage, or extend the businesses hours of operation of any establishment that sells or serves alcoholic beverages.
 - b. Temporary closure for not more than 30 days within a six month period in cases of employee vacation or illness, or for purposes of repair, renovation, or remodeling if that repair, renovation, or remodeling does not change the nature of the premises and does not increase the sales or service of any alcoholic beverage, extend the hours of operation of any establishment, or add to the capacity, floor or land area, or shelf space devoted to alcoholic beverages of any establishment that sells or serves any alcoholic beverages.
5. Discontinuance. Once it is determined by the City that there has been a discontinuance of alcohol sales, or a cessation of Alcoholic Beverage Control (ABC) licensing, it may be resumed only after complying with Section 19.450.020, including the requirement to obtain a new or updated use permit and meet separation requirements, as well as comply with Sections 19.450.030, 19.450.040, and 10.450.050. The property owner shall be notified by the City of the termination of the Deemed Approved status, and shall be informed of the property owner's right to appeal the City's decision to the Approving Authority in accordance with Chapter 19.680 of the Municipal Code.

E. Procedures to Remedy Nuisances and Violations by Deemed Approved Uses

The Community Development Director or his/her designee shall determine whether violations of this Chapter have occurred, are occurring, or are likely to occur in the future. Violations of this Chapter include the Deemed Approved Use performance standards and any applicable conditions of approval. The Director shall also determine whether there are undue negative impacts or public nuisance activity, regardless of whether there has been a violation of this Chapter.

Upon the City's receipt of a complaint from the public, Police Department, City official or any other interested person, the Community Development Department shall open a code enforcement case and initiate the following procedures:

1. A City Code Enforcement Officer shall assess the nature of the complaint and determine its validity.
2. If the Code Enforcement Officer determines a Deemed Approved Use is in violation of Performance Standards, conditions of approval, or has undue impacts, the officer may issue a notice, citation, or other action in accordance with Chapter 1.17 of the Municipal Code to resolve the complaint and close the case.

3. All complaints filed in regards to a Deemed Approved Use shall be reviewed by the Community Development Director or his/her designee to determine if the Deemed Approved Use is in compliance with the performance standards of Section 19.450.060.C. If it is determined the Deemed Approved use is not in compliance, or the Responsible Party fails to satisfactorily resolve the complaint in a timely manner, the Community Development Director or his/her designee shall initiate a hearing before an Administrative Hearing Officer, pursuant to Chapter 1.17 of the Municipal Code.
4. Nothing herein shall prohibit the Community Development Director or Zoning Administrator from acting as the Administrative Hearing Officer, as determined by the City Manager, pursuant to Section 1.17.020.
5. The Administrative Hearing Officer may continue the Deemed Approved Use status for the activity(ies) in question; may impose Administrative Civil Penalties for violations of the performance standards; may impose reasonable conditions, including but not limited to the requirements listed within Sections 19.450.040 and 19.450.050, to ensure compliance with the performance standards; may suspend the Deemed Approved Use activities; may revoke the Deemed Approved Use status for businesses that were not previously granted a use permit; or for Deemed Approved Uses previously granted a use permit, initiate a revocation hearing pursuant to Chapter 19.700.
6. A determination to impose new conditions on the Deemed Approved Use, such conditions shall be based upon the information presented before the Approving Authority.
7. In reaching a determination as to whether a Deemed Approved Use has violated the performance standards, or assessing Administrative Civil Penalties, or the amount of the Administrative Civil Penalties to assess, or the appropriateness of imposing additional or amended conditions on a use, or suspending or revoking a use, the Approving Authority may consider:
 - a. The length of time the Deemed Approved Use has been out of compliance with the performance standards.
 - b. The impact of the violation of the performance standard(s) on the community.
 - c. Any information regarding the owner of the Deemed Approved Use's efforts to remedy the violation(s) of the performance standard(s). "Efforts to Remedy" shall include, but are not limited to:
 1. Timely calls to law enforcement agencies that are placed by the owner of the Deemed Approved Use, his or her employees, or agents.
 2. Requesting that those persons engaging in activities causing violations of the performance standard(s) cease those activities, unless the owner of the Deemed Approved Use, or his or her

employees or agents feels that their personal safety would be threatened in making that request.

3. Making improvements to the Deemed Approved Use's property or operations, including but not limited to the installation of lighting sufficient to illuminate the area within the use's property line, the installation of security cameras, clear unobstructed windows, clean sidewalks, and graffiti abated within three days.
8. If the Approving Authority determines the operations of the Deemed Approved Use constitute a violation and/or nuisance, the owner is unable to abate the violation and/or nuisance, and the nuisance is shown to be a threat to the public's health, safety or welfare of visitors, employees or residents on-site or of the surrounding neighborhood, the Approving Authority may suspend or revoke the Deemed Approved Use status. Any activity authorized as a Deemed Approved Use shall cease and desist upon the effective date of the suspension or revocation, and the continued operation of the activity shall require compliance with Sections 19.450.020, including the requirement to obtain a discretionary use permit; and Sections 19.450.030; 19.450.040; and 10.450.050. All determinations, decisions, and conditions made or imposed regarding the Deemed Approved Use shall run with the land.

19.450.070 Public Convenience or Necessity (PCorN).

Where the California Department of Alcoholic Beverage Control (ABC) determines that an area has an over concentration of alcoholic beverage licenses and/or a higher than average crime rate, the City's Zoning Administrator or Planning Commission shall use the following findings to render a determination as to whether Public Convenience or Necessity (PCorN) will be served by a proposed project.

A. PCorN Findings

A Public Convenience or Necessity determination shall be based upon the following findings:

1. That a public convenience would be served by the establishment of the proposed use;
2. That the proposed use is consistent with the General Plan, Municipal Code, and any applicable Specific Plan;
3. That the proposed use is compatible with the nature, condition and character of adjacent land uses;
4. That the proposed use would not have an adverse effect on adjacent uses, or be the source of nuisance behavior associated with excessive consumption of alcoholic beverages;
5. That the proposed use would not result in an excessive number of similar establishments in close proximity; and

6. That the proposed use would not increase the severity of existing law enforcement or public nuisance problems in the surrounding area.

B. Criteria for Consideration

The following criteria shall be considered in making the required PCorN findings, pursuant to Section 19.450.070.A:

1. The proximity to sensitive receptors, such as those listed in Section 19.450.030;
2. The nature of the proposed use and its relation to the surrounding community; and
3. Any evidence or testimony provided by the Riverside Police Department, including, but not limited to, site-specific neighborhood analysis of calls for service, that indicate the proposed use would pose a detriment to the immediate neighborhood or continue current law enforcement problems.

P14-0359, Exhibit 2b

Article V – PERMITTED USES TABLE

19.150.020 (A)

This table identifies permitted uses and uses requiring approval of other permits by zoning designation. In addition to these uses, other incidental and temporary uses may also be permitted as noted in the Incidental Uses Table and the Temporary Uses Table.

Use	Zones																				Location of Required Standards in the Municipal Code	
	Residential Zones							Office & Commercial Zones				Mixed Use Zones			Industrial Zones				Other Zones			
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY		DSP
Accessory Buildings & Structures A. Cargo Containers																						See Incidental Uses Table
Adult-Oriented Businesses	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	¹	9.40 – Adult-Oriented Businesses 19.240 – Adult-Oriented Businesses
Agricultural Field Office																						See Incidental Uses Table
Agricultural Stand																						See Incidental Uses Table
Agriculture, Horticulture and Growing of Nursery Plants (Farms, Field Crops, Flower & Truck Gardening, Orchards, Ranches & Tree Crops)	P	P	P	X	P	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X		
Aircraft Charter Services	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X		For parking see Offices – Business and Professional under 19.580
Aircraft Parts, Supplies, Merchandise and Equipment Shops	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X		For parking see Vehicle Sales under 19.580
Aircraft Sales, Rental, Service, Repair and Storage	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X		For parking see Vehicle Sales under 19.580
Airports – Private	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X		
Airports – Public	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X		
Alcohol Sales, <u>Off-Site (as Primary Use)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>		See <u>19.450 – Alcohol Sales and Incidental Uses Table</u>
Ambulance Company with Vehicle Storage	X	X	X	X	X	X	X	X	X	C	X	X	X	X	P	P	P	P	X	X		5.65 – Convalescent Transport Vehicles 5.66 – Ambulances
Animal Keeping																						See Incidental Uses Table
Arcades and Internet/Cyber Cafés	X	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	X	X	X	X	X	X		19.245 – Arcades and Internet/Cyber Cafés

¹For uses permitted in the Downtown Specific Plan see the Specific Plan.

* = For CRC, MU-U and MU-V Zones a Site Plan Review Permit (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.
 **= For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030 A (RA-5 Zone Permitted Uses) and 19.100.030 B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030 A and 19.100.030 B exists, the provisions of Sections 19.100.030 A and 19.100.030 B shall apply.
 P = Permitted
 RCP = Recycling Center Permit, Chapter 19.870
 DCP = Day Care Permit – Large Family, Chapter 19.860
 PRD = Planned Residential Development Permit, Chapter 19.780
 C = Subject to the granting of a Conditional Use Permit (CUP), Chapter 19.760
 TUP = Temporary Use Permit, Chapter 19.740.
 sq. ft. = Square Feet
 MC = Subject to the granting of Minor Conditional Use Permit (MCUP), Chapter 19.730
 X = Prohibited
 SP = Site Plan Review Permit, Chapter 19.770

P14-0359, Exhibit 2b

Article V – PERMITTED USES TABLE

19.150.020 (A)

This table identifies permitted uses and uses requiring approval of other permits by zoning designation. In addition to these uses, other incidental and temporary uses may also be permitted as noted in the Incidental Uses Table and the Temporary Uses Table.

Use	Zones																					Location of Required Standards in the Municipal Code
	Residential Zones							Office & Commercial Zones				Mixed Use Zones			Industrial Zones				Other Zones			
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY	DSP	
Bars, Saloons, Cocktail Lounges & Taverns	X	X	X	X	X	X	X	X	MC	MC	MC	C	C	C	X	X	X	X	X	X		See 19.450 – Alcohol Sales
Bed and Breakfast Inn A. In Historic Residence (Not part of a Mixed Use Development)	X X	X X	X MC ²	X MC ²	X MC ²	X MC ²	X	X MC ²	P MC ²	P MC ²	SP MC ²	P MC ²	SP MC ²	SP MC ²	X X	X X	X X	X X	X X	X		19.325 – Historic Residence Used for Retail Business, Office or Bed and Breakfast
Boardinghouse	X	X	X	X	X	C	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Boarding of Cats and Dogs/Kennels	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	C	X	X	X		19.270 – Boarding of Cats and Dogs/Kennels
Brewery A. Brewery, Microbrewery and Winery manufacturing and wholesale only. B. Brewery, Microbrewery, and Winery off-sale retail and/or on-site tasting. C. Brewpub D. Brew-On-Premise (no tasting or sale of prepared beers) E. Brew-On-Premise (with tasting and/or retail sales of prepared beers) F. Distillery	X X X X X	X X X X X	X X X X X	X X X X X	X X X X X	X X X X X	X	X X MC X X	X X MC MC MC	X X MC MC MC	X X MC MC MC	X X MC X X	X X MC X X	X X MC X X	P MC MC MC MC	P MC X MC MC	P MC MC MC MC	P MC MC MC MC	X X X X X	X X X X X		19.272 – Breweries, Micro-Breweries, Brewpubs, and Brew-On-Premises
Building Materials Supply Store (Wholesale with ancillary retail sales)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X		19.273 – Building Materials Supply Store (Wholesale with ancillary retail sales)
Bus Terminals	X	X	X	X	X	X	X	X	X	C	X	X	X	C	X	C	X	X	X	X		19.275 – Bus Terminals
Business Support Services & Facilities (Including Graphic Reproduction, Computer-services, etc.)	X	X	X	X	X	X	X	P	P	P	SP	P	SP	SP	P	X	P	P	X	X		
Caretaker Living Quarters																						See Incidental Uses Table

²Only in a historic residence pursuant to Chapter 19.325.

* = For CRC, MU-U and MU-V Zones a Site Plan Review Permit (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.
P = Permitted
RCP = Recycling Center Permit, Chapter 19.870
DCP = Day Care Permit – Large Family, Chapter 19.860
PRD = Planned Residential Development Permit, Chapter 19.780
C = Subject to the granting of a Conditional Use Permit (CUP), Chapter 19.760
TUP = Temporary Use Permit, Chapter 19.740.
sq. ft. = Square Feet

MC = Subject to the granting of Minor Conditional Use Permit (MCUP), Chapter 19.730
X = Prohibited
SP = Site Plan Review Permit, Chapter 19.770

P14-0359, Exhibit 2b

Article V – PERMITTED USES TABLE

19.150.020 (A)

This table identifies permitted uses and uses requiring approval of other permits by zoning designation. In addition to these uses, other incidental and temporary uses may also be permitted as noted in the Incidental Uses Table and the Temporary Uses Table.

Florist Shops	X	X	X	X	X	X	X	MC	P	P	SP	P	SP	SP	X	X	X	X	X	X			19.310 – Florist Shops For incidental sale of alcohol see 19.415Q – Alcohol Sales	
Flying Schools	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X			
Fueling Systems – Private (Above Ground Tanks)																								See Incidental Uses Table
Furniture Upholstery	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X				
Gasoline Service Stations																								See Vehicle Fuel Stations 19.410 – Vehicle Fuel Stations
Group Housing (Convalescent Homes, SRO's, Alcohol & Drug Treatment Facilities, 6 or Fewer Occupants)	P	P	P	P	P	SP	SP	X	X	X	X	P	SP	SP	X	X	X	X	X	X				19.315 – Group Housing
Group Housing (Convalescent Homes, SRO's, Alcohol & Drug Treatment Facilities, more than 6 Occupants)	X	X	C	C	C	X	X	C	C	C	C	X	X	X	X	X	X	X	X	X				19.315 – Group Housing
Hangars	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X			
Heliport or Helistop	X	X	X	X	X	X	X	C	C	C	C	X	X	C	C	C	X	P	C	X				19.320 – Heliports and Helistops
Historic Residence Used for Retail Business, Office or Bed and Breakfast																								See Bed and Breakfast Inn, Office and Retail Sales on this table
Home Improvement, Sales and Service (Hardware, Lumber and Building Material Stores) – Retail: A. Under 20,000 sq. ft. B. 20,000 sq. ft. or More	X X	X X	X X	X X	X X	X X	X X	X X	P C	P P	SP SP	P X	SP X	SP X	X X	X X	X X	X X	X X	X X				See Incidental Uses Table for Outdoor Display
Home Occupations																								See Incidental Uses Table

* = For CRC, MU-U and MU-V Zones a Site Plan Review Permit (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.

**= For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030 A (RA-5 Zone Permitted Uses) and 19.100.030 B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030 A and 19.100.030 B exists, the provisions of Sections 19.100.030 A and 19.100.030 B shall apply.

P = Permitted

RCP = Recycling Center Permit, Chapter 19.870

DCP = Day Care Permit – Large Family, Chapter 19.860

PRD = Planned Residential Development Permit, Chapter 19.780

C = Subject to the granting of a Conditional Use Permit (CUP), Chapter 19.760

TUP = Temporary Use Permit, Chapter 19.740.

sq. ft. = Square Feet

MC = Subject to the granting of Minor Conditional Use Permit (MCUP), Chapter 19.730

X = Prohibited

SP = Site Plan Review Permit, Chapter 19.770

P14-0359, Exhibit 2b

Article V – INCIDENTAL USES TABLE

19.150.020 (B)

This table identifies uses which are generally only permitted as an incidental use to some other permitted use on the property.

Use	Zones																				Location of Required Standards in the Municipal Code	
	Residential Zones							Office & Commercial Zones				Mixed Use Zones			Industrial Zones				Other Zones			
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY		DSP
Accessory Buildings & Structures A. Cargo Containers	P X	P P	P P	P X	P X	P X	P X	P X	P X	P P	SP X	P X	SP X	SP X	P P	P P	P P	P P	P P	P P		19.440 – Accessory Buildings & Structures
Agricultural Field Office	C	C	X	X	MC	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.445 – Agriculture Field Office
Agricultural Stand	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	XX	X	X	X	X	X	19.910.020 - "A" Definitions
Alcohol Sales A. Off-sale ¹ <i>Incidental to Florist Shop</i> B. On-sale ¹ C. Concurrent Sale of Vehicle Fuel with Alcoholic Beverages	X X X	X X X	X X X	X X X	X X X	X X X	X X X	X ¹ MC ¹ X	C ¹ MC ¹ C	C ¹ MC ¹ C	C ¹ MC ¹ C	C ¹ MC ¹ X	C ¹ MC ¹ X	C ¹ MC ¹ X	X X C	X X C	X X C	X X C	X X C	X X C	X X C	19.310 – Florist Shops 19.450 – Alcohol Sales
Animal Keeping A. Domestic Animals up to 4 B. Domestic Animals over 4 C. Non-Domestic Animals up to permitted D. Non-Domestic Animals over permitted E. Dairies F. Riding Stables & Academies G. Bees H. Earthworms ² I. Aviaries	P P P P X X P X P	P P P C C P P P P	P P P MC X X P P P	P P X X X X X X X	P P X X X X X X X	P P X X X X X X X	P P X X X X X X X	X X X X X X X X X	X X X X X X X X X	X X X X X X X X X	X X X X X X X X X	P P X X X X X X X	P P X X X X X X X	P P X X X X X X X	X X X X X X X X X	X X X X X X X X X	X X X X X X X X X	X X X X X X X X X	X X X X X X X X X	X X X X X X X X X	X X X X X X X X X	19.455 – Animal Keeping
Auxiliary Dwelling Unit (Granny Housing)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.460 – Auxiliary Dwelling Unit (Granny Housing)
Caretaker Living Quarters A. Agricultural B. Industrial Uses & Commercial Storage C. Temporary During Construction	X X TUP	C X TUP	X X TUP	X X TUP	X X TUP	X X TUP	X X TUP	X X TUP	X X TUP	X X TUP	X X TUP	X X TUP	X X TUP	X X TUP	X X TUP	X MC TUP	X MC TUP	X MC TUP	X X TUP	X X TUP	X X TUP	19.465 – Caretaker Living Quarters
Day Care Homes – Large Family	DCP	DCP	DCP	DCP	DCP	DCP	DCP	X	X	X	X	DCP	DCP	DCP	X	X	X	X	X	X	X	19.470 – Day Care Homes – Family
Day Care Homes – Small Family	P	P	P	P	P	P	P	X	X	X	X	P	SP	SP	X	X	X	X	X	X	X	19.470 – Day Care Homes – Family
Drive-thru Businesses	X	X	X	X	X	X	X	C ³	C	C	C	X	X	X	X	X	X	X	X	X	X	19.475 – Drive-thru Businesses

¹See exemptions noted in 19.450 – Alcohol Sales

² Worm Farms in excess of sixty-four (64) sq. ft. shall be subject to the granting of a conditional use permit.

³ Banks & Financial Institution/Services and Drug Stores or Pharmacy less than 2,000 sq. ft. only

* = For CRC, MU-U and MU-V Zones a Site Plan Review (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.

P = Permitted

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DCP = Day Care Permit - Large Family, Chapter 19.860

PRD = Planned Residential Development Permit, Chapter 19.780

C = Subject to the granting of a Conditional Use Permit (CUP), Chapter 19.760

TUP = Temporary Use Permit, Chapter 19.740

sq. ft. = Square Feet

MC = Subject to the granting of Minor Conditional Use Permit (MCUP), Chapter 19.730

X = Prohibited

SP = Site Plan Review Permit, Chapter 19.770

DIVISION III: NONCONFORMING STRUCTURES AND USES

- 19.080.060 Modification or Expansion of Nonconforming Structures.**
- 19.080.070 Modifications or Expansions of Nonconforming Uses.**
- 19.080.080 Restoration of a Destroyed Nonconforming Structure or Use.**
- 19.080.090 Revocation of Nonconforming Structure or Use.**
- 19.080.100 Loss of Nonconforming Status for Alcoholic Beverage Sales.**

19.080.060 Modification or Expansion of Nonconforming Structures.

No nonconforming structure shall be altered, reconstructed or expanded to increase the degree of nonconformity with respect to development standards for, including but not limited to, the setbacks, height of structures, distances between structures and the parking facilities as prescribed in the regulations for the zone in which the structure is located, unless a variance is granted pursuant to this Title. (Ord. 6966 §1, 2007)

19.080.070 Modifications or Expansions of Nonconforming Uses.

A. Expansion of a nonconforming non-residential use is permitted only with a minor conditional use permit. In the granting of a minor conditional use permit, all of the following findings shall be made:

1. Such expansion will protect a valuable property investment;
2. Such expansion and the proposed use will not adversely affect or be materially detrimental to the surrounding neighborhood;
3. There is a need for modernization in order to properly operate the use and protect valuable property rights;
4. The expansion shall be architecturally compatible with the existing building;
5. The expansion shall be compatible with the character of the surrounding area; and
6. The expansion shall not displace on-site parking.

B. Expansion of a nonconforming residential use is permitted on the legally recognized parcel upon which it is established, subject to the granting of a minor conditional use permit. In the granting of a minor conditional use permit, all of the following findings shall be made:

1. The expansion shall not be for the purpose of increasing the number of living units on the property;
2. The expansion shall benefit the health, safety, and welfare of the occupants;
3. The expansion shall be architecturally compatible with the existing building;
4. The expansion shall be compatible with the character of the surrounding area; and
5. The expansion shall not displace on-site parking.

- C. The provisions of paragraph A and B of this Chapter do not apply to property zoned RA-5 or RC and described in Sections 3 or 4 of Measure R, enacted November 13, 1979. (Ord. 6966 §1, 2007)

D. The provisions of paragraph A, above, do not apply to nonconforming alcoholic beverage uses that are subject to Riverside Municipal Code Section 19.450.060, Deemed Approved Uses and Performance Standards.

19.080.080 Restoration of a Destroyed Nonconforming Structure or Use.

- A. Except as otherwise provided for nonconforming residential uses under 19.080.080 C below, and alcohol related Deemed Approved Uses under 19.450.060, whenever a nonconforming structure that does not comply with the development standards of the underlying zone, including setbacks, height of structures, distances between structures, parking or the use of which does not conform with the regulations of the underlying zone, is destroyed by fire or other calamity, by act of God, or by the public enemy to the extent of 50 percent or less, the structure may be restored and the nonconforming use may be resumed, provided that all required permits are obtained and the restoration construction is started within 90 days and diligently pursued to completion.
- B. When the destruction exceeds 50 percent or the nonconforming structure is voluntarily demolished or is required by law to be demolished, the structure shall not be restored except in full conformity with the regulations of the zone in which it is located.
- C. A nonconforming single or multiple family residential use that has been destroyed by more than 50 percent may be restored subject to the granting of a minor conditional use permit and affirmative determination of all of the following findings:
1. The restoration of the nonconforming single or multiple family residential use will not adversely affect or be detrimental to the health, safety, and general welfare of the public or property or improvements within the area.
 2. The restoration of the nonconforming or multiple family residential use is substantially compatible with existing and proposed uses in the general area, including factors relating to the nature of its location, operation, building design, and site design.
 3. The restoration of the nonconforming or multiple family residential use will protect a valuable property investment.
 4. The restoration of the nonconforming multiple family residential structure(s) shall comply with the minimum development standards for multiple family residences in effect at the time of re-construction. The number of units allowed to be re-established through the granting of a Minor Conditional Use Permit within any given project site cannot exceed the number of non-conforming units that existed on the property prior to destruction, even if a project can be designed to comply with current development standards with more units than the number existing prior to destruction.
- D. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the nonconforming structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto.

Estimates for this purpose shall be made by or shall be reviewed and approved by the Building Official and the Zoning Administrator and shall be based on the minimum cost of construction in compliance with the Building Code. (Ord. 7049 §1, 2009; Ord. 6966 §1, 2007)

19.080.090 Revocation of Nonconforming Structure or Use.

The City may revoke the right to continue a nonconforming use or structure pursuant to the procedures for permit modification and revocation contained in Chapter 19.700 (Modification and Revocation of Permits/Variances and Other Approvals). (Ord. 6966 §1, 2007)

19.080.100 Loss of Nonconforming Status for Alcoholic Beverage Sales.

Any business that sells on-sale or off-sale alcoholic beverages, including, but not limited to beer and wine, ~~may shall~~ not be continued or reestablished as a business that sells on-sale or off-sale alcoholic beverages, including, but not limited to, beer and wine, without a conditional use permit or a minor conditional use permit ~~in accordance with the Zoning Code if any of the following occur:~~ pursuant to Riverside Municipal Code Section 19.450.060, Deemed Approved Uses and Performance Standards.

- ~~A. — There is a change in type of retail liquor license within a license classification; or~~
- ~~B. — The sales of alcoholic beverages is abandoned or discontinued (including but not limited to circumstances such as suspension, cancellation or revocation of an existing retail liquor license) for any period of time, excluding a maximum 30-day closure required to perform necessary repairs or restoration that does not increase the square footage of the business used for the sale of alcoholic beverages; or~~
- ~~C. — There is a substantial change in the mode or character in the operation of the alcoholic beverage sales business (e.g. due to physical expansion of the alcoholic beverage sales business floor area or increased hours of operation). (Ord. 7158 §3, 2012; Ord. 6966 §1, 2007)~~

Chapter 19.272

BREWERIES, MICROBREWERIES, WINERIES, BREWPUBS, BREW-ON-PREMISES AND DISTILLERIES

- 19.272.010 Purpose.**
19.272.020 Applicability and Permit Requirements.
19.272.030 Site Location, Operation, and Development Standards.
19.272.040 ~~Other Applicable Regulations~~ Public Convenience or Necessity (PCorN).
19.272.050 Variances.

19.272.010 Purpose.

The purpose of regulating Breweries, Microbreweries, Wineries, Brewpubs and Brew-On-Premises establishments is to ensure compatibility of such uses with surrounding uses and properties and to avoid any impacts associated with such uses. (Ord. 7185 §3, 2007)

19.272.020 Applicability and Permit Requirements.

Breweries, Microbreweries, Wineries, Brewpubs, Brew-On-Premises and Distilleries establishments, as defined in Article X (Definitions), are permitted as set forth in Article V, Base Zones and Related Use and Development Provisions subject to the requirements contained in this Chapter.

- A. Brewpubs shall obtain a Minor Conditional Use Permit in all zones where permitted; However, a brewpub that complies with all development standards established by ~~s~~Section 19.450.020-B-1.a a-d (1) through (4) and f-h (6) through (8) (Alcohol Sales – Exemption from Minor Conditional Use Permit), Section 19.450.050.E.1 and Section 19.450.060.C, shall be exempt from the Minor Conditional Use Permit in the CR, CG, CRC, and Mixed-Use Zones. (Ord. 7185 §3, 2007)

19.272.030 Site Location, Operation and Development Standards.

The standards set forth in Article V, Base Zones and Related Use and Development Provisions, shall apply to all establishments selling alcohol, unless otherwise specified here.

- A. Breweries, microbreweries, wineries, and distilleries manufacturing and wholesale only (no on-site retail sales or on-site tasting).
1. All setback, landscaping, and other development standards of the underlying zone shall be met.
 2. The establishment shall comply with all applicable provisions of Chapter 19.510 (Outdoor Storage) where permitted by the underlying zone.
 3. The establishment shall comply with all applicable provisions of Chapter 19.580 (Parking). For the purposes of calculating parking, the brewing areas shall be considered manufacturing, the tasting rooms shall be considered restaurant, and the cold and warm storage shall be considered warehousing.
- B. Breweries, microbreweries, wineries, and distilleries with off-sale retail and/or on-site tasting.
1. All standards listed under 19.272.030A shall apply.

2. The establishments shall comply with all Location, Operation and Development standards established by ~~Section-Chapter~~ 19.450 (Alcohol Sales), except that Section 19.450.050.E.2 shall not apply.
3. Retail Sales within any of the Industrial Zones areas shall not exceed 15% of the gross floor area of the lease space.
4. A maximum total of 1 pint (16 oz.) of beer, 6 ounces of wine, and 1 ounce of distilled spirits may be sold or dispensed, for a fee or no fee, to each customer for on-site tasting per day. This may be divided into a single serving or small tastings.
5. Retail sales of alcoholic beverages shall be limited to alcoholic beverages manufactured on-site.
6. The business shall have lighting to provide illumination for security and safety of parking and access areas. On-site lighting plans shall be submitted for review and approval.
7. The retail and tasting hours of operation shall be evaluated on a case-by-case basis.
8. No person under 21 shall be permitted within the tasting area(s).
9. The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section 9.05.020 of the Municipal Code.
10. The management at each location of off-sale of alcoholic beverages pursuant to this section shall be responsible for educating the public regarding drunk driving laws and the related penalties for breaking those laws. (This includes minimum age law, open container law and driving while intoxicated law.) This can be accomplished by posting prominent signs, decals or brochures at the point of purchase and providing adequate training for employees.
11. No entertainment shall be permitted without first obtaining a Conditional Use Permit in zones that permit or conditionally permit entertainment establishments subject to the development standards established in Section 19.250.
12. Additional conditions may be applied based on feedback from the Riverside Police Department during the entitlement process.

C. Additional Standards for Brew-On-Premises

1. All standards listed under section 19.272.030 A and B shall apply.
2. Minors shall be permitted provided that there is ~~not~~ tasting/sampling of alcoholic beverages on the premises. (Ord. 7185 §3, 2007)

19.272.040 ~~Other Applicable Regulations~~Public Convenience or Necessity (PCorN).

Where the Department of Alcoholic Beverage Control (ABC) determines that an area has an over concentration of alcoholic beverage licenses and/or a higher than average crime rate ABC may deny an application for alcohol sales unless the Zoning Administrator or City Planning Commission shall use the findings and criteria of Section 19.450.070 to render a determination as to whether Public Convenience or Necessity (PCorN) makes a determination that public convenience or necessity will be served by the proposed project. (Ord. 7185 §3, 2007)

19.272.050 ~~Variances~~Deviations.

~~A. Variances may be granted from the provisions of Section 19.272.030 above based upon careful review of unique circumstances that may apply to a particular use. Any such variance request shall increase the property notification requirement from a 300-foot radius to a 1,000-foot radius from the subject property.~~

BA. ~~No variances~~Deviations from the provisions of Section 19.272.030-B (5, 8, 9, 10, 11) or Section 19.272.030-C (2) above are not permitted." (Ord. 7185 §3, 2007)

19.910.050 “D” Definitions

Day care center - child A child day care facility other than a family day care home, including infant centers, preschools, extended day care facilities and school-age child care centers. (see California Health and Safety Code Section 1596.76).

Day care center - Adult A facility that provides supervision and non-medical care for more than 6 adults, including elderly persons, on a less than 24-hour basis.

Day care home - adult A home that provides supervision and non-medical care to 6 or fewer adults, including elderly persons, in the provider’s own home, on a less than 24-hour basis.

Day care home, family A home that regularly provides care, protection and supervision for fourteen (14) or fewer children, in the provider's own home, for periods of less than 24 hours per day, while parents or guardians are away, and is either a large family day care home or a small family day care home (see California Health and Safety Code Section 1596.78 a).

Day care home, large Family A home that provides family day care for seven (7) to twelve (12) children, inclusive, including children under the age of ten (10) years who reside at the home and can go up to fourteen (14) children if all of the following conditions are met:

- (1) At least one (1) child is enrolled in and attending kindergarten or elementary school and a second child is at least six (6) years of age.
- (2) No more than three (3) infants are cared for during any time when more than twelve (12) children are being cared for.
- (3) The licensee notifies a parent that the facility is caring for two additional school-age children and that there may be up to thirteen (13) or fourteen (14) children in the home at one time.
- (4) The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented (see California Health and Safety Code Section 1596.78 b and Section 1597.465).

Day care home, small Family A home that provides family day care for up to six (6) children, including children under the age of ten (10) years who reside at the home and can go up to eight (8) children in all of the following conditions are met:

- (1) At least one (1) child is enrolled in and attending kindergarten or elementary school and a second child is at least six (6) years of age.

- (2) No more than two (2) infants are cared for during any time when more than six (6) children are cared for.
- (3) The licensee notifies each parent that the facility is caring for two (2) additional school-age children and that there may be up to seven (7) or eight (8) children in the home at one time.
- (4) The licensees obtain the written consent of the property owner when the family day care home is operated on property that is leased or rented (see California Health and Safety Code Section 1596.78 c and Section 1597.44).

Deemed Approved Use A lawfully established use of a building or land for the purposes of on- and/or off-site alcohol sales, wherein the alcohol sales use was lawfully established, but does not conform to the current regulations pertaining to alcohol sales, regardless of whether that use was previously granted a Conditional Use Permit or Minor Conditional Use Permit. A Deemed Approved Use shall not be considered a legal Nonconforming Use.

Department store See [store, department](#).

Design flood See [flood, design](#).

Designated floodway See [floodway, designated](#).

Development As used in this Title, "Development" has the meaning of Section 65927 (California Government Code or CGC) and is also any human-caused change to improved or unimproved real estate that requires a permit or approval from any agency of the City or County, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations and storage of materials. "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations that are in accordance with

a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511 of the Public Resources Code). As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. "Development" does not mean a "change of organization", as defined in Section 56021 (CGC) or a "reorganization", as defined in Section 56073 (CGC).
See definition in the General Plan.

Directional sign	See sign, directional .
Directory sign	See sign, directory .
Discretionary decision	Decisions that require the exercise of judgment or deliberation when the Approving Authority decides to approve or disapprove a particular activity, as distinguished from situations where the City individual, Board, Commission or Council merely has to determine whether there has been conformity with applicable statutes, ordinances or regulations.
Distilled spirits	See brewery, distilled spirits .
Distillery	See brewery, distillery .
Domestic animal	See animal, domestic .
Dormitory	A building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions.
Downtown Arts and Entertainment District	An area intended to serve as a major, concentrated center of cultural and entertainment uses serving the City and surrounding communities. It consists of all commercially zoned land within an area bounded by properties south of Third Street, west of State Route 91 (the Riverside Freeway), north of properties fronting both sides of Fourteenth Street and east of properties fronting both sides of Market Street.



Drive-thru business

Any place of business where customers order and receive goods, including prepared food, by driving to one or more windows.

Driveway

A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure. See *definition in Title 18*.

Driveway, Hollywood

Driveway with a middle planting strip to minimize paved access. See *definition in the Downtown Specific Plan*.

Drop-off recycling center

See [recycling center, drop-off](#).

Drug store

A business where drugs, medicines and other sundries are dispensed and sold.

Dwelling

A building or portion thereof designed for or occupied exclusively for residential purposes, including single-family and multiple family dwellings, but not including hotels, motels, boarding and lodging houses.

Dwelling unit

Two or more rooms in a dwelling designed for or occupied by one family for living or sleeping purposes and having only one kitchen. See *definition in the General Plan*.

Dwelling unit, accessory	Living quarters within an accessory building located on the same premises with the main building, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.
Dwelling unit, auxiliary	A dwelling unit located on a property zoned for single-family residential use that is subsidiary to the primary dwelling unit situated on that property.
Dwelling unit, caretaker	See caretaker living quarters .
Dwelling unit, efficiency	One room with kitchen facilities and with a private bath designed for occupancy by one household.
Dwelling unit, Manufactured	A mobile home or manufactured house constructed in full compliance with the National Mobile Home construction and Safety Standards Act intended for occupancy by a single family installed on a permanent foundation in conformance with applicable Zoning regulations.
Dwelling unit, motor home, RV, camper, trailer, etc.	A structure standing on wheels used for short term human occupation.
Dwelling unit, multi-family	A building, or portion thereof, designed for occupancy by two or more families living independently of each other and containing two or more dwelling units. See also apartment house . See <i>definition in the Downtown Specific Plan and the General Plan</i> .
Dwelling unit, second	A dwelling located on a property zoned for single-family residential use that is designed exclusively for single-family residential purposes with a kitchen and sanitation facilities and located on the same lot as the primary dwelling. See <i>definition in the General Plan</i> .
Dwelling unit, single-family	A dwelling designed for occupancy by one family and located on one lot delineated by front, side and rear lot lines. See <i>definition in the Downtown Specific Plan</i> .
Dwelling unit, single-family, attached	Two or more dwelling units, each owned in fee and located on individual lots but joined along a single lot line, each of which is totally separated from the other by an unpierced wall extending from ground to roof. See <i>definition in the Downtown Specific Plan and the General Plan</i> .
Dwelling unit, single-family, detached	A dwelling unit owned in fee and located on an individual lot that is not attached to any other dwelling unit by any means. See <i>definition in the General Plan</i> .

(Ord. 7185 §5, 2012; Ord. 7158 §18, 2012; Ord. 6966 §1, 2007)



City of Arts & Innovation

UTILITY SERVICES/LAND USE/ENERGY DEVELOPMENT COMMITTEE AGENDA

Thursday, October 11, 2012

3 p.m.

Mayor's Ceremonial Room, City Hall
3900 Main Street, Riverside, CA 92522
City Clerk's Office - 951-826-5557

MISSION STATEMENT

The City of Riverside is committed to providing high quality municipal services to ensure a safe, inclusive, and livable community

PLEASE NOTE--Individual audience participation is limited to 3 minutes

1. Case PSP12-0191 - Alcohol sales regulations (All Wards)

Steve Hayes, AICP, City Planner

2. Agua Mansa Material Recovery Facility processing and transfer services - 1830 Agua Mansa (All Wards)

Thomas J. Boyd, Public Works Director

3. Items for future Utility Services/Land Use/Energy Development Committee consideration as requested by Members of the Committee

4. Oral communications from the audience

The next Utility Services/Land Use/Energy Development Committee meeting is scheduled for November 15, 2012, at 3 p.m., in the Mayor's Ceremonial Room

LISTENING ASSISTIVE DEVICES are available for the hearing impaired--please see City Clerk.

The City of Riverside wishes to make all of its public meetings accessible to the public. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City's ADA Coordinator at (951) 826-5427 or TDD at (951) 826-5439 at least 72 hours before the meeting, if possible.

Agenda related writings or documents provided to the Committee are available for public inspection in the Office of the City Clerk, at www.riversideca.gov, and in the binder located in the meeting room while the Committee is in session.



Utility Services/ Land Use/Energy Development Committee

P14-0359, Exhibit 3

City of Arts & Innovation

TO: UTILITY SERVICES/LAND USE/ENERGY DEVELOPMENT COMMITTEE **DATE: October 11, 2012**

FROM: COMMUNITY DEVELOPMENT DEPARTMENT **ITEM NO:**

WARD: ALL

SUBJECT: PSP12-0191 -- REVIEW OF THE CITY'S ALCOHOL SALES REGULATIONS

ISSUE:

The issue before the Utility Services/Land Use/Energy Development Committee is to consider recommended updates to the City's liquor store/alcohol sales regulations.

RECOMMENDATIONS:

That the Utility Services/Land Use/Energy Development Committee direct staff to modify the City's alcohol sales regulations, based upon best practices, and revise the Zoning Code appropriately for further consideration of the Land Use Committee within 60 days, with modifications including, but not limited to:

- 1) Earlier alcohol sales cut-off times;
- 2) Retroactive performance standards for all alcohol sales;
- 3) Prohibition of single sales at facilities with alcohol sales for off-site consumption;
- 4) Increased separation distances between facilities selling alcoholic beverages for off-site consumption;
- 5) Reduced refrigerated space allowances within facilities selling alcoholic beverages for off-site consumption; and/or
- 6) A codified Public Convenience or Necessity (PCorN) process and report back to the City Council within 30 days of the Utility Services/Land Use/Energy Development Committee meeting.

BACKGROUND:

On May 22, 2012, the City Council unanimously voted to support Mayor Loveridge's recommendation to have the Utility Services/Land Use/Energy Development Committee review and consider updates to the City's alcohol sales regulations. In the staff report presented to City Council, the Mayor provided background information on the link between crime, violence and other undesirable activities with alcohol sales and the trend for cities to revise their alcohol sales Ordinances for the health and safety of their citizenry (Attachments 5-8).

The following are the primary types of alcohol licenses issued by the Department of Alcohol Beverage Control (ABC) of the State of California that are relevant to the City of Riverside. There are many types of licenses that may be applicable to the City, but are rarely issued (Attachment 13) and for the purposes of this report are those types of licenses are not specifically listed.

1. Type 20 – Off-Sale Beer and Wine
2. Type 21 – Off-Sale General (Beer, Wine and Distilled Spirits)
3. Type 40 – On-Sale Beer
4. Type 41 – On-Sale Beer and Wine for Bona Fide Public Eating Place
5. Type 42 – On-Sale Beer and Wine for Public Premises
6. Type 47 – On-Sale General for Bona Fide Public Eating Place
7. Type 48 – On-Sale for Public Premises
8. Type 50 – On-Sale General for Club

Recent Changes to Other Cities' Alcohol Regulations

In November 2009, the City Council of the City of Murrieta directed staff to evaluate an amendment to their alcohol regulations, balancing both public safety and economic development. In April of 2011, the Murrieta City Council approved an amended alcohol regulation ordinance that created a streamlined administrative permit for certain types of alcohol uses, new distance requirements based upon type of alcohol use and the secondary effects of on- and off-site sales in relation to youth oriented facilities (schools, day care facilities, and parks), residential neighborhoods and concentration of alcoholic beverage sales.

In addition, they created a new Administrative Use Permit for amusement centers, bowling alleys, hotels/motels, grocery stores, restaurants and other similar businesses selling both on and off-sale. The Administrative Use Permit requires the applicant to sign a form agreeing to the conditions of the Permit, submitting a floor plan and paying a processing fee. The list of conditions comes straight from the requirements of the Alcohol Regulation Ordinance. Most notable in the new Ordinance is the new standard for alcohol sales hours. All businesses that sell alcoholic beverages, no matter the license type, are limited to selling alcohol between the hours of 6:00 a.m. and 12:00 midnight each day. The new Ordinance also provides Murrieta's Code Enforcement division and Police department greater ability to enforce regulations pertaining to alcohol sales. ABC has regulations of their own and enforces these regulations, but often in a very untimely matter and with limited results. Now the City of Murrieta can begin enforcement more quickly and with results that provide for greater safety and health of the City of Murrieta (Exhibit 9).

In 2010, the City of San Bernardino took a very aggressive approach in preparing an updated alcohol sales Ordinance (Attachment 10). The motivation for the Ordinance change came about due to a study prepared by Professor Robert Nash Parker and Kevin McCaffree that used the City of San Bernardino's police data to map incidents of homicides and other violent crimes during 2007. This information was then compared to a survey of liquor vendors in the city. The revised Ordinance did two major things: 1) It banned the sale of malt liquors and fortified wines in individual containers for all new facilities; and 2) It created standards for alcohol sales through a process called "Existing Deemed Approved," which would be applied to all existing liquor sales vendors. The "Existing Deemed Approved" process makes all Legal Nonconforming Activities on the effective date of the Ordinance, whether or not they were granted a Conditional Use Permit (CUP) previously, to become Deemed Approved Activities as long as they comply with

the performance standards of the Ordinance. This process replaces “Legal Nonconforming” status with respect to alcoholic beverage sales and remains in effect as long as the vendor complies with “Deemed Approved” provisions and performance standards. In February of this year, the City of Temecula updated their alcohol sales Ordinance (Attachment 11). This change in regulations included the following:

1. Prohibited new liquor stores;
2. Restricted convenience stores to the sale of beer and wine only (no distilled spirits);
3. Increased the separation requirements between Alcohol Conditional Use Permit businesses (both on and off-site sales) and sensitive land uses (religious and educational institutions, day care centers and public parks) from 500 feet to 600 feet consistent with the State of California Business and Professions Code;
4. Allowed the sale of alcohol for on-site consumption as an incidental use when associated with entertainment venues; and
5. Ordained other minor clarification-type changes.

Historically the City of Temecula had not supported liquor stores, convenience markets or gas stations with the sale of alcohol as they were typically incompatible with surrounding land uses and had the potential for increased crime related incidents. In response to a CUP application the City of Temecula was processing for a convenience store, the Planning Commission requested direction from the City Council on how to proceed with the application given that no regulations existed within their Municipal Code. In response to this request, the City Council adopted a 45-day moratorium on the approval of CUP's for the sale of alcohol for any on or off-site sales that required a CUP and directed staff to research the matter. When the 45-day moratorium ended, the City Council extended the Interim Urgency Ordinance and moratorium to May 13, 2012. The additional time allowed time for staff to complete their research and revise the alcohol sales Ordinance accordingly. The adopted Ordinance still permits beer and wine sales at convenience stores and gas stations but prohibits liquor stores. Liquor stores are defined as:

A retail facility offering for sales an assortment of distilled, fermented, brewed or similarly prepared beverages that contain amounts of alcohol sufficient to cause the sale of the beverage to be regulated by the State of California and (i) where the sale of such beverages is the predominant product sold in such facility, whether such finding is determined by total annual sales or square footage of the facility dedicated to the storage and/or display of such merchandise; and (ii) the retail sales facility is not the direct, corporately owned marketing and/or sales facility of the producer of the alcoholic beverage and where the alcoholic beverage is primarily intended to be consumed off-site from the place of sale. Liquor stores commonly range in size from two thousand to five thousand square feet. A convenience market selling distilled spirits that meets criteria 9i) and (ii) above shall also be considered as a liquor store for the purposes of this title. Liquor stores are prohibited as of the effective date of this ordinance.

City of Riverside Alcohol Regulations

As noted in Attachments 1 and 4, alcohol sales are generally subject to consideration under a discretionary CUP or MCUP, unless alcohol sales occur in conjunction with a bona fide eating establishment or grocery store over 15,000 square feet, where alcohol sales for on-site consumption are permitted as a matter of right. Under a CUP or MCUP, the proposal is

analyzed on a site specific basis for neighborhood compatibility, including crime statistics, calls for police services, etc. and compared to the standards for alcohol sales (Attachment 2) and the unique characteristics of the project location. A set of conditions, based on standard City wide policies and site specific characteristics, are prepared in all instances, whether or not a specific application is recommended for approval or not. Generally, the latest version of the standard conditions, which have been generally unchanged since approximately 2006 and prohibit single sales for all new facilities, and the City's policies for alcohol sales, applied as conditions of approval, have ensured compatibility with the surrounding neighborhood. However, in the judgment of staff, it would be prudent to have the standard conditions that are being applied today codified as operational and locational standards. These policies include such items as, but not limited to, the prohibition of single can/bottle sales, limitation on sales hours, the provision of security cameras, increased security lighting and proper cashier and staff training.

Planning Staff met with City Attorney's Office and Police Department staff to determine the cause of problems that modified and/or stricter alcohol sales regulations may resolve. According to the Police Department the biggest problems are associated with the sale of single cans/bottles at businesses that have Non-Conforming status and are operating without a use permit. An over concentration of such facilities in a single area and/or the sale of alcohol in areas with higher than average crime statistics have proven to be problematic, leading to higher than average crime rates, violent actions and health considerations.

As a matter of information, ABC will require an applicant to receive approval of a finding of Public Convenience or Necessity (PCorN) from the City when a census tract is deemed to have too many of the same proposed license type or an over-concentration and/or a higher than average crime rate. However, ABC is only concerned with an over concentration of the single license type and not all of the license types. Additionally, a census tract may not be over concentrated even though the area is over concentrated based on a radius from the proposed site (i.e. where census tracts meet). In a review of the "Public Convenience or Necessity – A Guide for Local Government and Interested Citizens (Attachment 4)," it is noted that a City should have a codified PCorN process with mandatory requirements that lay out in writing when a PCorN cannot be made and these mandatory requirements should go hand-in-hand with discretionary requirements that help with a risk-benefit analysis of the PCorN.

Based upon this information, it is recommended that City staff continue its research relative to alcohol sales regulations and update the City's alcohol regulations based upon best practices. At this time, staff recommends modifications to include, but are not limited to: 1) earlier alcohol sales cut-off times; 2) retroactive performance standards for all alcohol sales; 3) prohibition of single sales at facilities with alcohol sales for off-site consumption; 4) increased separation distances between facilities selling alcoholic beverages for off-site consumption; 5) reduced refrigerated space allowances within facilities selling alcoholic beverages for off-site consumption; and/or 6) a codified PCorN process to reduce crime rates and further improve neighborhood compatibility, safety and quality of life. Staff will return to the Utility Services/Land Use/Energy Development Committee within 60 days with final recommendations.

FISCAL IMPACT:

There is not an impact to the General Fund outside of the staff time required to do the research and prepare the reports and Ordinance.

Submitted by: Steve Hayes, AICP, City Planner
for Al Zelinka, Community Development Director

Certified as to
availability of funds: Brent A. Mason, Finance Director/Treasurer

Approved by: Deanna Lorson, Assistant City Manager
for Scott C. Barber, City Manager

Approved as to form: Gregory P. Priamos, City Attorney

Attachments:

1. City of Riverside Permitted Uses Tables – Chapter 19.150
2. City of Riverside Alcohol Sales Regulations – Chapter 19.450
3. City of Riverside Breweries, Microbreweries, Wineries, Brewpubs, Brew-On-Premises, and Distilleries – Chapter 19.272
4. City of Riverside Article III – Nonconforming Provisions
5. Professor Robert Nash Parker’s Article on Gang Violence and Alcohol Sales
6. Professor Robert Nash Parker’s Article on Single Sale Beverage Containers
7. Professor Robert Nash Parker’s Article on Alcohol Availability and Youth Violence
8. L.A. Times Article – Liquor vs. Hope
9. City of Murrieta Alcohol Sales Regulations
10. City of San Bernardino Alcohol Sales Regulations
11. City of Temecula Alcohol Sales Regulations
12. Existing Licenses in the City of Riverside
13. Types of ABC Licenses
14. Public Convenience or Necessity – A Guide for Local Government and Interested Citizens

Chapter 19.150

BASE ZONES PERMITTED LAND USES

- 19.150.010 Purpose.**
- 19.150.020 Permitted Land Uses.**
- 19.150.030 Special or Unusual Uses.**

19.150.010 Purpose.

This Section establishes land use regulations for all base zones listed in this Article consistent with the stated intent and purpose of each zone. (Ord. 6966 §1, 2007)

19.150.020 Permitted Land Uses.

Table 19.150.020 A (Permitted Uses Table), Table 19.150.020 B (Incidental Uses Table) and Table 19.150.020 C (Temporary Uses Table) in Chapter 19.150 (Base Zones Permitted Land Uses) identify permitted uses, permitted accessory uses, permitted temporary uses, and uses permitted subject to the approval of a minor conditional use permit (Chapter 19.730 – Minor Conditional Use Permit), or conditional use permit (Chapter 19.760 – Conditional Use Permit), or uses requiring some other permit. Table 19.150.020 A also identifies those uses that are specifically prohibited. Uses not listed in Tables are prohibited unless, the Zoning Administrator, pursuant to Chapter 19.060 (Interpretation of Code), determines that the use is similar and no more detrimental than a listed permitted or conditional use. Any use which is prohibited by state and/or federal law is also strictly prohibited. (Ord. 7110 §§2, 3, 4, 2011; Ord. 7109 §§4, 5, 2010; Ord. 7072 §1, 2010; Ord. 7064 §9, 2010; Ord. 6966 §1, 2007)

19.150.030 Special or Unusual Uses.

At the discretion of the Planning Director, a Conditional Use Permit may be considered for a unique or unusual combination of uses or special facilities similar to and not more detrimental than other uses in a particular zone. (Ord. 6966 §1, 2007)

ARTICLE V – PERMITTED USES TABLE

19.150.020 (A)

This table identifies permitted uses and uses requiring approval of other permits by zoning designation. In addition to these uses, other incidental and temporary uses may also be permitted as noted in the Incidental Uses Table and the Temporary Uses Table.

Use	Zones																	Location of Required Standards in the Municipal Code				
	Residential Zones						Office & Commercial Zones				Mixed Use Zones			Industrial Zones			Other Zones					
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI		AIR	PF	RWY	DSP
Accessory Buildings & Structures A. Cargo Containers	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	See Incidental Uses Table
Adult-Oriented Businesses																						9.40 – Adult-Oriented Businesses 19.240 – Adult-Oriented Businesses
Agricultural Field Office																						See Incidental Uses Table
Agricultural Stand																						See Incidental Uses Table
Agriculture, Horticulture and Growing of Nursery Plants (Farms, Field Crops, Flower & Truck Gardening, Orchards, Ranches & Tree Crops)	P	P	P	X	P	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X		
Aircraft Charter Services	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X		For parking see Offices – Business and Professional under 19.580
Aircraft Parts, Supplies, Merchandise and Equipment Shops	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X		For parking see Vehicle Sales under 19.580
Aircraft Sales, Rental, Service, Repair and Storage	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X		For parking see Vehicle Sales under 19.580
Airports – Private	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X		
Airports – Public	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X		
Alcohol Sales																						See Incidental Uses Table
Ambulance Company with Vehicle Storage	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X		5.65 – Convalescent Transport Vehicles 5.66 – Ambulances
Animal Keeping																						See Incidental Uses Table
Arcades and Internet/Cyber Cafés	X	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	X	X	X	X	X	X		19.245 – Arcades and Internet/Cyber Cafés
Artist Studio (Including Photo)	X	X	X	X	X	X	X	P	P	P	P	P	P	P	X	X	X	X	X	X		For parking see Offices – Business, and Professional under 19.580

* For uses permitted in the Downtown Specific Plan see the Specific Plan.

**= For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030 A (RA-5 Zone Permitted Uses) and 19.100.030 B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030 A and 19.100.030 B exists, the provisions of Sections 19.100.030 A and 19.100.030 B shall apply.

P = Permitted

RCP = Recycling Center Permit, Chapter 19.870

DCP = Day Care Permit – Large Family, Chapter 19.860

PRD = Planned Residential Development Permit, Chapter 19.780

C = Subject to the granting of a Conditional Use Permit (CUP), Chapter 19.760

TUP = Temporary Use Permit, Chapter 19.740

sq. ft. = Square Feet

MC = Subject to the granting of Minor Conditional Use Permit (MCUP), Chapter 19.730

X = Prohibited

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Assemblies of People – Entertainment – Not Including Adult-Oriented Businesses (e.g., Theater – Live Performance, Motion Picture, Auditoriums, Banquet Halls, Nightclubs, etc.)	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C	C	X	X	X	X	X	19.250 – Assemblies of People – Entertainment 5.24 – Dance Halls & Public Dances
Assemblies of People – Non-Entertainment (e.g., Places of Worship, Fraternal, Service Organizations, Conference Facilities, etc.)	X	X	C	C	C	C	C	C	C	C	C	C	C	C	C	C	X	X	X	X	X	19.255 – Assemblies of People – Non-Entertainment 5.24 – Dance Halls & Public Dances 5.60 – Bingo
A. Storefront	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	X	X	X	X	X	
Assisted Living (Residential Care Facilities)	X	X	X	X	C	C	C	C	C	C	X	X	X	X	X	X	X	X	X	X	X	19.260 – Assisted Living 5.65 – Convalescent Transport Vehicles
Astrology and Fortune-telling (Occultist)	X	X	X	X	X	X	P	P	P	SP	P	SP	SP	SP	X	X	X	X	X	X	X	9.42 – Fortunetelling & Occult Arts For parking see Offices – Business, and Professional under 19.580
Auction House (Indoor)	X	X	X	X	X	X	X	C	C	X	X	X	X	X	C	C	X	X	X	X	X	For parking see Assemblies of People under 19.580
Auxiliary Dwelling Unit																						See Incidental Uses Table
Bail Bonds Office	X	X	X	X	X	X	MC	MC	MC	X	X	X	X	X	X	X	X	X	X	X	X	19.265 – Bail Bonds Establishments For parking see Offices – Business, and Professional under 19.580
Bakery – Retail	X	X	X	X	X	X	X	P	P	SP	P	SP	SP	SP	X	X	X	X	X	X	X	For parking see Retail Sales under 19.580
Bakery – Wholesale	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X	X	X	For parking see Manufacturing under 19.580
Banks and Financial Institutions/Services, Including Brokerages	X	X	X	X	X	X	P	P	P	SP	P	SP	SP	SP	P	P	X	X	X	X	X	
Bars, Saloons, Cocktail Lounges & Taverns	X	X	X	X	X	X	X	MC	MC	MC	C	C	C	C	X	X	X	X	X	X	X	

P14-0359, Exhibit 3

* = For CRC, MU-U and MU-V Zones a Site Plan Review Permit (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.

**= For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030 A (RA-5 Zone Permitted Uses) and 19.100.030 B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030 A and 19.100.030 B exists, the provisions of Sections 19.100.030 A and 19.100.030 B shall apply.

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ARTICLE V – PERMITTED USES TABLE

19.150.020 (A)

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	Residential Zones						Office & Commercial Zones				Mixed Use Zones			Industrial Zones			Other Zones					
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR		PF	RWY	DSP
Bed and Breakfast Inn	X	X	X	X	X	X	X	X	P	P	SP	SP	SP	X	X	X	X	X	X	X	X	19.325 – Historic Residence Used for Retail Business, Office or Bed and Breakfast
A. In Historic Residence (Not part of a Mixed Use Development)	X	X	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	19.325 – Historic Residence Used for Retail Business, Office or Bed and Breakfast
Boardinghouse	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.270 – Boarding of Cats and Dogs/Kennels
Boarding of Cats and Dogs/Kennels	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.270 – Boarding of Cats and Dogs/Kennels
Brewery	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.272 – Breweries, Microbreweries, Wineries, Brewpubs, Brew-On-Premises, and Distilleries
A. Brewery, Microbrewery and Winery manufacturing and wholesale only.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.272 – Breweries, Microbreweries, Wineries, Brewpubs, Brew-On-Premises, and Distilleries
B. Brewery, Microbrewery, and Winery off-sale retail and/or on-site tasting.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.272 – Breweries, Microbreweries, Wineries, Brewpubs, Brew-On-Premises, and Distilleries
C. Brewpub	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.272 – Breweries, Microbreweries, Wineries, Brewpubs, Brew-On-Premises, and Distilleries
D. Brew-On-Premises (no tasting or sale of prepared beers)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.272 – Breweries, Microbreweries, Wineries, Brewpubs, Brew-On-Premises, and Distilleries
E. Brew-On-Premises (with tasting and/or retail sales of prepared beers)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.272 – Breweries, Microbreweries, Wineries, Brewpubs, Brew-On-Premises, and Distilleries
F. Distillery	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.272 – Breweries, Microbreweries, Wineries, Brewpubs, Brew-On-Premises, and Distilleries
Building Materials Supply Store (Wholesale with ancillary retail sales)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.273 – Building Materials Supply Store (Wholesale with ancillary retail sales)
Bus Terminals	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.275 – Bus Terminals
Business Support Services & Facilities (Including Graphic Reproduction, Computer-services, etc.)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.275 – Bus Terminals
Caretaker Living Quarters																						See Incidental Uses Table
Catering Establishments	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	6.08 – Regulation of Food Establishments and Food Facilities 6.09 – Regulation of Food Handlers
Cemeteries, Mortuaries & Ancillary Uses	X	X	C	C	C	X	X	C	C	C	X	X	X	X	X	X	X	X	X	X	X	6.08 – Regulation of Food Establishments and Food Facilities 6.09 – Regulation of Food Handlers
A. Crematoriums	X	X	X	X	X	X	X	C	C	C	X	X	X	X	X	X	X	X	X	X	X	6.08 – Regulation of Food Establishments and Food Facilities 6.09 – Regulation of Food Handlers

P14-0359, Exhibit 3

* Only in a historic residence pursuant to Chapter 19.325.

** For CRC, MU-U and MU-V Zones a Site Plan Review Permit (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures. For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030 A (RA-5 Zone Permitted Uses) and 19.100.030 B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030 A and 19.100.030 B exists, the provisions of Sections 19.100.030 A and 19.100.030 B shall apply.

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ARTICLE V – PERMITTED USES TABLE

19.150.020 (A)

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	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI		AIR	PF	RWY	DSP
Check Cashing	X	X	X	X	X	X	X	X	MC	MC	X	X	X	X	X	X	X	X	X	X	X	19.280 – Check Cashing Establishments For parking see Banks and Financial Service under 19.580
Commercial Storage Facilities (Mini-Warehouse)																						19.190 – Commercial Storage Overlay Zone
Contractor's Storage Yard	X	X	X	X	X	X	X	X	C	C	X	X	X	X	X	P	X	X	X	X	X	19.285 – Contractor Storage Yard
Day Care Centers – Child or Adult	X	X	C	C	C	C	C	C	C	C	C	C	C	C	C	X	X	X	X	X	X	19.290 – Day Care Centers – Child
Day Care Homes – Large Family																						See Incidental Uses Table
Day Care Homes – Small Family																						See Incidental Uses Table
Drive-thru Lanes																						See Incidental Uses Table
Drug Store or Pharmacy – A. 2,000 sq. ft. or less	X	X	X	X	X	X	MC	P	P	SP	P	SP	SP	SP	X	X	X	X	X	X	X	19.285 – Day Care Centers – Child
B. More than 2,000 sq. ft.	X	X	X	X	X	X	X	P	P	SP	P	SP	SP	SP	X	X	X	X	X	X	X	See Incidental Uses Table
Entertainment																						See Incidental Uses Table
Equipment (Large) Sales and Rental	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	MC	MC	MC	X	X	X	19.300 – Equipment (Large) Sales and Rental
Equipment (Small) Sales and Rental	X	X	X	X	X	X	X	X	C	C	X	X	X	X	X	MC	MC	MC	X	X	X	19.305 – Farmers' Markets – Certified
Farmers' Markets – Certified	X	X	X	X	X	X	MC	P	P	MC	MC	MC	MC	MC	X	X	X	X	X	X	X	19.310 – Florist Shops For incidental sale of alcohol see 19.415 – Alcohol Sales
Florist Shops	X	X	X	X	X	X	MC	P	P	SP	P	SP	SP	SP	X	X	X	X	X	X	X	19.310 – Florist Shops For incidental sale of alcohol see 19.415 – Alcohol Sales
Flying Schools	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	See Incidental Uses Table
Fueling Systems – Private (Above Ground Tanks)																						See Incidental Uses Table
Furniture Upholstery	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	See Vehicle Fuel Stations 19.410 – Vehicle Fuel Stations
Gasoline Service Stations																						See Vehicle Fuel Stations 19.410 – Vehicle Fuel Stations

* Commercial Storage Facilities are permitted in all zones with the Commercial Storage Overlay Zone (Chapter 19.190).

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Group Housing (Convalescent Homes, SRO's, Alcohol & Drug Treatment Facilities, 6 or Fewer Occupants)	P	P	P	P	P	SP	SP	X	X	X	P	SP	SP	X	X	X	X	X	X	X		19.315 – Group Housing
Group Housing (Convalescent Homes, SRO's, Alcohol & Drug Treatment Facilities, more than 6 Occupants)	X	X	C	C	C	X	X	C	C	C	X	X	X	X	X	X	X	X	X	X		19.315 – Group Housing
Hangars	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Heliport or Helistop	X	X	X	X	X	X	X	C	C	C	X	X	X	X	X	X	X	X	C	X		19.320 – Heliports and Helistops
Historic Residence Used for Retail Business, Office or Bed and Breakfast																						See Bed and Breakfast Inn, Office and Retail Sales on this table
Home Improvement, Sales and Service (Hardware, Lumber and Building Material Stores) – Retail:																						See Incidental Uses Table for Outdoor Display
A. Under 20,000 sq. ft.	X	X	X	X	X	X	X	X	P	P	P	SP	SP	SP	X	X	X	X	X	X		
B. 20,000 sq. ft. or More	X	X	X	X	X	X	X	X	P	P	P	SP	SP	SP	X	X	X	X	X	X		
Home Occupations																						See Incidental Uses Table
Hotel	X	X	X	X	X	X	X	X	C	C	X	C	C	C	X	X	X	X	X	X		5.32 – Transient Occupancy Tax
Hotel/Motel - Long-term Stay	X	X	X	X	X	X	X	X	C	C	X	C	C	C	X	X	X	X	X	X		9.55 – Limitation on Continuous and Cumulative Occupancy of Transient Hotels and Motels
Motel	X	X	X	X	X	X	X	X	C	C	X	C	C	C	X	X	X	X	X	X		19.330 – Hotel/Motel, Long-term Stay
Kennels																						See Boarding of Cats and Dogs/Kennels 19.270 – Boarding of Cats and Dogs/Kennels
Laboratories – Research	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	X	X		
Laundry, Commercial (Cleaning Plants, Industrial Laundries, Carpet and Upholstery Cleaners)	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	P	P	P	X	X		
Live/Work Unit	X	X	X	X	X	X	X	X	X	X	P	SP	SP	SP	X	X	X	X	X	X		See Live/Work Units "A" Guide For Developers And Property Owners 19.335 – Live/Work Units

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Lumber Yard and Building Materials – Wholesale	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	See Incidental Uses Table for Outdoor Display
Manufactured Dwellings ⁴	P	P	P	P	P	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	19.850 – Fair Housing 19.100 – Residential Zones 19.340 – Manufactured Dwellings
Manufacturing (Indoors)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	X	X	X	Prohibited Use
Medical Marijuana Dispensary	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	5.52 – Massage
Medical Services – Clinic, Medical/Dental Offices, Laboratory, Urgent/Express Care, and Optometrist	X	X	X	X	X	X	X	P	P	SP	P	SP	SP	SP	MC	MC	MC	MC	X	X	X	
Medical Services – Hospital	X	X	X	X	X	X	X	C	C	C	X	X	X	X	X	X	X	X	X	X	X	
Mobile Home Park	X	X	With the MH Overlay Zone ⁵	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.210 – Mobile Home Park Overlay Zone 5.75 – Mobile Home Parks Rent Stabilization Procedures
Model Homes	P	P	P	P	P	SP	SP	X	X	X	P	SP	SP	SP	X	X	X	X	X	X	X	19.345 – Model Homes
Multi-tenant Indoor Mall	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Prohibited Use
Multiple-family Dwelling (2 or more units)	X	X	X	X	X ⁶	SP	SP	X	X	X	X	SP	SP	SP	X	X	X	X	X	X	X	19.850 – Fair Housing
Offices (Administrative, Business, Executive and Professional, But Not Medical or Dental)	X	X	X	X	X	X	X	P	P	SP	P	SP	SP	SP	P	P	P	P	X	X	X	
A. In Historic Residence	X	X	MC ²	MC ²	MC ²	MC ²	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Outdoor Dining and/or Food Preparation (Permanent)																						See Incidental Uses Table
Outdoor Display of Incidental Plant Materials																						See Incidental Uses Table
Outdoor Sales, Display and Storage																						See Incidental Uses Table
Parking Lot or Parking Structure (Stand Alone)	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	

P14-0359, Exhibit 3

⁴Manufactured Dwellings are only permitted in zones where single family residences are permitted.
⁵Mobile Home Parks are permitted in the RR, RE and R-1 Zones only with the Mobile Home Park Overlay Zone (Chapter 19.210).
⁶Legal, existing duplexes built prior to the adoption of this Zoning Code are permitted in the R-1/7000 Zone see 19.100.060 D.
^{**}= For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030 A (RA-5 Zone Permitted Uses) and 19.100.030 B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030 A and 19.100.030 B exists, the provisions of Sections 19.100.030 A and 19.100.030 B shall apply.

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 TUP = Temporary Use Permit, Chapter 19.740
 sq. ft. = Square Feet

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 X = Prohibited
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ARTICLE V – PERMITTED USES TABLE

19.150.020 (A)

This table identifies permitted uses and uses requiring approval of other permits by zoning designation. In addition to these uses, other incidental and temporary uses may also be permitted as noted in the Incidental Uses Table and the Temporary Uses Table.

Use	Zones																	Location of Required Standards in the Municipal Code				
	Residential Zones					Office & Commercial Zones				Mixed Use Zones			Industrial Zones				Other Zones					
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI		AIR	PF	RWY	DSP
Parolee/Probationer Homes A. 2 to 6 Occupants B. More than 6 Occupants	X	X	MC	MC		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.350 – Parolee/Probationer Home
Pawn Shop	X	X	X	X	X	X	X	MC		X	X	X	X	X	X	X	X	X	X	X	X	For parking see Retail Sales – 19.580 19.355 – Pawn Shop
Personal Services (Barber, Beauty Salon, Spa, Tailor, Dry Cleaner, Self-service Laundry, Etc.)	X	X	X	X	X	X	P	P		SP	P	SP		SP	X	X	X	X	X	X	X	5.52 – Massage
Pet Store (Sales and Grooming, No Boarding)	X	X	X	X	X	X	X	P	P	SP	MC	MC	MC	MC	X	X	X	X	X	X	X	For parking see Retail Sales – 19.580
Planned Residential Development	PRD	X	PRD	PRD	PRD	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.780 – Planned Residential Development Permit
Plant Nurseries – Retail	X	X	X	X	C	X	X	P	P	X	C	X	X	X	X	X	X	X	X	X	X	19.360 – Plant Nurseries – Retail 19.505 – Outdoor Display and Sales
Plant Nurseries – Wholesale	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	For parking see Retail Sales – 19.580
Play Areas Incidental to Restaurants																						See Incidental Uses Table
Public Use of Public Property ⁷	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	19.365 – Public Use of Public Property
Publishing and Printing	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	X	X	X	For parking see Manufacturing – 19.580
Rail Transit Station	X	X	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Recreational Facilities – Commercial	X	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	X	X	X	X	X	X	X	5.28 – Poolrooms 19.370 – Recreational Facilities – Commercial (Billiard Parlors and Pool Halls)
A. Billiard Parlors and Pool Halls	X	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	X	X	X	X	X	X	X	
B. Bowling Alleys	X	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	X	X	X	X	X	X	X	
C. Skate Facility	X	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	X	X	X	X	X	X	X	
D. Amusement Parks	X	X	X	X	X	X	X	X	C	C	C	C	C	C	X	X	X	X	X	X	X	
E. Golf Courses and Driving Ranges	C	C	C	C	C	C	C	C	C	C	C	C	C	C	X	X	X	X	X	X	X	

P14-0359, Exhibit 3

⁷ Refer to Chapter 19.040.110 for Public Projects.
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 TUP = Temporary Use Permit, Chapter 19.740
 sq. ft. = Square Feet
 MC = Subject to the granting of a Minor Conditional Use Permit (MCUP), Chapter 19.730
 X = Prohibited
 SP = Site Plan Review Permit, Chapter 19.770

ARTICLE V – PERMITTED USES TABLE

19.150.020 (A)

This table identifies permitted uses and uses requiring approval of other permits by zoning designation. In addition to these uses, other incidental and temporary uses may also be permitted as noted in the Incidental Uses Table and the Temporary Uses Table.

Use	Zones																	Location of Required Standards in the Municipal Code				
	Residential Zones					Office & Commercial Zones				Mixed Use Zones			Industrial Zones			Other Zones						
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI		AIR	PF	RWY	DSP
F. Health and Fitness 1. 4000 sq. ft. or less 2. more than 4000 sq. ft.	X	X	X	X	X	X	X	X	P	P	SP	MC	MC	MC	MC	MC	MC	MC	X	X	X	
G. Other Indoor or Outdoor Facilities	X	X	X	X	X	X	X	X	C	C	C	X	C	C	C	C	C	C	X	X	X	
Recycling Center – Paper, Glass, Plastic, Aluminum and Nonferrous Metals	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.375 – Recycling Center – Paper, Glass, Plastic, Aluminum and Other Nonferrous Metals
Recycling Center – Solid Waste Transfer Stations and Material Recovery Facilities (MRF)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19.380 – Recycling Center – Solid Waste Transfer Stations and Material Recovery Facilities (MRF) – Requires and EIR
Recycling Facilities:																						
A. Indoor Collection Centers	X	X	X	X	X	X	X	X	P	P	SP	P	SP	SP	SP	X	X	X	X	X	X	19.385 – Recycling Facilities
B. Reverse Vending Machines	X	X	X	X	X	X	X	X	P	P	SP	P	SP	SP	X	X	X	X	X	X	X	
C. Bulk Reverse Vending Machines	X	X	X	X	X	X	X	X	RCP	RCP	RCP	RCP	RCP	RCP	X	X	X	X	X	X	X	
D. Mobile Recycling Units	X	X	X	X	X	X	X	X	RCP	RCP	RCP	RCP	RCP	RCP	X	X	X	X	X	X	X	
Rental of Bedrooms																						See Incidental Uses Table
Repair Shop – Small Items (Computers, Small Appliances, Watches, Etc) With Incidental Sales	X	X	X	X	X	X	X	P	P	SP	P	SP	SP	SP	P	P	P	P	X	X	X	
Restaurants (sit down and take-out)	X	X	X	X	X	X	MC	P	P	SP	P	SP	SP	SP	P	X	P	P	X	X	X	6.08 – Regulation of Food Establishments and Food Facilities 6.09 – Regulation of Food Handlers Outdoor Dining – See Incidental Uses Table
Retail Sales	X	X	X	X	X	X	X	P	P	SP	P ⁸	SP	SP	SP	X	X	X	X	X	X	X	
A. In Historic Residence (Not part of a Mixed Use Development)	X	X	MC ²	MC ²	MC ²	MC ²	X	P	P	MC ²	MC ²	MC ²	MC ²	MC ²	X	X	X	X	X	X	X	

P14-0359, Exhibit 3

* Retail establishments 20,000 square feet or less are permitted in the MU-N Zone, over 20,000 square feet requires a conditional use permit.

** For RC, MU-U and MU-V Zones a Site Plan Review Permit (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.

For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030 A (RA-5 Zone Permitted Uses) and 19.100.030 B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030 A and 19.100.030 B exists, the provisions of Sections 19.100.030 A and 19.100.030 B shall apply.

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TUP = Temporary Use Permit, Chapter 19.740.

sq. ft. = Square Feet

MC = Subject to the granting of Minor Conditional Use Permit (MCUP), Chapter 19.730

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ARTICLE V – PERMITTED USES TABLE

19.150.020 (A)

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Use	Zones																	Location of Required Standards in the Municipal Code			
	Residential Zones						Office & Commercial Zones				Mixed Use Zones			Industrial Zones					Other Zones		
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI		AIR	PF	RWY
Retail Sales With Incidental Repairs (Except as Noted in this Table)	X	X	X	X	X	X	X	X	P	P	SP	P	SP	SP	X	X	X	X	X	X	
Retail Sales Ancillary to a Manufacturing Use On-site (Floor area not to exceed 15% of gross floor area up to a maximum of 7,500 sq ft)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	X	X	
Schools: A. College, Community College, University and Professional (Public & Private) B. Public & Private (Nursery & Grades K-12) C. Vocational and Technical 1. Total Enrollment 20 persons or less or a total size of 2,000 sq. ft. or less 2. Total Enrollment more than 20 persons or a total size greater than 2,000 sq. ft. D. Specialty Non-degree (Dance and Martial Arts)	X	X	X	X	C	X	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Second Dwelling Unit	X	X	X	X	X	X	X	X	P	P	SP	P	SP	SP	X	X	X	X	X	X	
Shelters, Homeless (2 to 6 occupants) A. Emergency Shelter B. Supportive Housing C. Transitional Housing and Development	X	X	MC	MC	MC	X	MC	MC	MC	MC	X	X	X	X	X	X	X	X	X	X	
Shelters, Homeless - (more than 6 occupants) A. Emergency Shelter B. Supportive Housing C. Transitional Housing and Development	X	X	C	C	C	X	C	C	C	C	X	X	X	X	X	C	X	X	X	X	
Shopping Center;- Regional A. Up to 5 Acres B. More than 5 Acres	X	X	X	X	X	X	X	P	SP	SP	X	SP	SP	SP	X	X	X	X	X	X	
Showroom	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	

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19.150.020 (A)

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	Residential Zones						Office & Commercial Zones				Mixed Use Zones			Industrial Zones			Other Zones					
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR		PF	RWY	DSP
Single-family Dwelling – Detached	P	P	P	P	P	X ⁹	X	X	X	X	P	X	X	X	X	X	X	X	X	X		Chapter 19.850 – Fair Housing
Single-family Dwelling – Attached	X	X	P	P	P	X ¹⁰	X ⁹	X	X	X	P	X	X	X	X	X	X	X	X	X		Chapter 19.850 – Fair Housing
Sober Living Homes	P	P	P	P	P	SP	SP	X	X	X	P	SP	SP	X	X	X	X	X	X	X		For parking see Single Family Dwelling – 19.580
Student Housing, Including Fraternities, Sororities and Dormitories	X	X	X	X	X	C	C	X	C	X	X	C	C	X	X	X	X	X	X	X		See Temporary Uses Table
Subdivision Sales Trailer and/or Office During Construction																						
Tattoo and Body Piercing Parlors	X	X	X	X	X	X	X	MC	MC	X	X	X	X	X	X	X	X	X	X	X		19.405 – Tattoo and Body Piercing Parlors For parking see Medical Services – 19.580
Taxi Company with Vehicle Storage	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	X	X		See Temporary Uses Table
Temporary Uses																						
Truck Terminal	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X		See Temporary Uses Table
Tutoring Center A. 10 students or less B. 11-20 students	X	X	X	X	X	X	X	P	P	P	P	P	P	P	X	X	X	X	X	X		19.397 - Tutoring Center
C. 20 or more students	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	MC	X	X	X	X	X	X		
Vehicle Dismantling & Wrecking	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		Prohibited Use
Vehicle Fuel Stations (i.e. Gasoline Stations)	X	X	X	X	X	X	X	C	C	C	C	C	C	C	C	C	C	C	X	X		5.64 – Motor Vehicle Fuel Pricing 19.410 – Vehicle Fuel Stations
Vehicle Impound Yards	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	C	X	X	X		19.415 – Vehicle Impound Yard
Vehicle Parts and Accessories	X	X	X	X	X	X	X	P	P	SP	X	X	X	X	X	X	X	X	X	X		
Vehicle Repair Facilities – Major (Indoor)	X	X	X	X	X	X	X	X	C	X	X	X	X	X	C	P	P	X	X	X		19.420 – Vehicle Repair Facilities

P 4-0359, Exhibit 3

* Permitted in the R-3-4000 Zone only with a Planned Residential Development (PRD) Permit, Chapter 19.780.
 ** Permitted under a Planned Residential Development Permit, Chapter 19.780.
 *** For RC, MU-U and MU-V Zones a Site Plan Review Permit (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.
 For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030 A (RA-5 Zone Permitted Uses) and 19.100.030 B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030 A and 19.100.030 B exists, the provisions of Sections 19.100.030 A and 19.100.030 B shall apply.
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19.150.020 (A)

This table identifies permitted uses and uses requiring approval of other permits by zoning designation. In addition to these uses, other incidental and temporary uses may also be permitted as noted in the Incidental Uses Table and the Temporary Uses Table.

Use	Zones																				Location of Required Standards in the Municipal Code	
	Residential Zones						Office & Commercial Zones				Mixed Use Zones			Industrial Zones			Other Zones					
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY		DSP
Vehicle Repair Facilities – Major (Outdoor – fully screened)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	MC	X	X	X	X	X	19.420 – Vehicle Repair Facilities
Vehicle Repair Facilities – Minor (Indoor)	X	X	X	X	X	X	X	X	C	C	X	X	X	C	P	X	X	X	X	X	X	19.420 – Vehicle Repair Facilities
Vehicle Repair Facilities – Minor (Outdoor – fully screened)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	MC	X	X	X	X	X	X	19.420 – Vehicle Repair Facilities
Vehicle Sales, Rental and Leasing – New and Used (No Outdoor Display)																						See Retail Sales in This Table
Vehicle Sales, Rental and Leasing – New and Used (Outdoor Display)	X	X	X	X	X	X	X	X	C	C	X	X	X	X	X	X	X	X	X	X	X	
Vehicle Wash Facilities	X	X	X	X	X	X	X	X	C	C	X	X	X	X	X	X	X	X	X	X	X	19.425 – Vehicle Wash Facilities
Vehicle Wholesale Business A. Indoor (less than 5,000 sq. ft.) B. Outdoor & Indoor (In excess of 5,000 sq. ft.)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	19.427 – Vehicle Wholesale Business 19.430 – Veterinary Services
Veterinary Services: A. Clinics and Small Animal Hospitals (short term boarding) B. Incidental to a Pet Shop	X	X	X	X	X	X	X	X	C	C	X	X	C	C	X	C	C	X	X	X	X	
Warehousing & Wholesale Distribution Centers: 400,000 safe or less Greater than 400,000 safe	X	X	X	X	X	X	X	X	MC	MC	X	X	MC	MC	X	X	X	X	X	X	X	
Wireless Telecommunication Facilities and Related Support Structures	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	X	X	X	19.530 – Wireless Telecommunications Facilities and Related Support Structures

(Ord. 7185 §1, 2012; Ord. 7158 §1, 2012; Ord. 7151 §1, 2012; Ord. 7110 §§2, 3, 4, 2011; Ord. 7109 §§4, 5, 2010; Ord. 7072 §1, 2010; Ord. 7064 §9, 2010; Ord. 6966 §1, 2007)

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ARTICLE V – INCIDENTAL USES TABLE

19.150.020 (B)

This table identifies uses which are generally only permitted as an incidental use to some other permitted use on the property.

Use	Zones																				Location of Required Standards in the Municipal Code			
	Residential Zones						Office & Commercial Zones						Mixed Use Zones				Industrial Zones					Other Zones		
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY		DSP		
Accessory Buildings & Structures	P	P	P	P	P	P	P	P	P	P	P	P	SP	SP	P	P	P	P	P	P				
A. Cargo Containers	X	P	P	X	X	X	X	X	P	P	X	X	X	X	P	P	P	P	P	P				
Agricultural Field Office	C	C	X	X	MC	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
Agricultural Stand	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	XX	X	X	X	X				
Alcohol Sales	X	X	X	X	X	X	X	X	C	C	C	C	C	C	X	X	X	X	X	X				
A. Off-sale ¹	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	MC	X	X	X	X	X	X				
Incidental to Florist Shop	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	MC	MC	X	X	MC	X	X				
B. On-sale ¹	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	MC	MC	C	C	C	X	X				
C. Concurrent Sale of Vehicle Fuel with Alcoholic Beverages	X	X	X	X	X	X	X	X	C	C	C	C	C	C	X	C	C	C	X	X				
Animal Keeping																								
A. Domestic Animals up to 4	P	P	P	P	P	P	P	X	X	X	X	X	X	P	X	X	X	X	X	X				
B. Domestic Animals over 4	P	P	P	P	P	P	P	X	X	X	X	X	X	P	X	X	X	X	X	X				
C. Non-Domestic Animals up to permitted	P	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X				
D. Non-Domestic Animals over permitted	P	C	MC	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
E. Dairies	X	C	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
F. Riding Stables & Academies	X	C	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
G. Bees	P	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X				
H. Earthworms ^{2,3}	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
I. Aviaries	P	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X				
Auxiliary Dwelling Unit (Granny Housing)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				

¹See exemptions noted in 19.450 – Alcohol Sales

²Worm Farms in excess of sixty-four (64) sq. ft. shall be subject to the granting of a conditional use permit.

³For CRC, MU-U and MU-V Zones a Site Plan Review Permit (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.

**= For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030 A (RA-5 Zone Permitted Uses) and 19.100.030 B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030 A and 19.100.030 B exists, the provisions of Sections 19.100.030 A and 19.100.030 B shall apply.

P = Permitted

RCP = Recycling Center Permit, Chapter 19.870

DCP = Day Care Permit – Large Family, Chapter 19.860

PRD = Planned Residential Development Permit, Chapter 19.780

C = Subject to the granting of a Conditional Use Permit (CUP), Chapter 19.760

TUP = Temporary Use Permit, Chapter 19.740

sq. ft. = Square Feet

MC = Subject to the granting of Minor Conditional Use Permit (MCUP), Chapter 19.730

X = Prohibited

SP = Site Plan Review Permit, Chapter 19.770

ARTICLE V – INCIDENTAL USES TABLE

19.150.020 (B)

This table identifies uses which are generally only permitted as an incidental use to some other permitted use on the property.

Use	Zones																				Location of Required Standards in the Municipal Code			
	Residential Zones						Office & Commercial Zones						Mixed Use Zones				Industrial Zones					Other Zones		
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY		DSP		
Caretaker Living Quarters	X	C	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		19.465 – Caretaker Living Quarters		
A. Agricultural																								
B. Industrial Uses & Commercial Storage	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	MC	X	X				
C. Temporary During Construction	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP				
Day Care Homes – Large Family	DCP	DCP	DCP	DCP	DCP	DCP	DCP	X	X	X	DCP	DCP	DCP	DCP	X	X	X	X	X	X		19.470 – Day Care Homes – Family		
Day Care Homes – Small Family	P	P	P	P	P	P	P	X	X	X	P	SP	SP	SP	X	X	X	X	X	X		19.470 – Day Care Homes – Family		
Drive-thru Businesses	X	X	X	X	X	X	X	C ³	C	C	C	X	X	X	X	X	X	X	X	X		19.475 – Drive-thru Businesses		
Entertainment	X	X	X	X	X	X	X	X	P	P	P	P	P	P	X	X	X	X	X	X		See Article X (Definitions)		
Fuel Systems – Private (Above Ground Tanks)	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC		19.480 – Fueling Systems – Private (Above Ground Tanks)		
Home Occupations	X	X	P	P	P	P	P	X	X	X	P	P	P	P	X	X	X	X	X	X		19.485 – Home Occupations		
Mining/Mineral Extraction	X	X	C	C	C	C	C	X	C	C	X	X	X	X	X	X	X	X	X	X		19.490 – Mining/Mineral Extraction		
Outdoor Dining (only)	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	X	P	X	X		Restaurants – See Permitted Uses Table		
Outdoor Dining and Food Preparation (Permanent)	X	X	X	X	X	X	X	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC	MC		19.495 – Outdoor Dining and Food Preparation (Permanent)		
Outdoor Display of Incidental Plant Materials	X	X	X	X	X	X	X	X	P	P	SP	SP	SP	SP	X	X	X	X	X	X		19.500 – Outdoor Display of Incidental Plant Materials		
Outdoor Display and Sales ⁴	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		19.505 – Outdoor Display and Sales		
Outdoor Storage	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		19.510 – Outdoor Storage		
Play Areas Incidental to Restaurants	X	X	X	X	X	X	X	X	C	C	C	X	X	X	X	X	X	X	X	X		19.515 – Play Areas Incidental to Restaurants		

¹ Banks & Financial Institutions/Services and Drug Stores or Pharmacy less than 2,000 sq. ft. only
² Outdoor Sites and Display are permitted with a TUP see 19.740.
³ Example: Vehicle and large equipment sales.
⁴ For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030 A (RA-5 Zone Permitted Uses) and 19.100.030 B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030 A and 19.100.030 B exists, the provisions of Sections 19.100.030 A and 19.100.030 B shall apply.

* = For CRC, MU-U and MU-V Zones a Site Plan Review Permit (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.
 ** = For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030 A (RA-5 Zone Permitted Uses) and 19.100.030 B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030 A and 19.100.030 B exists, the provisions of Sections 19.100.030 A and 19.100.030 B shall apply.
 P = Permitted
 RCP = Recycling Center Permit, Chapter 19.870
 DCP = Day Care Permit – Large Family, Chapter 19.860
 PRD = Planned Residential Development Permit, Chapter 19.780
 C = Subject to the granting of a Conditional Use Permit (CUP), Chapter 19.760
 TUP = Temporary Use Permit, Chapter 19.740
 sq. ft. = Square Feet
 MC = Subject to the granting of Minor Conditional Use Permit (MCUP), Chapter 19.730
 X = Prohibited
 SP = Site Plan Review Permit, Chapter 19.770

ARTICLE V – INCIDENTAL USES TABLE

19.150.020 (B)

This table identifies uses which are generally only permitted as an incidental use to some other permitted use on the property.

Use	Zones																	Location of Required Standards in the Municipal Code				
	Residential Zones				Office & Commercial Zones				Mixed Use Zones			Industrial Zones			Other Zones							
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI		AIR	PF	RWY	DSP
Rental of Rooms	P	P	P	P	P	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	
Second Dwelling Units	X	X	X	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
A. If all required standards cannot be met	X	X	X	MC	MC	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Vehicle Repair - Personal	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Wireless Telecommunication Facilities and Related Support Structures																						

(Ord. 7110 §§2, 3, 4, 2011; Ord. 7064 §§9, 2010; Ord. 6966 §1, 2007)

* = For CRC, MU-U and MU-V Zones a Site Plan Review Permit (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.

**= For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030 A (RA-5 Zone Permitted Uses) and 19.100.030 B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030 A and 19.100.030 B exists, the provisions of Sections 19.100.030 A and 19.100.030 B shall apply.

P = Permitted

DCP = Day Care Permit – Large Family, Chapter 19.860

PRD = Planned Residential Development Permit, Chapter 19.780

C = Subject to the granting of a Conditional Use Permit (CUP), Chapter 19.760

TUP = Temporary Use Permit, Chapter 19.740

sq. ft. = Square Feet

MC = Subject to the granting of Minor Conditional Use Permit (MCUP), Chapter 19.730

X = Prohibited

SP = Site Plan Review Permit, Chapter 19.770

ARTICLE V – TEMPORARY USES TABLE

19.150.020 (C)

This table identifies uses that are temporary in nature.

Use	Zones																				Location of Required Standards in the Municipal Code								
	Residential Zones						Office & Commercial Zones						Mixed Use Zones						Industrial Zones						Other Zones				
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY		DSP							
Caretaker Living Quarters – Temporary During Construction	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	X		19.465 – Caretaker Living Quarters							
Christmas Tree and Pumpkin Sales (Seasonal)	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP									
Circus (With Tent)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X									
Dwelling Unit (Motor Home, RV, Camper, etc.)	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP									
Fair, Concert, Exhibit or Similar Uses	TUP ¹	TUP ¹	TUP ¹	TUP ¹	TUP ¹	TUP ¹	TUP ¹	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP ¹	TUP									
Mobile Medical Units for Humans	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X									
Non-Commercial Car Wash	TUP ²	TUP ²	TUP ²	TUP ²	TUP ²	TUP ²	TUP ²	TUP ²	TUP	TUP	TUP ²	TUP	TUP	TUP	TUP ²	TUP	TUP ²	TUP ²	TUP ²	TUP									
Non-Commercial Tent Meetings	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP									
Outdoor Preparation of Food (Temporary)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X									
Parking Lot Sales (Outdoors or in Mobile or Temporary Enclosures)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X									
Special Events (Running Events, Parades, Block Parties etc.)																													
Subdivision Sales Trailer and/or Office During Construction	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP									
Vapor Recovery Operations	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP									
																						19.495 – Out Dining and Food Preparation							
																						Special Event Permits are administered by the Police Department pursuant to 2.28							

(Ord. 7110 §§2, 3, 4, 2011; Ord. 7064 §9, 2010; Ord. 6966 §1, 2007)

¹All sites having active minor conditional use permits or conditional use permits, public schools, public parks, etc.

²All sites having active minor conditional use permits or conditional use permits, public schools, public parks, etc.

* = For CRC, MU-U and MU-V Zones a Site Plan Review Permit (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.

** = For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030 A (RA-5 Zone Permitted Uses) and 19.100.030 B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030 A and 19.100.030 B exists, the provisions of Sections 19.100.030 A and 19.100.030 B shall apply.

P = Permitted

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Chapter 19.450

ALCOHOL SALES ACTIVITIES

- 19.450.010 Purpose.**
- 19.450.020 Applicability and Permit Requirements.**
- 19.450.030 Site Location, Operation and Development Standards.**
- 19.450.040 Other Applicable Regulations.**
- 19.450.050 Variances.**

19.450.010 Purpose.

The purpose of this Chapter is to establish standards for businesses engaged in alcohol sales activities in order to protect the health, safety, and general welfare of the citizens of the City. This Chapter establishes reasonable and uniform standards to prevent the inappropriate location, operation, development and/or performance of alcohol sales activities within the City. The standards protect residential, commercial, industrial and civic areas and minimize the adverse impacts of nonconforming and incompatible uses. The Chapter also provides alcohol sales activities are not the source of undue public nuisances in the community and to monitor Deemed Approved establishments to ensure they do not substantially change in mode or character of operation. ~~regulating the sale of alcohol is to ensure compatibility of such uses with surrounding uses and properties and to avoid any impacts associated with such uses.~~ (Ord. 6966 §1, 2007)

19.450.020 Applicability and Permit Requirements.

Alcohol Sales, as defined in Article X (Definitions), are permitted as set forth in Article V, Base Zones and Related Use and Development Provisions subject to the requirements contained in this Chapter.

- A. Any establishment, business or facility that proposes to engage in the off-sale of alcoholic beverages shall obtain a conditional use permit pursuant to Chapter 19.760 (Conditional Use Permit), except for the following uses, these uses shall obtain an Administrative Alcohol Use Permit provided that applicant executes the permit accepting the requirements of the applicable use regulations in Chapter 19.450.030 as conditions of approval:
 - 1. Establishments that do not propose to sell alcohol as their principal business and that contain 15,000 square feet or more of gross floor area.
 - 2. Florist shops that propose the incidental sale of wine along with gift or floral baskets; such uses shall obtain a minor conditional use permit processed pursuant to Chapter 19.730 (Minor Conditional Use Permit).
- B. Any establishment, business or facility that proposes to engage in the on-sale of alcoholic beverages, unless exempted by Subsection 1, below shall obtain a minor conditional use permit pursuant to Article IX, Land Use and Development Permit Requirements/Procedures
 - 1. The Zoning Administrator shall exempt a business providing on-sale of alcoholic beverages from the minor conditional use permit requirement if all of the following conditions apply:

- a. The premises contains a kitchen or food-servicing area in which a variety of food is prepared and cooked.
- b. The primary use of the premises is for sit-down food service to patrons.
- c. The premises serves food to patrons during all hours the establishment is open for customers.
- d. If there is a separate area primarily intended for the consumption of alcoholic beverages, it does not constitute more than 30 percent of the public access floor area or 1,000 square feet, whichever is less.
- e. No alcoholic beverages, including beer or wine are sold or dispensed for consumption beyond the premises.
- f. The use is not subject to any discretionary permit as an entertainment use.
- g. The premises is defined as a "bona fide public eating place" by the State of California Department of Alcoholic Beverage Control.
- h. The business is not located within 100 feet of any existing residential dwelling or property zoned for residential use, as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the residential property. This provision shall not apply to residential uses that are a part of a mixed use zone or mixed use project. (Ord. 7158 §12, 2012; Ord. 6966 §1, 2007)

19.450.030 Site Location, ~~Operation and Development~~ Standards.

The standards set forth in Article V, Base Zones and Related Use and Development Provisions, shall apply to all establishments selling alcohol, unless otherwise specified here.

A. Off-sale of All Alcoholic Beverages

- 1. The business shall not be located within 600 feet of a public or private school (pre-school through twelfth grade), assemblies of people - non-entertainment or public park, as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the school, assemblies of people - non-entertainment or park site.
- 2. The business shall not be located within 100 feet of any existing residential dwelling or property zoned for residential uses as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the residential zoned property.
- 3. The business shall be located a minimum distance of 1,000 feet from any existing parolee/probationer home, emergency shelter, supportive housing, transitional housing and transitional housing development or businesses licensed by the State of California for off-sale general alcoholic beverage sales with less than 15,000 square feet of gross floor area or which sells alcoholic beverages as

its principal business as measured from any point upon the outside walls of the building or building lease space of the business applying for the discretionary permit to the nearest property line of the site containing the existing off-site alcoholic beverage sales business.

~~4. No sale of alcoholic beverages shall be made from a drive-thru lane or drive-thru window.~~

~~5.~~

6.4. The business shall be in a location that is fully visible from a public street with an unobstructed view from the public street for public safety.

~~7. The business shall have lighting to provide illumination for security and safety of parking and access areas. On-site lighting plans shall be submitted for review and approval.~~

~~8.~~

9.5. The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section [9.05.020](#) of the Municipal Code.

10.6. The management at each location of off-sale of alcoholic beverages pursuant to this section shall be responsible for educating the public regarding drunk driving laws and the related penalties for breaking those laws. (This includes minimum age law, open container law and driving while intoxicated law.) This can be accomplished by posting prominent signs, decals or brochures at the point of purchase and providing adequate training for employees.

B. Florist Shop with Incidental Off-site Sale of Wine

~~1. The sale of wine shall be clearly incidental to a florist shop business, and shall not exceed five percent of the annual gross sales revenue of the florist business.~~

~~2.~~

~~3. The sale of wine shall be limited to gift or floral arrangements. Individual containers of wine not packaged as part of such arrangements may not be sold.~~

~~4.~~

~~5. No beer or distilled spirits may be sold.~~

6.1. The business shall be located a minimum distance of 1,000 feet from any existing parolee/probationer home, emergency shelter, supportive housing or transitional housing and transitional housing development as measured from any point upon the outside walls of the building or building lease space of the business applying for the discretionary permit to the nearest property line of the site containing the existing off-site alcoholic beverage sales business.

C. On-sale of All Alcoholic Beverages

1. The business shall not be located within 600 feet of a hospital, public or private school (pre-school through twelfth grade), assemblies of people - non-entertainment or public park, as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the hospital, school, assemblies of people - non-entertainment or park site, except in the Downtown Arts and Entertainment District, as defined in

Article X (Definitions), where the 600 foot distance restriction does not apply. However, in said Downtown Arts and Entertainment District, the Zoning Administrator shall consider distances from the above listed uses for the purpose of achieving compatibility of the business with neighboring uses as part of the review process.

2. The business shall not be located within 100 feet of any existing residential dwelling or property zoned for residential uses as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the residential property. This provision shall not be mandatory with regard to residential uses that are a part of a mixed use zone or mixed use project approved under a conditional use permit.
3. The business shall be located a minimum distance of 1,000 feet from any existing parolee/probationer home, emergency shelter, supportive housing or transitional housing and transitional housing development as measured from any point upon the outside walls of the building or building lease space of the business applying for the discretionary permit to the nearest property line of the site containing the existing parolee/probationer home, emergency shelter, supportive housing or transitional housing and transitional housing development.

~~4. Lighting, as certified by a qualified lighting engineer, shall be provided at a level no less than one foot candle of lighting throughout private parking lots and access areas serving the business.~~

~~5.~~

~~6. The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section 9.05.020 of the Municipal Code.~~

~~7.~~

~~8.4. Soundproofing shall be provided sufficient to prevent noise and vibrations from penetrating into surrounding properties or building lease space.~~

D. Concurrent Sale of Motor Vehicle Fuel With Alcoholic Beverages.

~~1. Only beer and wine, not hard liquor, may be sold.~~

~~2.~~

~~3. The minimum enclosed retail sales area for store products shall be 1,500 square feet.~~

~~4.~~

~~5. The minimum inventory level shall be \$15,000 retail value excluding beer, wine, fuel and automotive products.~~

~~6.~~

~~7. The maximum percentage of beer and wine sales to total store sales shall be 30% percent on a retail basis during any consecutive twelve-month period.~~

~~8.~~

~~9. The management at each location of common site sales shall be responsible for "educating the public" regarding drunk driving laws and the related penalties for breaking those laws. (This includes minimum age law, open container law and driving while intoxicated law.) This can be accomplished by posting prominent~~

~~signs, decals or brochures at the point of purchase and providing adequate training for employees.~~

~~10.~~

~~11. No displays of beer or wine shall be located within five feet of the store's entrance or checkout counter.~~

~~12.~~

~~13. Cold beer or wine shall be sold from, or displayed in permanently affixed electrical coolers only.~~

~~14.~~

~~15. No beer or wine advertising shall be located on gasoline islands; no lighted advertising for beer or wine shall be located on buildings or in windows.~~

~~16.~~

~~17. Employees on duty between the hours of ten p.m. and two a.m. shall be at least 21 years of age to sell beer and wine.~~

~~18.~~

~~19. No sale of alcoholic beverages shall be made from a drive-thru window.~~

~~20.~~1. The business shall not be located within 600 feet of a public or private school (pre-school through 12th grade), assemblies of people - non-entertainment or public park, as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the school, assemblies of people - non-entertainment or park site.

~~21.~~2. The business shall not be located within 100 feet of any existing residential dwelling or property zoned for residential uses as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the residential zoned property.

~~22.~~3. The business shall be located a minimum distance of 300 feet from any other business with the concurrent sale of motor vehicle fuel with alcoholic beverages or 1,000 feet from any other business licensed by the State of California for off-sale general alcoholic beverage sales with less than 15,000 square feet of gross floor area or that sells alcoholic beverages as its principal business as measured from any point upon the outside walls of the building or building lease space of the business applying for the discretionary permit to the nearest property line of the site containing the existing off-sale alcoholic beverage sales business.

~~23.~~4. The business shall be located a minimum distance of 1,000 feet from any existing parolee/probationer home, emergency shelter, supportive housing or transitional housing and transitional housing development as measured from any point upon the outside walls of the building or building lease space of the business applying for the discretionary permit to the nearest property line of the site containing the existing emergency shelter, supportive housing or transitional housing and transitional housing development. (Ord. 7158 §13, 2012; Ord. 6966 §1, 2007)

19.450.040 Site Operation Standards.

The standards set forth in Article V, Base Zones and Related Use and Development Provisions, shall apply to all establishments selling alcohol, unless otherwise specified here.

A. Operational Standards Applicable to All Alcohol Sales Activities Off-sale of All Alcoholic Beverages

B. Off-sale of All Alcoholic Beverages

1. The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section 9.05.020 of the Municipal Code.
2. The management at each location of off-sale of alcoholic beverages pursuant to this section shall be responsible for educating the public regarding drunk driving laws and the related penalties for breaking those laws. (This includes minimum age law, open container law and driving while intoxicated law.) This can be accomplished by posting prominent signs, decals or brochures at the point of purchase and providing adequate training for employees.

C. Florist Shop with Incidental Off-site Sale of Wine

1. The sale of wine shall be clearly incidental to a florist shop business, and shall not exceed five percent of the annual gross sales revenue of the florist business.
2. The sale of wine shall be limited to gift or floral arrangements. Individual containers of wine not packaged as part of such arrangements may not be sold.
3. No beer or distilled spirits may be sold.

D. On-sale of All Alcoholic Beverages

1. Xxx
- 2.

E. Concurrent Sale of Motor Vehicle Fuel With Alcoholic Beverages.

1. Only beer and wine, not hard liquor, may be sold.
2. The minimum inventory level shall be \$15,000 retail value excluding beer, wine, fuel and automotive products.
3. The maximum percentage of beer and wine sales to total store sales shall be 30% percent on a retail basis during any consecutive twelve-month period.
4. The management at each location of common site sales shall be responsible for "educating the public" regarding drunk driving laws and the related penalties for breaking those laws. (This includes minimum age law, open container law and driving while intoxicated law.) This can be accomplished by posting prominent signs, decals or brochures at the point of purchase and providing adequate training for employees.
5. No displays of beer or wine shall be located within five feet of the store's entrance or checkout counter.

6. Cold beer or wine shall be sold from, or displayed in permanently affixed electrical coolers only.
7. No beer or wine advertising shall be located on gasoline islands; no lighted advertising for beer or wine shall be located on buildings or in windows.
8. Employees on duty between the hours of ten p.m. and two a.m. shall be at least 21 years of age to sell beer and wine.

19.450.050 Site Development Standards.

The standards set forth in Article V, Base Zones and Related Use and Development Provisions, shall apply to all establishments selling alcohol, unless otherwise specified here.

A. Off-sale of All Alcoholic Beverages

1. No sale of alcoholic beverages shall be made from a drive-thru lane or drive-thru window.
2. The business shall have lighting to provide illumination for security and safety of parking and access areas. On-site lighting plans shall be submitted for review and approval.

B. On-sale of All Alcoholic Beverages

1. Lighting, as certified by a qualified lighting engineer, shall be provided at a level no less than one foot candle of lighting throughout private parking lots and access areas serving the business.
2. The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section 9.05.020 of the Municipal Code.
3. Soundproofing shall be provided sufficient to prevent noise and vibrations from penetrating into surrounding properties or building lease space.

C. Concurrent Sale of Motor Vehicle Fuel With Alcoholic Beverages.

1. The minimum enclosed retail sales area for store products shall be 1,500 square feet.
2. No sale of alcoholic beverages shall be made from a drive-thru window.

19.450.060 Deemed Approve Performance Standards.

The provisions of this section shall be known as the Deemed Approved performance standards. The purpose of these standards is to control dangerous or objectionable environmental effects of alcohol sales uses. The standards shall apply to all Deemed Approved alcohol sales uses that hold Deemed Approved status pursuant to this Chapter.

A. An alcohol sales use shall retain its Deemed Approved status only if it conforms to all of the following Deemed Approved performance standards:

1. The use shall not cause adverse effects to the health, peace or safety of persons residing or working in the surrounding area;
2. The use shall not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area;
3. The use shall not allow repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passerby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, or lewd conduct;
4. The use shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code Sections 24200, 24200.6 and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual City business license;
5. The use's upkeep and operating characteristics shall be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood;
6. A copy of these performance standards, any applicable ABC and/or City operating conditions, and any training requirements shall be posted in at least one prominent place within the interior of establishment where it will be readily visible and legible to the employees and patrons of the establishment; and
7. The owners and all employees of the alcohol beverage sales establishment involved in the sale of alcoholic beverages shall complete an approved course in "Responsible Beverage Sales" (RBS) within 60 days of hire for employees hired after the passage of this ordinance or within six months of the passage of this ordinance for existing employees. To satisfy this requirement, a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS) or other certifying/licensing body designated by the State of California.

19.450.0740 Public Convenience or Necessity (PCorN)~~Other Applicable Regulations.~~

Where the Department of Alcoholic Beverage Control (ABC) determines that an area has an over concentration of alcoholic beverage licenses and/or a higher than average crime rate ABC may deny an application for alcohol sales unless the Zoning Administrator or City Planning Commission makes the following findings and a determination that public convenience or necessity will be served by the proposed project. (Ord. 6966 §1, 2007)

A. PCorN Findings

1. That the proposed use is consistent with the General Plan and Municipal Code;

2. That the proposed use is compatible with the nature, condition and character of adjacent land uses;
3. That the proposed use would not have an adverse effect on adjacent uses; and
- ~~4.~~ That the proposed use would not result in an excessive number of similar establishments in close proximity.

19.450.0850 Variances.

- A. Variances may be granted from the provisions of Site Location, Operation and Development Standards for Off-sale of Alcoholic Beverage and On-sale of Alcoholic Beverages Section 19.450.030 (A and C) above based upon careful review of unique circumstances that may apply to a particular use. Any such variance request shall increase the property notification requirement from a 300-foot radius to a 1,000-foot radius from the subject property.
- B. No variances from the provisions of Site Location, Operation and Development Standards for a Florist Shop with Incidental Off-site Sale of Wine Section 19.450.030 (B) above are permitted.
- C. Variances may be granted from the provisions of Site Location Standards for Concurrent Sale of Motor Vehicle Fuel With Alcoholic Beverages for Section 19.450.030 (D) (11-14) above based upon careful review of unique circumstances that may apply to a particular use. Any such variance request from these ~~for provisions of Section 19.450.030 (D) (11-14) above~~ shall increase the property notification requirement from a 300-foot radius to a 1,000-foot radius from the subject property. No variances from the provisions of Site Operation Standards for Concurrent Sale of Motor Vehicle Fuel With Alcoholic Beverages Section 19.450.030 (D) (6-10) above are permitted. (Ord. 6966 §1, 2007)
- D. No Variances for Site Location Standards shall be granted unless the following additional variance findings can be made:
 1. The public convenience would be served by the establishment of the proposed use;
 2. The proposed use is not anticipated to be the source of nuisance behavior associated with excessive consumption of alcoholic beverages;
 3. The proposed use would not be detrimental to the public health, safety, or welfare;
 4. The proposed use would not increase the severity of existing law enforcement or public nuisance problems in the surrounding area; and
 - ~~4.~~ 5. The proposed use is consistent with the objectives, policies, general land uses, and programs of the General Plan, and nay applicable specific plan.

Chapter 19.272

BREWERIES, MICROBREWERIES, WINERIES, BREWPUBS, BREW-ON-PREMISES, AND DISTILLERIES

19.272.010 Purpose.

19.272.020 Applicability and Permit Requirements.

19.272.030 Site Location, Operation, and Development Standards.

19.272.040 Other Applicable Regulations.

19.272.050 Variances.

19.272.010 Purpose.

The purpose of regulating Breweries, Microbreweries, Wineries, Brewpubs and Brew-On-Premises establishments is to ensure compatibility of such uses with surrounding uses and properties and to avoid any impacts associated with such uses.

19.272.020 Applicability and Permit Requirements.

Breweries, Microbreweries, Wineries, Brewpubs, Brew-On-Premises and Distilleries establishments, as defined in Article X (Definitions), are permitted as set forth in Article V, Base Zones and Related Use and Development Provisions subject to the requirements contained in this Chapter.

- A. Brewpubs shall obtain a Minor Conditional Use Permit in all zones where permitted; However, a brewpub that complies with all development standards established by section 19.450.020 B 1 a-d and f-h (Alcohol Sales – Exemption from Minor Conditional Use Permit) shall be exempt from the Minor Conditional Use Permit in the CR, CG, CRC, and Mixed-Use Zones.

19.272.030 Site Location, Operation and Development Standards.

The standards set forth in Article V, Base Zones and Related Use and Development Provisions, shall apply to all establishments selling alcohol, unless otherwise specified here.

- A. Breweries, microbreweries, wineries, and distilleries manufacturing and wholesale only (no on-site retail sales or on-site tasting).
 - 1. All setback, landscaping, and other development standards of the underlying zone shall be met.
 - 2. The establishment shall comply with all applicable provisions of Chapter 19.510 (Outdoor Storage) where permitted by the underlying zone.
 - 3. The establishment shall comply with all applicable provisions of Chapter 19.580 (Parking). For the purposes of calculating parking, the brewing areas shall be considered manufacturing, the tasting rooms shall be considered restaurant, and the cold and warm storage shall be considered warehousing.
- B. Breweries, microbreweries, wineries, and distilleries with off-sale retail and/or on-site tasting.

1. All standards listed under 19.272.030A shall apply.
2. The establishments shall comply with all Location, Operation and Development standards established by Section 19.450 (Alcohol Sales).
3. Retail Sales within any of the Industrial Zones areas shall not exceed 15% of the gross floor area of the lease space.
4. A maximum total of 1 pint (16 oz.) of beer, 6 ounces of wine, and 1 ounce of distilled spirits may be sold or dispensed, for a fee or no fee, to each customer for on-site tasting per day. This may be divided into a single serving or small tastings.
5. Retail sales of alcoholic beverages shall be limited to alcoholic beverages manufactured on-site.
6. The business shall have lighting to provide illumination for security and safety of parking and access areas. On-site lighting plans shall be submitted for review and approval.
7. The retail and tasting hours of operation shall be evaluated on a case-by-case basis.
8. No person under 21 shall be permitted within the tasting area(s).
9. The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section 9.05.020 of the Municipal Code.
10. The management at each location of off-sale of alcoholic beverages pursuant to this section shall be responsible for educating the public regarding drunk driving laws and the related penalties for breaking those laws. (This includes minimum age law, open container law and driving while intoxicated law.) This can be accomplished by posting prominent signs, decals or brochures at the point of purchase and providing adequate training for employees.
11. No entertainment shall be permitted without first obtaining a Conditional Use Permit in zones that permit or conditionally permit entertainment establishments subject to the development standards established in Section 19.250.
12. Additional conditions may be applied based on feedback from the Riverside Police Department during the entitlement process.

C. Additional Standards for Brew-On-Premises

1. All standards listed under section 19.272.030 A and B shall apply.

2. Minors shall be permitted provided that there is not tasting/sampling of alcoholic beverages.

19.272.040 Other Applicable Regulations.

Where the Department of Alcoholic Beverage Control (ABC) determines that an area has an over concentration of alcoholic beverage licenses and/or a higher than average crime rate ABC may deny an application for alcohol sales unless the Zoning Administrator or City Planning Commission makes a determination that public convenience or necessity will be served by the proposed project.

19.272.050 Variances.

- A. Variances may be granted from the provisions of Section 19.272.030 above based upon careful review of unique circumstances that may apply to a particular use. Any such variance request shall increase the property notification requirement from a 300-foot radius to a 1,000-foot radius from the subject property.
- B. No variances from the provisions of Section 19.272.030 B (5, 8, 9, 10, 11) or Section 19.272.030 C (2) above are permitted.

ARTICLE III: NONCONFORMING PROVISIONS

Chapter 19.080

NONCONFORMITIES

- 19.080.010 Intent and Purpose.**
- 19.080.020 Establishment of Nonconforming Status.**
- 19.080.030 Continuation and Maintenance.**
- 19.080.040 Loss of Nonconforming Status.**
- 19.080.045 Amortization.**
- 19.080.050 Continuation and Use of a Nonconforming Lot.**
- 19.080.060 Modification or Expansion of Nonconforming Structures.**
- 19.080.070 Modifications or Expansions of Nonconforming Uses.**
- 19.080.080 Restoration of a Destroyed Nonconforming Structure or Use.**
- 19.080.090 Revocation of Nonconforming Structure or Use.**
- 19.080.100 Loss of Nonconforming Status for Alcoholic Beverage Sales.**

DIVISION I: GENERAL NONCONFORMING PROVISIONS - LOTS, STRUCTURES AND USES.

- 19.080.010 Intent and Purpose.**
- 19.080.020 Establishment of Nonconforming Status.**
- 19.080.030 Continuation and Maintenance.**
- 19.080.040 Loss of Nonconforming Status.**
- 19.080.045 Amortization.**

19.080.010 Intent and Purpose.

- A. This Article provides for the orderly termination of nonconforming rights for lots, structures and uses that were established but, due to revisions to the provisions of the Zoning Code, no longer comply. The orderly termination of legally established nonconforming lots, structures and uses is necessary to promote the public health, safety and general welfare, and to bring such lots, structures and uses into conformity with the goals, objectives and policies of the Zoning Code and the General Plan. Where a lot, structure or use is referred to as nonconforming it shall mean that it is legally nonconforming.
- B. This Article limits the expansion of nonconforming lots, structures and uses and establishes the circumstances under which they may be continued, and provides for the correction, maintenance, and removal of such lots, structures and uses.
- C. The City finds that nonconforming lots, structures and uses within the City, both those that are legally established and those that are illegal, are detrimental to the orderly development of the City and are detrimental to the health, safety, peace, comfort and general welfare of persons and property within the City.
- D. Nonconforming lots, structures and uses shall be eliminated as rapidly as possible as set forth in this Article and without infringing upon the constitutional rights of the owners of legally established nonconforming properties. (Ord. 6966 §1, 2007)

19.080.020 Establishment of Nonconforming Status.

- A. These provisions shall regulate the continuation, termination, and modification of lots, structures and uses that were lawfully established, but which no longer conform to the provisions of the Zoning Code due to a change in zoning boundaries, change in the regulations for the zone in which it is located or upon annexation. A change in ownership or tenancy without any change in use, occupancy, or development shall not affect any of the legal nonconforming rights, privileges and responsibilities provided under this Article.
- B. Lots, structures and uses not having previously acquired proper permits are illegal and subject to immediate abatement.
- C. It shall be the property owner-s responsibility to provide evidence or information to justify the establishment of nonconforming rights.
- D. All decisions and determinations, including whether a lot, structure or use qualifies as nonconforming, whether a nonconforming structure or use can be restored after partial destruction, or whether a building permit can be issued for work on a nonconforming structure or use shall be the Zoning Administrator-s responsibility. The Zoning Administrator may approve, deny, conditionally approve or refer any determination request to the Planning Commission. Any approval, denial, or conditional approval of the Zoning Administrator may be appealed in accordance with Chapter 19.680 (Appeals).
- E. Any nonconforming situation that becomes specifically authorized under the terms of an approval pursuant to the Zoning Code shall henceforth be governed by the terms of such approval and shall no longer be considered to be a nonconformity, unless and until such approval expires or is revoked. (Ord. 6966 §1, 2007)

19.080.030 Continuation and Maintenance.

- A. Continuation
 - 1. Except as otherwise provided herein, any lot, structure or use legally established on the effective date of the Zoning Code, may continue as a nonconforming lot, structure, or use.
 - 2. Any lot, structure, or use legally established prior to the annexation of the property may continue as a nonconforming lot, structure, or use, respectfully.
- B. Maintenance
 - 1. Routine maintenance and repairs may be performed on a nonconforming lot, use, or structure, provided such work does not involve structural alterations or any enlargement of the structure subject to the granting of building permits as required by the Building Official. (Ord. 6966 §1, 2007)

19.080.040 Loss of Nonconforming Status.

- A. When any nonconformity is eliminated or brought into conformance with the current regulations of the Zoning Code, the nonconforming rights and privileges with respect to that nonconformity are terminated and shall not be restored.
- B. Except as otherwise provided for nonconforming single-family residential uses and except for nonconforming uses involving the on-sale or off-sale of alcoholic beverages, whenever a

nonconforming use has been discontinued for a continuous period of 180 days or more or whenever a nonconforming use is changed to another use, the nonconforming use shall not be reestablished, and the use of the structure or site thereafter shall be brought into conformity with the zone in which it is located. Discontinuation shall mean any termination of a use, regardless of intent to resume the use. Payment of a valid business tax certificate shall in and of itself not be considered to be a continuation of the use.

- C. A nonconforming single-family residential use that has been discontinued for a period of 180 days or more may be reestablished subject to the granting of a minor conditional use permit and affirmative determinations based on the following findings:
1. The continuation of the nonconforming single-family residential use will not adversely affect or be detrimental to the health, safety and general welfare of the public or property or improvements within the area.
 2. The nonconforming single-family residential use is substantially compatible with existing and proposed uses in the general area, including factors relating to the nature of its location, operation, building design and site design.
 3. The continuation of the nonconforming single-family residential use will protect a valuable property investment. (Ord. 6966 §1, 2007)

19.080.045 Amortization.

The Zoning Code gives the City Council the authority to establish Amortization Regulations for nonconforming uses or structures. (Ord. 6966 §1, 2007)

DIVISION II: NONCONFORMING LOTS

19.080.050 Continuation and Use of a Nonconforming Lot.

Any lawfully created lot that becomes nonconforming with regard to lot area, street frontage, lot width, lot depth or accessibility may continue indefinitely with such nonconformity and may be developed and used as if it were a conforming lot. However, any property proposed for development with multi-family dwellings shall be fully conforming as to lot area and lot width. (Ord. 6966 §1, 2007)

DIVISION III: NONCONFORMING STRUCTURES AND USES

19.080.060 Modification or Expansion of Nonconforming Structures.

19.080.070 Modifications or Expansions of Nonconforming Uses.

19.080.080 Restoration of a Destroyed Nonconforming Structure or Use.

19.080.090 Revocation of Nonconforming Structure or Use.

19.080.100 Loss of Nonconforming Status for Alcoholic Beverage Sales.

19.080.060 Modification or Expansion of Nonconforming Structures.

No nonconforming structure shall be altered, reconstructed or expanded to increase the degree of nonconformity with respect to development standards for, including but not limited to, the setbacks, height of structures, distances between structures and the parking facilities as prescribed in the

regulations for the zone in which the structure is located, unless a variance is granted pursuant to this Title. (Ord. 6966 §1, 2007)

19.080.070 Modifications or Expansions of Nonconforming Uses.

- A. Expansion of a nonconforming non-residential use is permitted only with a minor conditional use permit. In the granting of a minor conditional use permit, all of the following findings shall be made:
1. Such expansion will protect a valuable property investment;
 2. Such expansion and the proposed use will not adversely affect or be materially detrimental to the surrounding neighborhood;
 3. There is a need for modernization in order to properly operate the use and protect valuable property rights;
 4. The expansion shall be architecturally compatible with the existing building;
 5. The expansion shall be compatible with the character of the surrounding area; and
 6. The expansion shall not displace on-site parking.
- B. Expansion of a nonconforming residential use is permitted on the legally recognized parcel upon which it is established, subject to the granting of a minor conditional use permit. In the granting of a minor conditional use permit, all of the following findings shall be made:
1. The expansion shall not be for the purpose of increasing the number of living units on the property;
 2. The expansion shall benefit the health, safety, and welfare of the occupants;
 3. The expansion shall be architecturally compatible with the existing building;
 4. The expansion shall be compatible with the character of the surrounding area; and
 5. The expansion shall not displace on-site parking.
- C. The provisions of paragraph A and B of this Chapter do not apply to property zoned RA-5 or RC and described in Sections 3 or 4 of Measure R, enacted November 13, 1979. (Ord. 6966 §1, 2007)

19.080.080 Restoration of a Destroyed Nonconforming Structure or Use.

- A. Except as otherwise provided for nonconforming residential uses under 19.080.080 C below, whenever a nonconforming structure that does not comply with the development standards of the underlying zone, including setbacks, height of structures, distances between structures, parking or the use of which does not conform with the regulations of the underlying zone, is destroyed by fire or other calamity, by act of God, or by the public enemy to the extent of 50 percent or less, the structure may be restored and the nonconforming use may be resumed, provided that all required permits are obtained and the restoration construction is started within 90 days and diligently pursued to completion.

- B. When the destruction exceeds 50 percent or the nonconforming structure is voluntarily demolished or is required by law to be demolished, the structure shall not be restored except in full conformity with the regulations of the zone in which it is located.
- C. A nonconforming single or multiple family residential use that has been destroyed by more than 50 percent may be restored subject to the granting of a minor conditional use permit and affirmative determination of all of the following findings:
 - 1. The restoration of the nonconforming single or multiple family residential use will not adversely affect or be detrimental to the health, safety, and general welfare of the public or property or improvements within the area.
 - 2. The restoration of the nonconforming or multiple family residential use is substantially compatible with existing and proposed uses in the general area, including factors relating to the nature of its location, operation, building design, and site design.
 - 3. The restoration of the nonconforming or multiple family residential use will protect a valuable property investment.
 - 4. The restoration of the nonconforming multiple family residential structure(s) shall comply with the minimum development standards for multiple family residences in effect at the time of re-construction. The number of units allowed to be re-established through the granting of a Minor Conditional Use Permit within any given project site cannot exceed the number of non-conforming units that existed on the property prior to destruction, even if a project can be designed to comply with current development standards with more units than the number existing prior to destruction.
- D. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the nonconforming structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the Building Official and the Zoning Administrator and shall be based on the minimum cost of construction in compliance with the Building Code. (Ord. 7049 §1, 2009; Ord. 6966 §1, 2007)

19.080.090 Revocation of Nonconforming Structure or Use.

The City may revoke the right to continue a nonconforming use or structure pursuant to the procedures for permit modification and revocation contained in Chapter 19.700 (Modification and Revocation of Permits/Variances and Other Approvals). (Ord. 6966 §1, 2007)

19.080.100 Loss of Nonconforming Status for Alcoholic Beverage Sales.

Any business that sells on-sale or off-sale alcoholic beverages, including beer and wine, may not be continued or reestablished as a business that sells on-sale or off-sale alcoholic beverages, including beer and wine, without a conditional use permit or a minor conditional use permit in accordance with the Zoning Code if any of the following occur:

- A. There is a change in type of retail liquor license within a license classification; or
- B. The sales of alcoholic beverages is abandoned or discontinued (including but not limited to

circumstances such as suspension, cancellation or revocation of an existing retail liquor license) for any period of time, excluding a maximum 30-day closure required to perform necessary repairs or restoration that does not increase the square footage of the business used for the sale of alcoholic beverages; or

- C. There is a substantial change in the mode or character in the operation of the alcoholic beverage sales business (e.g. due to physical expansion of the alcoholic beverage sales business floor area or increased hours of operation). (Ord. 7158 §3, 2012; Ord. 6966 §1, 2007)

Availability, gang violence, and alcohol policy: Gaining support for alcohol regulation via harm reduction strategies

BY ROBERT NASH PARKER, KATE LUTHER
AND LISA MURPHY

The purpose of this article is to examine the relationship between alcohol availability and gang violence. The goal of this study is to examine this relationship and the possibility that alcohol policy can prevent gang violence. Gang crimes and retail outlets were geocoded, and analyzed in conjunction with U.S. census data on race, ethnic diversity, family structure, poverty, and housing composition. A spatially aware pooled cross-sectional and time-series design was utilized. A relationship between alcohol outlet density and youth gang activity was found, as were relationships between youth gang activity and family structure, vacant housing and owner-occupied housing. Existing regulations on density of alcohol outlets may reduce or prevent gang-related violence. This possibility could give new life to policy levers that are under pressure from the alcohol industry and others in the alcohol policy arena.

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The problem of youth gangs and their impact on neighborhoods, cities and even rural areas has become a major issue of concern in the U.S. for the public and for federal, state and local law enforcement and policy-makers. Although intervention projects have been designed to prevent gangs from forming and to counteract their negative effects on youth and their communities from the 1930s onward (Shaw & McKay 1931), the gang problem has continued to become more and more serious. Some estimates place the number of gangs nationwide at more than 23,000 and the number of gang members at nearly 700,000 (Howell 1998:284). Indeed, one of the leading gang researchers in the field today, James C. Howell, stated in a recent review of gang prevention/intervention efforts: “The history of efforts to solve the youth gang problem in the United States is largely filled with frustrations and failure” (Howell 1998:285).

Published evaluations of major gang prevention/intervention efforts reviewed by Howell (1998) indeed demonstrate a history of failure and ineffectiveness. For example, the Chicago Area Project, a massive city-wide effort found by Shaw and McKay (1931) was found to have been ineffective at best (Kobrin 1959; Schlossman & Sedlak 1983a; 1983b). One of the first projects to take a comprehensive approach aimed specifically at gang members and their families, using gang workers—former gang members who are thought to be best able to establish rapport and credibility with current gang members—was the MidCity project, which took place in Boston. Miller’s (1962) rigorous quasi-experimental evaluation data showed no impact whatsoever from the project, which included community organizations and family services in addition to detached gang workers. Studies of the latter in Chicago and Los Angeles both resulted in evidence of increased delinquency (see Gold & Mattick 1974; Klein 1969).

Some gang prevention programs have shown promise, although the evidence is far from convincing. Project BUILD

(Broader Urban Involvement and Leadership Development; Brewer, Hawkins, Catalano & Neckerman 1995) was evaluated using a nonequivalent comparison group design, in which the rate at which experimental subjects joined gangs within six months of the program was lower than that for the nonequivalent comparison group (Thompson & Jason 1988). However, the comparison was based on four students from the comparison group and one from the experimental group who joined gangs, and six months is probably too short a follow-up period to determine the outcome of such an intervention for adolescents. Project GREAT (Gang Resistance Education And Training; Esbensen & Osgood 1997) has also shown preliminary evidence of preventive effects on the joining of gangs among adolescents. Once again, these preliminary results are based on a short follow-up period (Howell 1998:291).

The role of detached gang workers was expanded in a series of projects involving crisis intervention. Detached workers would be sent to gang “hot spots” in an attempt to intervene before additional gang violence could occur (Howell 1998:293). Evaluations of these efforts have also failed to produce evidence of effectiveness. For example, Spergel (1986) evaluated a project in Chicago (Project CRISP: Crisis Intervention Services Project) that used this approach; no significant differences were found between experimental and control areas in most gang-related offenses, as well as non-gang-related offenses. There was some evidence that the rate of increase in serious crime was slowed somewhat, and that younger gang members were affected more than older gang members, but for the most part the program had little impact overall.

Law enforcement officials have frequently expressed the view that suppression of gangs is the strategy most likely to succeed, but here again the evidence is inconclusive at best. For example, the Los Angeles Police Department created the CRASH (Community Resources Against Street Hoodlums)

unit to combat gang crime in the mid-1980s; this was the unit that in the mid-1990s was responsible for one of the biggest law enforcement scandals in U.S. history. An earlier effort by the CRASH unit was Operation Hammer, launched in 1988. Although nearly 1,500 arrests were made in a 48-hour period, only 32 felony charges were filed (Klein 1995). Further, suppression programs may incapacitate gang members, but available evidence suggests that they do not reduce gang activity in the areas targeted (Moore 1991; Spergel 1995).

Although many states, reacting to this history of failure of prevention and intervention projects, have introduced legislation to reduce gang crime, most of their approaches have not been evaluated, nor do they appear to have had much effect on gang activity. For example, California passed the STEP (Street Terrorism Enforcement Program) legislation in 1988, providing for enhanced sentences for known gang members convicted of felony crimes. This has led police in California to increase the number of "identified" gang members, so most black and brown youth have field identification cards on file in the local police department identifying them as suspected gang members.

The comprehensive model was developed by Spergel and colleagues (1994). Based in part on the history of failure and frustration briefly reviewed here and on a national survey of gang programs conducted by Spergel (Spergel 1991; Spergel & Curry 1993), the comprehensive model involves programs designed to bring all of the actors who deal with gang youth, and with delinquency in general, to the table. Spergel et al. (1994) argue against reliance on strategies that target only one aspect of the gang problem, as they are bound to be overwhelmed by the complexity and multifaceted nature of the problem itself. Thus action plans and programming are recommended for police, prosecutors and judges, probation, parole, corrections, schools, youth employment, and a range of grassroots organizations (Howell 1998:297). In 1994 the Office of Juvenile Justice and Delinquency Prevention

(OJJDP), a unit of the U.S. Department of Justice, funded a \$12 million grant, with Spergel as the principal investigator, to test variants of the comprehensive model in six sites: Bloomington and Chicago (Little Village), Illinois; Mesa and Tucson, Arizona; San Antonio, Texas; and Riverside, California.

The Riverside version of the comprehensive model involved a group of detached gang workers as the primary intervention (the role of the gang worker is discussed further below). In addition, the program called for targeted law enforcement in two selected gang-problem neighborhoods, with a third neighborhood selected as a comparison area. A committee was set up to meet weekly, consisting of representatives from the gang workers, police, probation officials, schools and the city to coordinate activities and provide case management for individual youth enrolled in the program. Attempts were made to mobilize the community around the gang problem, and opportunities for job training, educational advancement and social counseling programs stressing tolerance and anger management were also available to the targeted youth. Thus the model has a macro and a micro approach built in, with individual gang members targeted and assigned to gang workers, and neighborhood-wide enforcement and other coordinated activities occurring simultaneously and in a coordinated fashion at the macro level. At least, this was the plan that Riverside attempted to put in place in 1995.

Implementation of the Riverside site

Project BRIDGE (Building Resources for Intervention and Deterrence of Gang Engagement), the name Riverside officials gave to their version of the comprehensive model, was originally funded by the OJJDP as part of a national study conducted by Irving Spergel of the University of Chicago, as described above. Professor Spergel, one of the pioneers of gang intervention research (see Spergel 1964), developed a

model designed to intervene at an individual level in order to disrupt a gang member's ties to his or her gang by providing an alternative lifestyle, set of skills and opportunities for educational and economic advancement. He proposed to accomplish this via a gang worker whose roles would include big brother, mentor, advisor and referral agent for services and programs (Spergel 1999). Spergel designed a six-site national study to demonstrate that his approach, combined with a variety of coordinated law enforcement strategies, would be successful in reducing individual gang members' involvement in both gang- and non-gang-related criminal activity (Spergel & Alexander 1993). He also argued that the combined approach of individual intervention and law enforcement strategies should be targeted to specific geographic areas in which gangs are known to conduct activities. The geographic component would provide the additional outcome of an area-specific reduction in gang- and non-gang-related crime (see Parker 2002).

Riverside, California, was one of the six sites selected for the national demonstration project. The Riverside site presented some unusual challenges for the project. First, and perhaps most important for the quality of the national evaluation data, California laws concerning gang affiliation make it less likely that gang members will openly acknowledge membership, especially to law enforcement officials and university researchers, despite assurances of confidentiality. The national evaluation was based on annual interviews with gang members targeted for the program and with a comparison group of youth from the same targeted geographic areas, gang members or not, who were not part of the program.

Soon after data collection started, difficulties with the national evaluation data were evident. First, the success rate for interviews among the youth targeted by the program was very low, especially for the second and third annual interviews; these were the data collection points that were to occur after the gang worker had begun to interact with the targeted youth

and after the other interventions had begun as well. In addition, the comparison group reported substantially less activity than did the program youth. For example, in 1999 data provided by the Riverside Police Department show that program youth were arrested a total of 64 times during the year; the comparable figure for the control youth was 16 arrests for the year. This second problem was particularly troubling, as it suggested that the comparison sample was very different in composition and nature, thus invalidating any comparisons with the program sample. An alternative conclusion has even more negative connotations; that is, if the comparison sample is similar to the program sample, the program itself is a failure, as the comparison sample consistently reported less involvement in criminal activity, even after the interventions were established.

This latter point raised another possibility, that the most important intervention—the gang worker’s interaction with the targeted youth—was not being successfully implemented. This would provide another explanation for the observed “failure” to find a reduction in criminal activity among targeted youth relative to the comparison sample. During 1999 a process evaluation was conducted. The results suggested that about 80% of the contact hours that gang workers had with program youth were focused on about 10% of the targeted youth. If, in fact, these 10% were high-rate offenders and hardcore gang members, this might have been a successful strategy for the program, but it was not an intentional strategy devised by the gang workers and their management team. It was apparent that these 10% were the most amenable to contact and to the nature of the intervention offered by the program. The most extreme example was the fact that one worker spent 90% of his time with one program youth who was not particularly criminogenic. This was not, however, an isolated pattern involving only one worker; during August to December 1999, four young people, who made up 4.8% of the total youth in the program, had 166 contacts, or about 21% of all contacts during the period. During the first quarter of 2000

one youth had 65 hours of reported contact, or 7.4% of all contact hours reported for the entire program. In contrast, 33 cases in the minimum-contact category had only 47.5 hours of reported contact, or about 5.4% of the total.

There were other examples of uneven contact, disproportionate involvement and apparently deceptive practices that could be seen as attempts to make more out of less on the part of the youth service workers. The difficulties of data collection and program implementation that affected the national evaluation data led to a different approach in the design of the local evaluation described here. In addition to the issues discussed here, another problem with the national evaluation was its reliance on individual-level data. This emphasis ignores that fact that Project BRIDGE was not based solely on the gang-worker intervention but also on a number of coordinated interventions involving law enforcement and other local agencies. In particular, both the Riverside Police Department and the Riverside County Juvenile Probation Department engaged in a number of coordinated additional activities designed to enhance the overall effectiveness of Project BRIDGE in the two program areas. If the gang-worker intervention and the various law enforcement-related strategies in the targeted areas were jointly effective, we should be able to see the combined effectiveness of all these efforts in a significant difference in the rates of and declines in youth crime in general in the targeted areas compared with the control area. In addition, it is possible that any one component of the intervention, taken by itself, may not have a detectable impact on youth crime, but that in combination with the other interventions, an overall impact could be detected and measured. Complex multifaceted and coordinated community-based intervention programs are increasingly evaluated in terms of their combined effects at the community level because of the issue of detectability of individual intervention effects (Holder 1999).

Design of the Project BRIDGE local evaluation

Project BRIDGE was designed to have an impact on gang-related crime in two sections of the city of Riverside: the East Side and Arlanza; the Casa Blanca district was designed as the comparison area. All three areas had relatively high rates of youth criminal activity before the beginning of Project BRIDGE in 1995. The East Side area had a reported youth crime rate of 124.67 incidents per 1,000 people, Arlanza had 111.80 per 1,000, and Casa Blanca 94.44 per 1,000. In contrast, the remainder of the city of Riverside had a rate of 17.01 per 1,000 people.

The logic of the local evaluation design is that if the overall set of interventions was successful, we should observe a number of conditions in these youth crime rates over time across the three areas. The following hypotheses summarize these expectations.

Hypothesis 1: Youth crime rates should decline over time in the program areas.

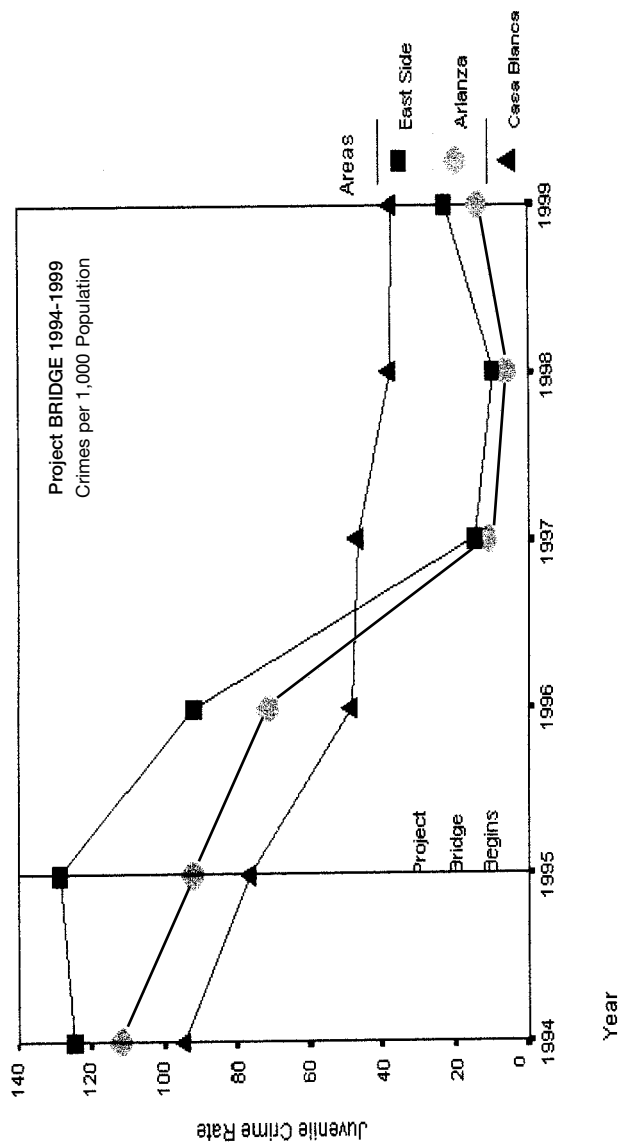
Hypothesis 2: Little or no change in the rate of youth crime should be observed in the comparison area.

Hypothesis 3: The expected reductions in the program areas should occur later rather than earlier in the period because of the difficulties of implementing such a complex and multifaceted intervention.

Hypothesis 4: Implementation problems apparent in the last years of the period under study, 1998 and 1999, should lead to a weakening of the impact of the intervention and thus an increase in juvenile crime towards the end of the period.

Independent of the implementation problems documented, any program of this sort has a natural life cycle in which start-up difficulties may delay impact, and effectiveness may drop later in the program cycle because of regression towards the mean. This means that in its initial impact, the program, once established, may reach the youth it can reach and the law

FIGURE 1
Intervention effects from 1995 to 1999, all youth violence (gang- and non-gang related), Riverside
Project BRIDGE



enforcement approaches may influence the kids that can be influenced, but once these effects have occurred the interventions may not be able to reach the remainder of the targeted youth. In addition, gang- and non-gang youth may adjust to new police and probation approaches, limiting continued effectiveness of these approaches.

These four hypotheses deal with the evaluation of Project BRIDGE as it was originally designed and implemented. The first issue for the analysis here is to ascertain if this intervention was successful in reducing violence in general.

The impact of alcohol availability on youth and gang violence

The notion that alcohol availability has an impact on youth violence has been suggested theoretically (e.g., Fagan 1990; Parker & Rebhun 1995) and empirically shown to be the case net of other factors (Alaniz, Cartmill & Parker et al. 1998). As gang violence contributes significantly to overall youth violence, these same theoretical and empirical arguments can logically be extended to suggest that gang violence could be causally related to alcohol availability as well. The purpose of this analysis is to explore this relationship in the context of a spatial multivariate pooled cross-sectional time-series model.

Hypothesis 5: The density of alcohol outlets is significantly related to gang violence, independent of the other factors controlled in the model.

Other important predictors of gang violence

The literature on gang violence in particular and youth violence in general suggests a number of important variables that should be controlled in the type of analyses conducted here. If

we want to be more certain that the intervention represented by Project BRIDGE and the presence of alcohol outlets have independent effects on gang violence, we need to specify a model with a number of other social, economic and population-compositional measures that in prior research are well-known to be associated with or to play a role in gang violence and youth violence. A number of recent efforts have been made to summarize what is known about the causes and predictors of gang violence and youth violence (Howell 1998; Klein 1995; Klein & Maxson 2006). These sources suggest that such a model should contain the following measures: percentage of young males; ethnic and racial populations such as Latinos and African Americans; economic indicators such as unemployment; family structure and supervision indicators such as divorce rates; and measures that represent community commitment and investment, such as vacant housing units and owner-occupied housing units. In prior research these factors have all been found to have significant independent effects on youth and gang violence, and are expected to have similar effects here.

Data and methods

When federal funding for the original project ran out in 1999, a combination of state and local funding was found, based on the results from evaluation of the impact of the interventions (Parker, Ascencio, Pih & Wojalewicz 2005). However, without the federal mandate as to the design of the interventions, the City of Riverside decided to change the approach of the program to include more areas of the city that had gang-related problems similar to the areas initially selected for intervention. Although the intent had been to expand into the entire city, available resources were limited. Essentially the only real expansion of effort in the second period under study here, 2000 to 2002, was to include the former comparison area as an intervention site, as well as to maintain the level of intervention at the two original sites, Arlanza and the East Side.

The data for this evaluation were provided by the Riverside Police Department and consist of youth criminal incidents, by address of occurrence and by year, between 1994 and 2002. In addition to the location of the crime of violence, the data also contain an indicator of whether the incident was viewed by the police as gang-related. This could be the case because of the involvement of known gang members, the involvement of rival gang members as victims and offenders, the presence of gang tags or gang colors at the scene or in witnesses accounts, or the location of the event, for example, a particular park well-known to police as “gang only” territory.

These data were geocoded and linked to a map of block groups in Riverside for 1990, for the first analysis, and for 2000 for the analysis of alcohol outlet density. The number of gang-related violent crimes was then aggregated for each block group and a rate of gang-related violent crime was calculated for each block group based on the population of gang-age youth, using ages 5 to 17 as the gang-potential population. This indicator was a compromise between the ideal population—say, perhaps, 10 to 24—and the available indicators from the U.S. census at the block-group level. The intervention was coded 1 if the block group was within the definition of one of the three areas’ original intervention and comparison sites. In the first analysis the Casa Blanca area is treated as the comparison area and the other two areas are contrasted with Casa Blanca and each other. In the second analysis these indicators are measured independently for each of the three areas and contrasted with all the other areas of the city, excluding the other intervention sites. This means that each test of the intervention is net of the impact of the general trend and mean level of gang violence in the non-intervention block groups of the city; as indicators of the impact of all three intervention sites are included in the model, the result of each intervention test is also net of the impact of the other two intervention tests.

The impact of the intervention and the influence of alcohol outlet density will be assessed in two models, controlling for the other factors discussed here, with gang violence per 1,000 youth in each unit in the analysis. The units analyzed here are U.S. Census Bureau block groups, which consist of four to eight city blocks or equivalent, with a population ranging between 500 and 2,000. These are the smallest units available in the U.S. census that contain all available data; the Census Bureau often refuses to report data on ethnic and racial groups at the block level (the smallest unit) because of confidentiality regulations. The first analysis will examine the impact of Project BRIDGE in the initial period of the intervention, 1994 (baseline) to 1999. The data for the other variables, including the independent measures discussed above and the population data for the computation of the gang violence rate, are from the 1990 U.S. census. In the second analysis the same independent variables are used in addition to the alcohol outlet density measure; the latter is measured by off-sale outlets per 1,000 people in the block group. In the second analysis three intervention variables are included, as Casa Blanca was converted to an intervention site. However, this analysis is based on the 2000 U.S. census.

Spatial data of the type analyzed here present statistical problems for the standard multiple regression model. One of the assumptions of the standard regression model is that the observations are independently sampled from an underlying population. However, spatial data violate this assumption, as the units are located in proximity to each other, in some cases sharing common boundaries. This proximity and boundary sharing create similarities in the variance of any measures taken in the units, and they create a dependence across the observations that results in two other problems for the standard regression model. First, the residuals of the model are likely to be correlated, violating another assumption, because of the proximity of the units to each other. Thus the impact of omitted variables, a problem in any model, is likely to be even more problematic for a model using spatial data.

Second, the resulting similarity in the units due to proximity is also likely to reduce the variance of the measures across the observations, a characteristic that will affect the size of the standard errors used in assessing the significance of the estimated effect coefficients for the independent variables. The standard errors will be too small, resulting in “false positives,” that is, estimates of the significance of the effects of independent variables being too large and more likely to be deemed significant (exceeding the 2-to-1 ratio of estimate to standard error usually used to determine significance). The latter problem is a very serious one for any research, but for policy-based research that could have an impact on the real world, it is especially important to avoid false positive results.

Spatial regression models, which use a generalized least-squares approach to address the problems of spatial data, have been developed and are utilized here (Cliff & Ord 1973). In addition, because we have repeated yearly observations for 1994 through 1999 in the first analysis and 2000 to 2002 in the second analysis, a pooled cross-sectional time-series spatial regression model is used for these analyses (Elhorst 2003).

Results

The rates of youth violence in each of the three areas considered in the original design are shown in Figure 1 for the years 1994 through 1999. It is clear that the rates of decline in the two targeted areas are significant, and significantly more precipitous than the decline in the comparison area, Casa Blanca. In the East Side Area, juvenile violence rates dropped from 124.67 per 1000 in 1994 to 22.77 in 1999, and in Arlanza from 111.80 to 14.23. Meanwhile, in Casa Blanca, the control areas, the rates also dropped, but less steeply—from 94.44 to 37.77.

A multivariate spatial pooled cross-section time-series model confirmed the impact of the intervention in the East Side and overall, but no significant effect of the interventions was found in the Arlanza area, net of the other variables in the model. Table 1 gives a summary of these results and shows that, among the variables considered in this model, unemployment, divorce, vacant housing, owner-occupied housing, and percentage of young males in the block group had positive impacts on youth violence, while the presence of African Americans and Latinos had no effect on such violence.

A comparison of the maps suggests that the factors are empirically spatially linked in this community.

Table 2 gives a summary of the results of a multivariate model of the causes of gang-related youth violence and the impact of the interventions, along with that of the other variables included in the model. These results show that intervention effects continued to be significant and negative in the original two areas, Arlanza and the East Side, but that the new efforts in Casa Blanca showed no evidence of efficacy. In addition, alcohol outlet density also had a significant and positive effect on gang violence. Vacant and owner-occupied housing also had significant effects.

The findings show that the overall impact of Project BRIDGE in the initial period, 1994 to 1999, was significant in at least one of the intervention areas, the East Side (Hypothesis 1). In the period 2000–2002, intervention effects were significant and in the predicted direction (negative, that is, the intervention reduced gang violence) for both the East Side and Arlanza, although Casa Blanca did not show any impact from having Project BRIDGE extended into this area. Hypothesis 2, which predicted little or no decline in gang violence in Casa Blanca, was not supported during the period when this area was a non-intervention site, and was supported when the area received the intervention.

TABLE 1
Spatial regression evaluating impact of Project BRIDGE intervention on gang- and non-gang related youth violence, Riverside, 1995–1999

<i>Variable</i>	<i>Baseline</i>	<i>Overall Intervention</i>	<i>East Side Intervention</i>	<i>Arlanza Intervention</i>
Percent Latinos	0.57/1.23	0.89/1.44	1.23/1.65	1.45/1.03
Vacant housing	0.35/2.52*	0.55/0.207*	1.53/3.71*	1.02/3.03*
Percent divorced	1.44/2.58*	2.52/2.63*	3.13/3.42*	2.35/2.23*
Owner-occupied housing	-3.33/3.34*	5.66/3.27*	-4.31/3.06*	-5.54/3.26*
Unemployment	2.41/3.33*	2.62/2.99*	2.41/2.82*	2.38/2.77*
Percent young males	1.61/2.59*	2.01/3.09*	2.27/3.31*	1.57/2.12*
Percent African Americans	1.23/1.13	1.04/1.34	1.56/1.68	1.14/0.98
Intervention	—	-6.42/-4.15*	-12.17/-5.11*	-2.93/-1.09
Explained variance	.201	.255	.231	.199

* Coefficient significant at 0.05 level
 Unstandardized coefficient / *T*-test
 Based on 133 block groups, 1990 U.S. census

TABLE 2
Spatial regression evaluating impact of Project BRIDGE intervention and alcohol availability on gang related youth violence only, Riverside, 2000–2002

<i>Variable</i>	<i>Baseline</i>	<i>Casa Blanca Intervention</i>	<i>East Side Intervention</i>	<i>Arlanza Intervention</i>
Percent Latinos	1.42/1.18	1.28/1.46	3.73/1.04	4.36/1.19
Alcohol outlet density	1.02/3.78*	1.18/2.71*	1.25/2.82*	1.66/2.32*
Vacant housing units	0.29/2.11*	0.34/2.10*	0.45/2.23*	0.41/2.19*
Percent divorced	2.13/1.61	4.09/1.46	3.55/1.21	2.55/0.88
Owner-occupied housing	-0.44/3.01*	-0.29/2.44*	-0.25/2.11*	-0.37/2.27*
Unemployment	1.97/2.23*	2.13/2.56*	1.62/2.90*	1.85/2.13*
Percent young males	0.14/1.26	0.23/1.44	0.29/1.76	0.19/1.54
Percent African Americans	0.75/1.91	0.65/1.88	0.59/1.57	0.68/1.81
Intervention	—	-1.29/-1.53	-8.34/-2.24*	-6.13/-2.51*
Explained variance	.249	.205	.276	.199

* Coefficient significant at .05 level; second value is T-test
 Based on 208 block groups, 2000 U.S. census

Perhaps this latter result offers some support for Hypothesis 3, which predicted that the impact of the intervention would occur later in the intervention period rather than sooner. As Casa Blanca received intervention services for only three years, not for the eight years that the other two areas had been intervention sites, this hypothesis is supported, although indirectly. Hypothesis 4, which predicted a decline in effects of the intervention due to persistent implementation problems, as found in the process evaluation discussed here, also received no support; the effects of the interventions in Arlanza and the East Side continued to be significant in the second analysis through 2002. Finally, Hypothesis 5 was supported by the results reported in Table 2; alcohol outlet density had a significant independent and positive effect on gang violence, resulting in increased gang violence where more alcohol outlets were found.

Discussion and implications

The significance of these findings cannot be understated; after a history of frustration and failure in gang interventions during the past 50 or more years, we finally have significant and good-quality evidence that Project BRIDGE was effective over a combined period of eight years in the two analyses. In addition, the findings suggest that alcohol outlet density is directly related to gang-related violence, suggesting that a way to enhance gang prevention and intervention efforts would be to use alcohol policy levers to limit outlet density. This could be used to target the impact of alcohol control policy in neighborhoods that also have significant youth gang violence, as a mechanism to increase the efficiency with which limited intervention and alcohol policy efforts are directed. Although it has been argued that reducing outlet density has less impact than many cross sectional studies have suggested (see Livingston, Chikritzhs & Room 2007), the evidence from this dynamic study (outlet density and

gang violence were measured cross sectionally and longitudinally in the results reported in Table 2) and others (e.g., Parker forthcoming), shows that changes in outlet density result in a subsequent decline in youth violence controlling for other factors, as is the case in the current study. Results from dynamic models such as these give researchers and policymakers additional confidence in the harm reduction impact of policies designed to reduce alcohol availability and thus rates of youth violence in communities.

The utility of a Geographic Information Systems, or GIS, approach is clearly demonstrated in the case of the evaluation of Project BRIDGE and the impact of alcohol availability on gang violence. It would be difficult if not impossible to assess the impact of the multifaceted interventions that make up Project BRIDGE without the use of geospatial relationships to illuminate the link between the interventions and the outcome measures. As the program was targeted to specific geographic regions, assessing the impact of the program in terms of geospatial data is appropriate and logical. In addition, the power of geospatial statistical analysis to enhance understanding above and beyond GIS mapping techniques is also clearly demonstrated. Maps can show relationships, but analysis is the means to gain understanding about the linkages between gang prevention and youth violence.

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The impact of retail practices on violence: The case of single serve alcohol beverage containers

ROBERT NASH PARKER¹, KEVIN J. MCCAFFREE¹ & DANIEL SKILES²

¹Presley Center and Department of Sociology, University of California, Riverside, USA, and ²Institute for Public Strategies, San Bernardino, USA

Abstract

Introduction and Aims. This paper examines the role that sales of single serve alcoholic beverages plays in violent crime in surrounding areas. Increasingly a target of regulatory measures, this is the first study to systematically assess the impact of single serve containers on neighbourhood violence. **Design and Methods.** The relative proportion of shelf space in each liquor establishment in San Bernardino, CA devoted to single serve alcohol containers was surveyed. Assuming that this is a rough indicator of the amount of sales derived from single serve containers, we use this indicator as a measure of the impact of specific retail practice on violence around the outlet. **Results.** Results show that the average proportion of shelf space devoted to single serve containers in the unit of analysis, the US Census Bureau block group, was positively related to violent crime, net of overall retail availability of alcohol and relevant social and economic indicators often used to predict violent crime rates in such units. **Discussion and Conclusions.** These findings suggest that if the city were to make the voluntary ban on single serve container sales mandatory, violence in the surrounding areas would decline, all other things being equal. This study provides a much more grounded and specific justification for enacting such policy changes and once again shows the utility of alcohol policy for the reduction of crime and violence. [Parker RN, McCaffree KJ, Skiles D. The impact of retail practices on violence: The case of single serve alcohol beverage containers. *Drug Alcohol Rev* 2011;30:496–504]

Key words: single serve alcoholic beverage, violent crime, prevention, public policy, alcohol policy.

Introduction

Traditional approaches to preventing the negative impacts of the use and abuse of alcohol have focused on individual-based strategies designed to change individual behaviour. For example, interventions such as mass media campaigns, alcohol treatment and recovery, and education-based programs have been widely used in communities in an attempt to reduce or prevent harms caused by alcohol consumption [1–5]. However, the results from such efforts have generally been disappointing [2,4–6].

More recently, efforts have been directed at changing the drinking environment at the community level [7]. This approach is based on the notion of environmental prevention, a set of ideas, concepts and approaches that has increasingly come to be viewed as the most effective way to intervene in communities in the wake of disap-

pointing individual-based approaches [8–10]. The environmental approach is based on increasing evidence from research and evaluation that changing the structural conditions of drinking alcohol, such as availability, access and social/economic costs is more effective in changing the drinking habits and patterns of individuals than attempting to convince individuals to change their patterns and behaviours in an environment that was part and parcel of the establishment of these habits and patterns in the first place [2,8].

The environmental approach, with its emphasis on the drinking environment and its characteristics, independent of the individuals involved in drinking, can also be contrasted with a population approach to prevention. In the population approach, an attempt is made to reduce the level of consumption of alcohol across the entire population through such global interventions as tax increases on ethanol content of all the beverages

Robert Nash Parker PhD, Professor, Co-Director, Kevin J. McCaffree BA, Research Assistant, Daniel Skiles PhD, Vice President. Correspondence to Professor Robert Nash Parker, Presley Center and Department of Sociology, University of California, Riverside, CA 92521, USA. Tel: +1 9518274604; Fax: +1 9518277394; E-mail: robnp@aol.com

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consumed, or a universal increase in the age of minimum purchase. In one sense, the population approach can be thought of as a background environmental characteristic, operating at a more basic level and on a more 'geological' time frame. An analogy might be the basic amount of average rainfall in a location has an environmental impact on the population living in the area, but the degree to which conservation of water resources is practised is a more proximal determinant of whether people will have a healthy and comfortable existence or whether they will be plagued with drought-related problems. The rainfall levels can and do change due to large scale interventions in the global climate, like the population-based harm reduction approaches, such as taxation or minimum purchase increases. However, the way sales of alcohol are managed and regulated at the point of sale can have a negative or positive impact on harm reduction regardless of the taxation or age regulations [3,8,11].

So, then, while population approaches have focused on national policies, such as minimum drinking age or minimum age of purchase [12–15], more environmental policies, such as restrictions on driving behaviour and so-called 'zero tolerance' approaches to drinking and driving, have also been employed [8,16,17]. Retail practices of alcohol outlets, both on- and off-sale outlets, have also been used as policy tools at the community level [11]. For example, restrictions on hours of sale have been examined and some evidence has been uncovered that such policies can cause fluctuations in apparent consumption [18,19]. Other variations on retail behaviour, and the difficulties involved in enacting local legislation have been investigated [20–22], but little if any research has focused on the impact of specific types of beverage containers, such as single serve containers, the subject of this paper.

This is surprising, given that the motivations and demographics of customers purchasing a couple bottles of wine may be importantly different than those who choose to buy a single, chilled 40 oz Budweiser. To assume that, although the size of containers varies (as well as some being chilled and ready to consume) the customer motivation in regards to consumption remains more or less consistent is unlikely and, regardless, in need of further investigation. It may well be that those customers interested in buying a chilled, ready-to-drink 40 oz can of Budweiser differ importantly from customers who decide to buy a six pack for later consumption, and these differences may bear on subsequent alcohol-fuelled violence. This alcohol–violence link is supported by substantial empirical evidence showing a relationship between alcohol outlet density and violent crime [13,23–26]. Campbell *et al.* [27] reviewed more than 40 studies and report a consistent positive and significant impact across studies between outlet density and crime.

Many communities in the USA have been concerned about sales of 40 ounce alcoholic beverages and other single serve containers and the relationship they may have to violence and civic disorder. For example, in October 2009, a suburb of Chicago, Arlington Heights, Illinois, enacted a ban on 40 ounce and other small containers of beer, a ban which mandates that all allowable single serve containers must be kept outside of coolers at room temperature [28].

Some of the same arguments made in the literature on outlet density as to why higher density is likely to be a causal factor in violence apply to the case of single serve container sales. Outlet density is associated with consumption, so that by increasing consumption, higher outlet density also has a positive impact on rates of violence in the areas nearby concentrations of alcohol outlets. If some outlets have single serve containers as a significant portion of their business, the impact on violence could be expected to be more immediate and more local, that is, more closely associated in geographic space with the outlet. These containers which, by definition, are sold chilled and ready to consume, are purchased for immediate consumption. Because retail establishments in California are not allowed to legally provide space for consumption of alcohol in the store or on the premise outside of the store, this immediate consumption would have to take place on the streets, parks, sidewalks or alley ways nearby the store, or in a motor vehicle in the parking lot, parked on a street or in motion driving away from the store. In contrast, on-site consumption of beer is limited to single serve bottles or cans; for draft beer, pitchers can be purchased in some on-site locations, but these are usually sold to groups of drinkers, not to a single patron. California laws differ from other US states; for example, in Illinois, many on-site outlets also sell six packs and larger packaging for off-site consumption, but this is not the case in California. So the most likely pattern of consumption is to begin immediately drinking the chilled beverage as soon as the customer leaves the store. Although such public drinking is illegal in California, the more a customer waits to consume a single serve beverage purchased in this manner, the less desirable the outcome, as the beverage will begin to lose its chilled state. As these single serve containers range in size from 12 ounces to 40 ounces, and as a customer may purchase two or three of these containers for immediate consumption (there are no explicit limits on the amount a customer can purchase at one time under California regulations; the only reference is to the fact that intoxicated consumers are not allowed to purchase any alcohol), the level of intoxication and impairment will increase rapidly. The likelihood that some violence will occur near these outlets, given this pattern of consumption, does not require any major assumptions or

leaps of faith, but is rather a reasonably certain and predictable outcome of such retail activity. The more volume of such sales an outlet does, the more violence is likely to occur within a few blocks of the store; the more outlets there are within the local areas that have high rates of such sales, the more likely the area will show high rates of violence.

The study reported here examines the link between single serve container sales in off-site alcohol outlets in San Bernardino and the rate of violent crime in small areas in which these outlets are located. Close attention was paid to determining whether or not any impact of single serve container sales on violent crime occurred independent of overall alcohol outlet density.

Data and analysis

In 2007 our assistance was requested by the Institute for Public Strategies and the San Bernardino County Department of Public Health, two prevention agencies working to reduce alcohol-related problems in the City of San Bernardino, California. To accommodate this request, we collected data on alcohol outlet locations, addressed-based violent crime reported to the San Bernardino Police Department, and US Census data from 2000 on a variety of population, family and age indicators. Then, using a Geographic Information Systems framework, in which the spatial, physical relationship between variables such as violence, alcohol availability and other relevant factors can be assessed at a detailed, neighbourhood-like level, we began to construct maps of the City of San Bernardino using the US Census block group as the unit of study. These units are usually made up of between four and eight city blocks, with a population varying (in 2000) between 200 and 2000; these are the smallest geographic units for which data on racial and ethnic composition are routinely available from the US Census.

An important issue was how to assess the degree of sales and business in an outlet generated from standard purchases of bottles of wine, six, 12 and 24 packs of beer and other beverages clearly purchased for consumption elsewhere versus those generated from the sale of single serve alcohol beverage containers, almost always sold chilled and ready to consume as soon as the customer exits the front door of the establishment. By definition in this study, single serve containers are those that are sold individually, that is, not in a package that connects them to other similar containers, varying in size from 8 ounces to 40 ounces, and are sold chilled in an ice bucket or more likely, a refrigerated cooler unit. We suggested that a good, if indirect, indicator of the importance of single serve sales to a retail establishment would be to determine the percentage of cooler shelf space for alcoholic beverages that was devoted to single serve containers.

For example, if a retail establishment had 10 standard coolers (three-foot wide, running from floor to ceiling) or the equivalent devoted to alcoholic beverages, and only one of them was devoted to single serve containers, the inference would be that single serves represent a relatively small portion of the total volume of alcohol being sold at the establishment. However, if 30% of cooler space was devoted to this type of product, it would indicate that single serves represent a major portion of alcohol sales at a particular establishment. Although it might be the case that six packs sold chilled could be purchased and then divided among two or three individuals, we adjusted for this by measuring the ratio of cooler space devoted to single serve versus other chilled containers and packages. If chilled six packs were being purchased and split for immediate consumption, the sales of this type of beverage would dominate the single serve sales, and cooler space would be adjusted properly by the retailer. That is, our measure depends on the retailer responding to sales patterns in allocating different containers to the coolers. Cooler space is expensive to maintain, and thus will be limited, so that retailers will use this scarce display method for the enhancement of sales. Furthermore, we would expect that if alcohol from single serve containers is being immediately consumed, rates of violence would tend to be higher around retailers with higher percentages of cooler space devoted to these products.

To test this hypothesis, staff members from the Department of Public Health's Alcohol and Drug Abuse Prevention Program surveyed every alcohol retail outlet in the city during April 2007, recording the address of the outlet, the total number of coolers containing alcoholic beverages, and as a subset of this latter measure, the amount of cooler space devoted to single serve containers. These data were then linked by address to the outlets and thus as well to the Census block groups. No data on the size of the retail establishments were available from this survey, and we would contend that this makes the current measure a conservative one, likely to underestimate the impact of single serve containers. If two stores had similar ratios of single serve to other package types in the coolers, but one had 10 000 square feet of store and the other had 1000, the current measure would underestimate the impact of single serve sales. Thus if we find an effect with our measure, having data on store size would lead to an even larger effect being detected. The absence of such data does not then undermine the logic of the current measure and our analysis.

Figures 1–3 show these data in the context of San Bernardino, as they and the city are geographically represented. Figure 1 shows the concentration of retail alcohol outlets in San Bernardino; the outlets included here were all those currently licensed to operate in the

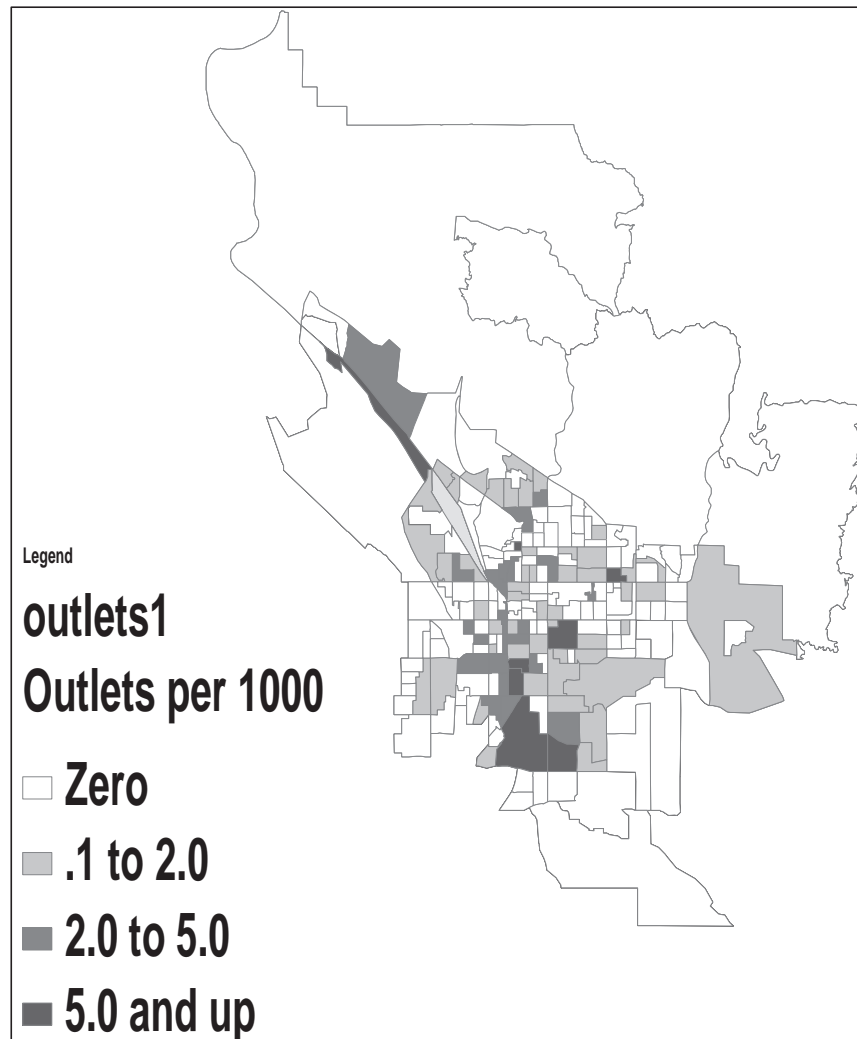


Figure 1. San Bernardino retail off-sale alcohol outlets.

city; no outlets were excluded or missing. Figure 2 shows the areas of high, moderate and low/zero violent crime, a category which included homicide, rape, assault and robbery, with data provided by the San Bernardino Police Department for the 2007 calendar year. Figure 3 shows the same data in the background, while in the foreground two types of retail establishments are shown: the dark-coloured dots represent outlets that had 20% or more of their shelf space devoted to single serve containers; the number signs represent outlets with less than 10% of cooler space devoted to such containers (outlets shown on this map outside the city boundaries were not included in the analysis discussed below). These results suggest that there may be a link between single serve container availability and violence with the correlation between average cooler space devoted to single serve containers and the violent crime rate being 0.39 for the US Census block groups, the unit of analysis on the maps and for the analysis reported below, inside the city limits.

Although this correlation is evidence of a relationship, further analysis is needed to provide evidence that this relationship is an important one for understanding how violence rates differ across parts of San Bernardino. First of all, violence is a complex phenomenon that has multiple causes, and in order to suggest that single serve container availability has an important impact, such that policies aimed at reducing violence should be framed around regulating this retail activity, additional variables identified in previous research as predictors of violence must be included in the analysis. This will allow us to have more confidence in our findings about the effect of single serve availability, as we will have accounted for other important predictors of violence as well. The research term for this is a net effect, that is, the effect of single serve availability after we account for the effects of other important factors. A specific example of this problem is the well-known impact on violence that alcohol availability in general has. Many studies have shown an impact, net of other

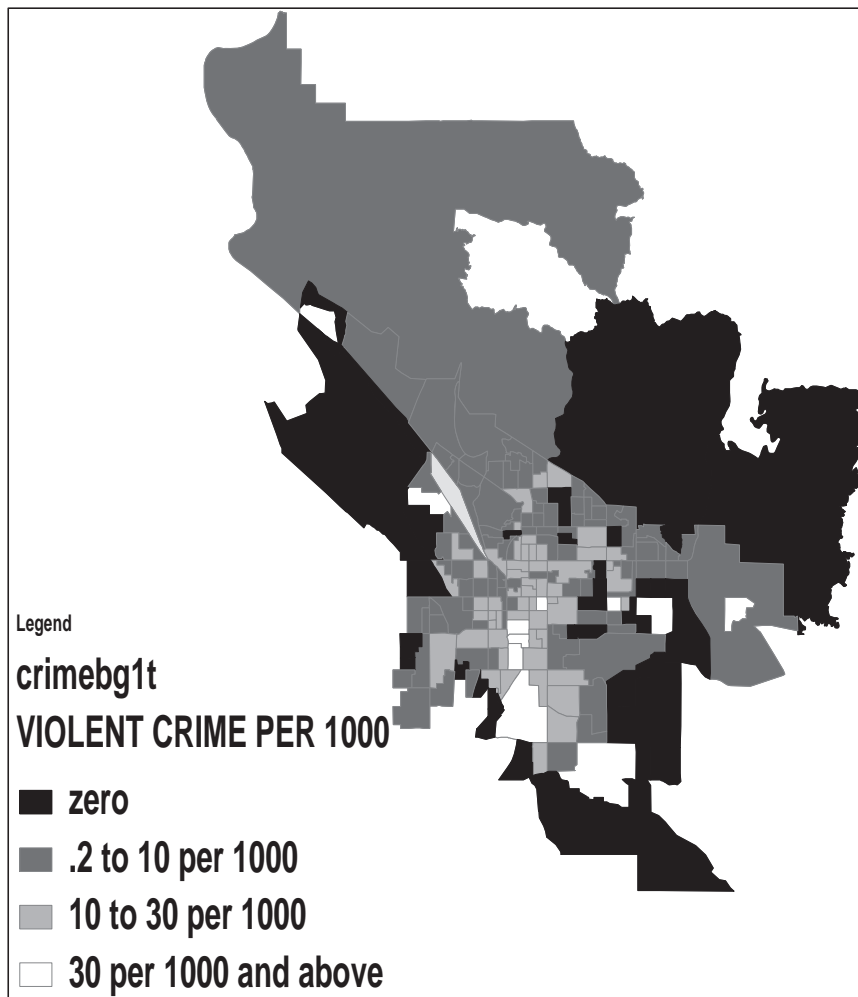


Figure 2. San Bernardino violent crime. Homicide, robbery, rape and serious assault included in violent crime.

predictors, of alcohol outlet density on violent crime, so the question here is whether single serve availability has a net effect on violence after the impact of general availability of alcohol is accounted for [13,26]. Although concern about collinearity might lead the reader to conclude that it will be difficult if not impossible statistically to separate the impact of outlet density and the relative importance of an alcohol beverage container sold at those outlets, the results reported below indicate that this is not the case. If collinearity had been a problem in these data, we would not expect both variables entered into the same equation to be positive and significant, as will be shown below in Table 1. Based on prior research and data availability, the other measures we included were the presence of ethnic minorities (in this case, the per cent of Latino population), the age structure (per cent of people age 18–29), family structure and poverty (the per cent of all families that are female headed with children under 18 present; this measure is used in a number of indices of ‘struc-

tural disadvantage’ found in the criminological literature in the US; see [10,26]. This indicator is highly correlated with income based measures, which were not available in these data.), and the housing structure of the neighbourhood (per cent of housing units that are unoccupied). The data for these indicators come from the 2000 US census of the population.

Second, the nature of these data, being geographic and contiguous in nature, presents statistical issues. In order to address this and the former issue, we conducted a geo-spatial, multivariate analysis that takes into account the small space, geographic nature of these data (such data require special statistical treatment) and involves computing net effects of density and single serve on violence independent of other factors. This methodology provides multivariate regression like estimates that have been corrected for the impact of spatial autocorrelation, something that is endemic in data of the type analysed here. Spatial autocorrelation occurs in data such as these because one of the major

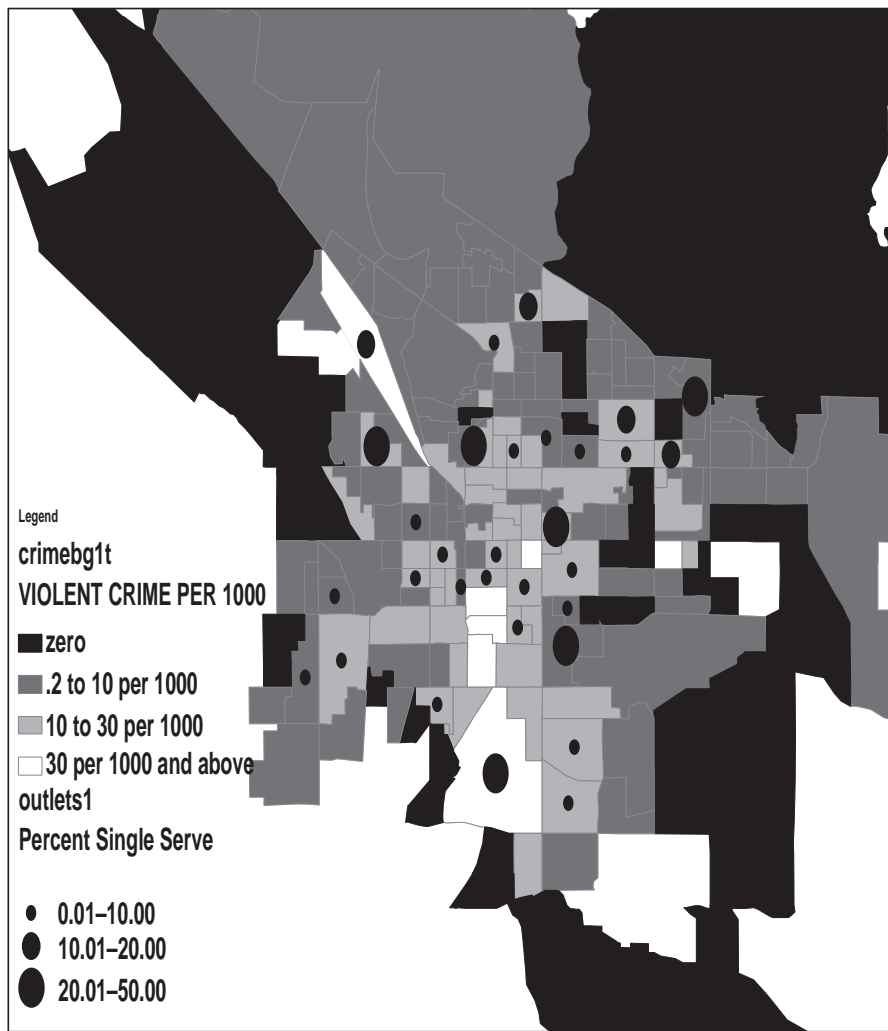


Figure 3. Single serve shelf space and violent crime in San Bernardino. Per cent single serve is the average percentage of refrigerated shelf space in all outlets in the block group devoted to the display and sales of single serve alcohol bottles and cans.

Table 1. Multivariate spatial model results: violent crime (homicide, robbery, rape, assault) per 1000 population

Variable	Coefficient	Standard error	T-test
Per cent Latino	0.028	0.027	1.037
Per cent aged 18–29	–0.001	0.063	0.016
Female headed households	0.011	0.106	0.104
Per cent housing units vacant	0.098	0.061	1.607 ^a
Outlet density per 1000 population	3.352	0.322	10.410 ^b
Per cent single serve cooler shelf space	0.122	0.076	1.605 ^a
Constant	2.323	1.817	1.279
Fit measures	Pseudo $R^2 = 0.523$	Rho = 0.459	GLS efficiency = 14.4%

^aSignificant at 0.05, one-tailed test. ^bSignificant at 0.05, two-tailed test. Single serve measured as average for outlets in the block group. Unit of analysis is the US Census Bureau block group, 2000. Number of block groups is 192. Rho is the estimated spatial autocorrelation for the model. GLS efficiency is the improvement in quality of the GLS estimate over the OLS estimate the latter of which ignores the impact of spatial autocorrelation.

assumptions of standard multivariate modelling is that the cases or units of analysis are sampled independently from an underlying population of the same units. For example, in a survey, the survey respondents are assumed to be sampled independently from a population of people, say the residents of a country, and not selected because a group of them happen to live in the same neighbourhood. The latter type of sampling would undermine the assumption of independent selection, and would result in the underestimate of the variance of any measure taken from the sample. This results in smaller standard errors of the regression coefficients, and thus more false positive findings, that is, variables found to have a significant net effect in the multivariate analysis when in fact, this is not the case. To adjust for this potential bias and remove its impact from this analysis, we used a GLS statistical model that not only includes an adjustment for the presence and degree of this lack of independence, but also adjusts the results for the structure of the space being analysed. In this case, the source of bias not only includes the lack of independence that comes from using all the adjacent and non-adjacent units or block groups in the city, but also because of the way the space is structured – are there large numbers of small units, in which case the bias would be bigger (highly similar areas being divided into small contiguous units), or does it contain smaller numbers of larger units that would by nature be more heterogeneous, in which the bias would be smaller. Parker and Asencio [29] discuss this model in detail.

Multivariate results

The results of this analysis are shown in Table 1; univariate statistics are given in Table 2. The findings in Table 1 show that although outlet density had a significant net effect, so did single serve availability, control-

Table 2. *Univariate statistics (n = 192 block groups)*

Variable	Mean	Standard deviation
Violent crime per 1000 population	7.42	9.08
Per cent Latino	32.31	24.00
Per cent aged 18–29	20.59	7.61
Female headed households (% of all family households)	5.75	4.58
Per cent housing units vacant	7.70	8.01
Outlet density per 1000 population	0.83	1.59
Per cent single serve cooler shelf space ^a	2.17	6.57

^aAverage across 192 block groups; 160 have no outlets and a zero value; 32 have one or more outlets, with a range of 3.4% single serve shelf space to 50% single serve shelf space for the block group.

ling for outlet density and the other factors listed in the table. The impact of both alcohol-related variables was positive, so that in areas with higher average percentages of single serve availability, violence rates were also higher, as was the case for areas with higher outlet density. The percentage of vacant housing was also associated with higher rates of violence. The coefficients given are unstandardised, and we have utilised one-tailed statistical tests for the hypotheses as previous research gives a strong indication that the effects of the two alcohol-related measures should be positive on crime, as is the case with vacant housing. Thus the impact of single serve density can be seen as modest; the fact that this effect is found net of outlet density, a variable likely to be highly correlated with single serve density, lends support to the importance of this finding.

Conclusions

We have examined a newly developed measure, the average proportion of cooler shelf space devoted to single serve alcohol containers, in the context of a study of alcohol outlet density and violence in San Bernardino, CA. The effect of the single serve measure was positive and statistically significant, if modest, net of outlet density and other theoretically and empirically important predictors of violence. These results suggest that using a regulatory approach to alcohol availability and, specifically, to single serve container availability, may be an effective way to reduce alcohol-related harm, such as violence, especially as part of an overall strategy designed to reduce such crime in San Bernardino. Alcohol outlet density also had a positive net effect on violence, consistent with a large number of contemporary studies in this literature [27]. Our replication of the density findings and our addition of a similar finding for single serve density significantly add to the notion that alcohol control can be an important tool in violence prevention.

We mentioned above that a community in Illinois passed a regulation banning single serve products to be available in off-site outlets chilled or refrigerated, thus ready to drink. We are aware currently of no other jurisdictions in the USA or elsewhere that has considered such an approach. It does seem impressionistically that the retail sales branch of the alcohol industry in the USA is expanding its efforts to produce and distribute single serve containers in off-site outlets. At least a few studies we are aware of linked ready-to-drink beverages ('alcopops' and malt liquor) with higher levels of consumption [23,30].

A number of regulatory implications can be drawn from this research as well. Our findings point to two significant paths for reducing the negative impact alcohol outlets have on the neighbourhoods they exist

in, so that policies designed to reduce outlet density can be expected to provide relief from violence in and around these outlets. In addition, banning or reducing the sales of single serve ready-to-consume containers of alcohol can have an additional impact on violence prevention and harm reduction. One type of regulatory measure that could be justified on the basis of these findings would be the adoption of a Deemed Approved Ordinance, which would give the city more authority to set acceptable standards of practice for existing alcohol retailers, as well as helping to reduce existing outlet density by strengthening the local authority's ability to punish consistent violators of these standards of practice with the permanent loss of the ability to do business.

A number of limitations of the current study should be noted. First, a measure of the overall size of the outlets, in terms of square footage of floor space, was not collected in the survey. It may be possible to find such data in the City planning and zoning department paper files, but we had no access to these files and our experience in other communities in California and elsewhere in the USA suggests that such files rarely are accessible and even more rarely contain systematic information such as floor space. We have found one other study that measured shelf space, but this study did not measure relative shelf space, only total, in feet, and it did not distinguish between refrigerated shelf space and unrefrigerated shelf space; beverage type shelf space was measured over the total number of feet of shelf space as a ratio, for example beer shelf space per foot of shelf space. However, the shelf space measures were used as dependent variables with demographic measures, such as ethnicity, and violence was not included in this study [31]. However, this study did show that larger outlets were more likely to be in relatively well-off (economically) areas, suggesting that size of store leading to hire volume of sales may not be the key relationship with regard to violence. Our measure of relative cooler space for single serve may operate independently of size of the outlet; testing this relationship empirically remains a topic for a new data collection.

Another limitation is that we are unable to ascertain the influence of beverage container type on the volume of sales of alcohol at each outlet. In the USA and in the state of California, data on volume of sales by outlet are considered a trade secret under Uniform Trade Secrets Act of the federal government and under California Civil Code § 3426. In addition, no data for counties or cities on the volume of alcohol sold by type of container exist; the only data related to type of beverage is available at the state level is in the broad categories of beer, wine and spirits. A replication of this study in a location where such legal codes do not exist would be useful for

gaining further understanding of how the single serve measure used here influences violence.

No data on price were collected in this study; data were collected by the San Bernardino County Department of Public Health. The attraction of a ready-to-drink alcohol beverage in a single serve container is most likely to appeal to consumers on a convenience basis, and not on a price per volume basis. We would assume that the price per volume of a single serve is indeed higher than that of a six pack or a case (24 containers), although we have no empirical data for the outlets we studied here.

Although the data from the outlets and violent crimes are from 2007, and the data for the other measures are from the 2000 US Census, these are the best currently available data. This could result in some under- or overestimation of some of the effects reported here in the multivariate analyses, as population growth and change have occurred that is unaccounted for in this study. As US Census data are not available to the public for at least 2 to 3 years after they are collected, this is a problem that all environmental studies face to some extent. Continued replication and updates of studies such as these with additional data will reveal if these issues are important.

In addition, the data show geospatial skewness, in that many units of analysis have no violence and no outlets. However, the geospatial models used help to adjust statistically for the uneven distribution of these data; these issues are discussed in Section Three of Parker and Asencio [29].

As far as we are aware, this is the first study of its kind to examine the impact of single serve sales on violence, and the first study to use the proportion of cooler space as an indicator of sales volume of a type of alcoholic beverage. Thus further studies using this measure, explorations of alternative measures, validation studies in which actual sales volume can be compared against cooler shelf proportion are called for. Replications of the impact of any measure of single serve container activity at outlets and violence is also needed to place this study and its findings in context. However, there is no reason that communities concerned about single serve containers and their impact cannot take regulatory action on basis of this limited study; community interests should dictate local policy, and the potential benefits of reduced violence outweigh any potential harm that the banning or limitation of such sales would create.

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Alcohol availability and youth homicide in the 91 largest US cities, 1984–2006

ROBERT N. PARKER¹, KIRK R. WILLIAMS¹, KEVIN J. MCCAFFREE¹, EMILY K. ACENSIO², ANGELA BROWNE³, KEVIN J. STROM⁴ & KELLE BARRICK⁴

¹Presley Center and Department of Sociology, University of California, Riverside, USA, ²Department of Sociology, University of Akron, Akron, USA, ³Vera Institute of Justice, Washington, DC, USA, and ⁴RTI International, Research Triangle Park, USA

Abstract

The aggregate relationship between homicide and alcohol availability is well established across a number of national and sub-national settings in North America, Europe and some parts of Asia. However, results linking youth homicide and alcohol availability at the retail level are largely absent from the literature, especially at the city level and across longer time periods. In a multivariate, pooled time series and cross-section study, youth homicide offending rates for two age groups, 13–17 and 18–24, were analysed for the 91 largest cities in the USA between 1984 and 2006. Data for social and economic characteristics, drug use, street gang activity and gun availability were also used as time series measures. Data on the availability of alcohol for each city were gathered from the US Census of Economic Activity, which is conducted every 5 years. These data were used to construct an annual time series for the density of retail alcohol outlets in each city. Results indicated that net of other variables, several of which had significant impacts on youth homicide, the density of alcohol outlets had a significant positive effect on youth homicide for those aged 13–17 and 18–24. Such positive effects have been found for adults in national and neighbourhood level studies, but this is the first study to report such evidence for teenagers and young adults. An important policy implication of these findings is that the reduction of the density of retail alcohol outlets in a city may be an effective tool for violent crime reduction among such youth. [Parker RN, Williams KR, McCaffree KJ, Acensio EK, Browne A, Strom KJ, Barrick K. Alcohol availability and youth homicide in the 91 largest US cities, 1984–2006. *Drug Alcohol Rev* 2011;30:505–514]

Key words: alcohol availability, youth violence, homicide.

Introduction

Most previous studies of youth homicide analysed trends at the national level [1–3] or assessed whether city characteristics accounted for *intercity* variation of youth homicide rates [4,5]. Only recently have studies empirically examined *within-city* changes (i.e. trends) in homicide rates over time and determined whether city characteristics account for variations in those trends [6,7]. However, although Baumer [7] disaggregated homicide rates, comparing those involving youth versus adults, no study has focused exclusively on intercity variation in youth homicide trends. Absent from these recent studies is the integration of alcohol availability

(i.e. the density of alcohol outlets), despite the burgeoning research literature showing relatively strong estimated effects of alcohol availability and crime, including homicide rates [8–14]. Granted, Baumer [7] included a proxy for alcohol consumption (i.e. the per cent of traffic fatalities involving a drunk driver), but he found no statistically significant estimated effects on trends in youth or adult homicide.

The present study addresses this gap in the homicide research literature by focusing on intercity variation in trends of youth homicide (ages 13–17 and 18–24) and incorporating the density of alcohol outlets in the analysis. Doing so not only extends recent research on youth homicide trends, but it also extends research on the

Robert N. Parker PhD, Professor/Co-Director, Kirk R. Williams PhD, Professor/Co-Director, Kevin J. McCaffree BA, Research Assistant, Emily K. Acensio PhD, Professor, Angela Browne PhD, Principle Investigator, Kevin J. Strom PhD, Senior Research Scientist, Kelle Barrick PhD, Research Criminologist. Correspondence to Dr Robert N. Parker, Presley Center and Department of Sociology, University of California, Riverside, CA 92521, USA. Tel: +1 95 1827 4604; Fax: +1 95 1827 7394; E-mail: robnp@aol.com

relation between alcohol outlet density and criminal violence. This is the case because research on that relation has also not focused on youth ([13,14] excepted). In addition, this study joins a few in the literature that have examined the relationship between violence and outlet density longitudinally [15–17], although these studies examined neither homicide nor youth.

Background

Two literatures are reviewed below. The first provides a rationale for expecting empirical relations between alcohol availability (i.e. the density of retail alcohol outlets), alcohol consumption and homicide. The second provides a rationale for including other city characteristics in the analysis.

Alcohol outlet density, access and violence

The relation between alcohol and violence has been well documented in many studies [18–34]. Concerning access, alcohol outlet density might impact youth access to alcohol through a variety of mechanisms. Youth may be sold alcohol illegally by commercial establishments (most likely off-site establishments). Youth may ‘shoulder tap’ an unknown adult and ask him/her to buy alcoholic products on their behalf. Youth may find and use the alcoholic products of their parents or be allowed to drink alcoholic beverages at home. Youth might also procure alcoholic beverages from non-family friends or acquaintances that are of legal drinking age or friends who are under-age that have illegally obtained alcohol [35].

Similarly, access and consumption may be linked to homicide through a variety of mechanisms. Numerous perspectives from which to derive the expectation of a relation between access to alcohol, consumption of alcohol and homicide have been discussed previously [27,30–32]. With regard to the impact of alcohol consumption on victims, it may lead to violence because victims under the influence are more vulnerable and thus attractive targets for potential offenders [36–38], which holds for adolescent victimisation as well [39]. With regard to the impact of alcohol on offenders, it may be linked to lethal violence because it limits one’s ability to process information and to understand social and personal cues in interaction environments, thus transforming what would otherwise be a relatively minor provocation into a serious insult, to which an individual responds in a violent manner while under the influence of alcohol [33,34]. This theory of alcohol myopia is defined as a ‘state of shortsightedness in which superficially understood, immediate aspect of experience have a disproportionate influence on behaviours and emotions’ [33].

Another perspective is that alcohol leads to violence among people with dispositional aggressivity [39]. Actors attempt to maintain identities salient to their self-image both for the satisfaction of others and the security of their own self-conception [40]. Wells *et al.* advanced a theoretical model that takes into account the subjective need of aggressive perpetrators to maintain their own masculine identity consistent with the expectations of others, the situation, and general cultural beliefs and attitudes about the role of alcohol in aggression [41].

In addition to identity, ‘situational disinhibition’ is important for explaining alcohol-fuelled violence [32,42]. This perspective posits that both active and passive constraints operate in the interaction of individuals in situations constrained by norms proscribing the use of violence as a means for dispute resolution; the effects of alcohol may act to ‘disinhibit’ active constraint. Some research suggests that disinhibition is most likely to occur in those situations in which the normative frameworks prohibiting violence are weakest, or alternatively, where normative frameworks prohibiting violence co-exist with contradictory norms [27,32]. Face-value support for this theory can be found in the frequently noted association between alcohol and spousal violence and homicide (e.g. [27,40–43]).

In short, a number of links between alcohol availability, alcohol consumption and homicide are plausible, thus justifying the incorporation of a measure of availability in the analysis reported below, specifically, the density of retail alcohol outlets within cities. Now consider the rationale for other city characteristics as determinants of youth homicide trends.

City characteristics as determinants of homicide

A number of factors have been offered to explain changes in the homicide rate, including, structural disadvantage, availability and use of firearms, drug trafficking and open air drug markets, and gang activities. Among these factors, structural disadvantage has been most strongly and consistently documented across empirical studies of youth and adult homicide [2,43–48]. Indeed, Pridemore has contended that the ‘relationship between poverty and homicide rates is the most consistent finding in the literature’ across time periods, levels of analysis, measures of poverty, and model and relationship specifications [49, p.144].

The presence of firearms has also been associated with shifts in homicide trends, particularly in relationship to illicit drug market activity and gang activity. Youth homicides during the 1980s and early 1990s primarily involved firearms [50]. Blumstein has speculated that, as adult sellers dominating drug markets were imprisoned, crack markets were increasingly

staffed by young inexperienced street sellers who, lacking maturity and other skills, resolved conflicts with overwhelming force, often through the use of firearms [1]. The explosion of volatile drug markets linked to the introduction of crack cocaine in the 1980s is one of the most popular explanations offered for the suddenness and extremity of the homicide epidemic [43,51–53].

A related issue facing US cities in the past three decades has been the proliferation of gang violence [19]. More than one-third of jurisdictions in the National Youth Gang Survey reported gang problems in 2007, the highest annual estimate since before 2000. Reports of gang-related homicides tend to be concentrated in America's most populous cities, many of which suffer from long-standing and persistent gang problems [19–21]. Longitudinal studies have documented that youth are more prone to serious and violent offenses when actively involved with a gang than before or after that affiliation [22]. Adolescent gang members in large cities account for a disproportionate share of serious violent offenses committed by juveniles, including homicide.

In short, structural disadvantage, firearm availability, drug market activity, as well as gang presence and activities have been documented in previous research as important determinants of homicide rate variation. The question for the present research is whether they are also important determinants of intercity variation in the trends of youth homicide, 1984–2006, and how estimated effects of these city characteristics compare with the density of retail alcohol outlets.

Methods

The data for the dependent measures, youth homicide offending, came from the United States Department of Justice's Supplemental Homicide Report. This source provided data on every homicide reported to or discovered by police and other law enforcement agencies in the USA. It included detailed data on the age of the offender, allowing the construction of two series for each city (Appendix 1 lists the sample of cities). The homicide rate per 100 000 for offenders aged 13–17 and aged 18–24 included both men and women because the latter were so infrequent that their measurement as a distinctive rate would be unstable and misleading; women made up approximately 7% of the known offenders during this period.

The SHR has non-trivial missing data due to non-reporting and missing information on reported incidents, typically offender characteristics because the offender is unknown at the time of the incident; approximately 36% of the cases were missing offender age during this period. Previous studies using SHR data have developed methods of compensating for these

missing data [54–59]. Other investigators have recommended the use of multiple imputation (MI) to address this problem ([60,61]; see also [62,63] for general discussions of MI).

The focus of the analysis was on a specific offender characteristic, age (i.e. adolescents 13–17 and young adults 18–24). To compensate for missing data on age of offenders, MI was conducted at the incident level for each year in the 23 year time frame, using the total number of incidents within the original sample of 100 cities combined. This procedure was conducted on the assumption that the data were missing at random (not completely at random); that is, the likelihood of missing data on age of offender is unrelated to age of victim, and the factors producing the missing data are unrelated to the parameters of estimated models [62].

Given this assumption, MI was executed in STATA/SE 10.1 using the iterative chain equation procedure [64,65]. The iterative chain equation command included the age, race (Black compared with non-Latino white), ethnicity (non-Latino compared with Latino) and gender of victims; circumstances of homicide incidents (gang-related, narcotics-related, firearm-related, conflict-related, alcohol-related, homicides involving arguments over money or property, and felony homicides); and city size (large compared with smaller cities in the total population). The imputation process involves filling in missing values by drawing from a conditional distribution of missing values, given complete data on other variables. This is done multiple times (five times in the present analysis), generating multiple data sets with slightly different imputed values for missing data. Typically, each data set is analysed, and the results are pooled across data sets for the final results. This procedure allows for an (upward) adjustment of standard errors, which are typically underestimated with most other methods of compensating for missing data, thus increasing the chances of Type I error in tests of statistical significance [62].

The method used here departed from the standard MI process in that, once the five imputed data sets were created, values were aggregated across these files, yielding a single data set with no missing values. The incident-level data were then aggregated to the city level to create a file with 'raw' (ignoring missing data) and multiply imputed frequencies of youth homicide for each city and for each year. Once this procedure was completed for all 23 years, the files were merged to create a time series data set for all 100 cities in the original sample. As all substantive analyses were conducted at the city level, aggregating across the five multiply imputed data files at the incident level and then aggregating to the city level should not adversely influence standard errors and thus tests of statistical significance.

Measures dependent and independent variables

Age-specific homicide offender rates were constructed based on the population of potential offenders in each age group in the population of the city. Age data for these rates were based on US Decennial Census figures for 1980, 1990 and 2000. They were annualised with linear extrapolation to produce a time series for each age category and city. For the final period beyond the 2000 data, estimates and projections made by the US Census Bureau and reported in the County and City Data Book series 2007 report were used as mid-decade anchor points for the extrapolation. Where possible, mid-census estimates from the same source were used in 1985 and 1995 to provide mid-decade anchor points for the extrapolation.

The extrapolation methods used here employed the principle of maximum likelihood to generate credible estimates for the missing observation points between the known observation points. The assumption is, for example, that a 0.1% change between the known data anchor points of 1985 and 1990 is allocated approximately 20% each year in a steady increase or decrease.

Independent variables were selected based on previous research [66] on intercity variation in rates and trends of overall homicide as reviewed above, including alcohol availability, structural disadvantage, the proportion of housing units occupied by those who own the unit, the proportion of the population aged 18–24, gang activity, drug market activity and firearm availability. These variables were converted into time series in a similar manner to that described above for the homicide data.

Alcohol availability. The alcohol availability measure used here was taken from a US Bureau of the Census data collection series currently known as the Economic Census. These data are collected every 5 years in years that end in 2 and 7 during each decade. Data from 1982, 1987, 1992, 1997, 2002 and 2007 were utilised to construct the time series for this variable for each city using the extrapolation methods previously described. The measure used here includes the number of beer, wine and liquor stores. The establishments counted in this category are those primarily engaged in selling packaged alcohol beverages (e.g. beer, wine, liquor and ale) for off-site consumption at the retail level [67]. This category does not include grocery stores, convenience stores or other retail establishments that sell such alcoholic beverages for off-site or on-site consumption, but whose primary business involves other products, such as food. It does not include establishments that serve alcohol for on-site consumption, such as eating and drinking places, lounges, taverns, bars and restaurants. Per capita retail alcohol outlet density was constructed

by dividing the number of outlets from this source by the population, extrapolated annually as described above.

Structural disadvantage, age composition and owner-occupied housing. A weighted structural disadvantage scale was constructed by conducting principal components factor analysis of five different indicators of disadvantage conventionally used in previous research. Factors loading for the years 1980, 1990 and 2000, respectively, are in parentheses by each indicator: per cent in poverty (0.92, 0.95, 0.94), per cent unemployed (0.80, 0.90, 0.77), per cent on public assistance (0.91, 0.87, 0.78), per cent female headed households with children (0.96, 0.95, 0.92) and per cent African American (0.83, 0.82, 0.73). Eigenvalues were 3.91, 4.05 and 3.47 for the three census years from 1980 to 2000. These data and the measures of age composition and owner-occupied housing were extracted from the County and City Data Book series and the 1980, 1990 and 2000 decennial census databases.

Drug market activity. Youthful offenders and gang members in urban areas often become associated with or involved in drug sales/distribution. A number of studies have linked such involvement to youth homicide [2,61,68–70]. A critical question is whether drug arrest statistics reflect changes in local law enforcement policy rather than drug market activity [61,69]. For example, drug arrests may increase or decrease because of shifts in drug enforcement policy and resources, which in turn may be driven by social and political factors not necessarily related to actual changes in local drug activity.

Given the limitations of drug arrest data, the use of an alternative proxy measure of drug market activity drawn from the SHR was explored. Specifically, the SHR provided data on the number of ‘narcotics-related’ homicides and the per cent of homicides at the city level that were narcotics-related was calculated as a proxy for drug market activity. Although local police classify incidents as narcotics-related (or not), this measure should not be as contaminated by enforcement policies as an arrest proxy and should be more reflective of the relative proportion of lethal violence within cities related to local drug market activity.

Firearm availability. Another important measure given our focus on youth homicide is firearm availability. A recent review of influential studies compared different proxy measures for the prevalence of firearm ownership with survey estimates [71]. ‘Per cent of suicides with a firearm’ consistently performed better than other proxy measures in cross-sectional comparisons [72]. For this study, the Division of Vital Statistics at the

Table 1. Descriptive statistics

Variable	Mean	Standard deviation	Minimum	Maximum
Homicide offenders 13–17 per 100 000	35.22	36.32	0	399.95
Homicide offenders 18–24 per 100 000	52.45	50.32	0	464.94
Homicide offenders 25+ per 100 000	9.37	7.40	0	51.42
Structural disadvantage	0.00	1.00	-1.88	3.90
Owner-occupied housing units (%)	50.13	8.73	12.09	69.36
Per cent of population aged 18–24	12.22	2.57	6.30	23.54
Gun suicide ratio	0.52	0.15	0.07	0.98
Gang homicide (%)	3.07	8.18	0.00	70.59
Narcotics-related homicide (%)	6.22	7.79	0.00	100.00

National Center for Health Statistics provided their Multiple Cause of Death file for the years of 1989–2005. These data were used to construct a proxy for firearm availability in 1990 and 2000—the ratio of firearm suicides to total suicides. Cause of death information was reported at the individual level, but also included indicators for the city of residence of the decedent and the county of the occurrence of the suicide. City of residence was used to construct the ratio of firearms to total suicides. The extrapolation methods described previously were used to estimate the firearm suicide ration for missing years in the time series.

Youth gang presence and activity. A proxy measure for gang presence and activity was derived from the SHR homicide data—the proportion of all homicides in a given city and year classified as gang-related. Classification criteria are likely to vary across police agencies reporting homicide data to the FBI, but reliability of classification is a problem with any data that might be used to measure youth gang presence and activity [73]. To explore this matter empirically, the proxy measure was compared with another measured derived from the annual National Youth Gangs Survey (NYGS), conducted by the National Youth Gang Center [20]. This nationwide annual survey of law enforcement agencies included reports on gang homicides as well as the number of gangs within cities and the number of gang members.

The average gang membership for the period 1996–1999 and 2000–2004 reported in the NYGS for each city in the sample was calculated. The association between these averages and the average number of homicides classified as gang-related in the SHR for the same two periods was estimated. The associations were very strong: $r = 0.954$ for the 1996–1999 period and $r = 0.887$ for the 2000–2004 period. The association between the annual gang-related homicides in the SHR with those reported in the NYGS was also estimated.

Again, the associations were very strong, ranging from a low of $r = 0.682$ in 1999 to a high of $r = 0.960$ in 2001. These associations suggested that the proxy measure of gang presence and activity drawn from the SHR data was defensible.

Table 1 gives descriptive statistics for all variables. It shows that the range of the age-specific youth homicide rates in the largest urban centres in the USA is extreme. That is also the case for the per cent of total homicides that are gang-related or narcotics-related.

Analytic strategy

The relations between the independent variables and age-specific youth homicide trends were estimated with a set of techniques known collectively as panel models or pooled cross-sectional time series models. Pooled models offer a number of advantages over conventional time series and/or cross-sectional approaches [74]. Two advantages were particularly important for the present study: (i) the estimation of models that accounted simultaneously for both cross-sectional variation and dynamic processes (and the implications that both sets of processes have for the error in equation structures) and (ii) the question of statistical power. This second advantage involved the ability to detect effects that may be difficult to discern because of numerical limits on the observations in space or time. The pooled model approach addressed this issue, as the available degrees of freedom for the analysis was the number of cross-sections multiplied by the number of years in the time frame (for the present study, 91 cities by 23 years, $N = 2093$). This city-year sample size provided ample power for the detection of effects in the multivariate models estimated.

The literature reviewed above guided the selection of city characteristics included in the multivariate models estimated. The temporal trend was also estimated. The national youth homicide trend from 1984–2006 for

both 13- to 17-year-olds and 18- to 24-year-olds had a distinctive and well-known pattern—a rapid escalation during the ‘epidemic’ years (1984–1993), a precipitous drop from that time to the new millennium, and an upturn thereafter. To determine whether this pattern held across cities, the time trend was estimated directly. Specifically, a third-order polynomial specification was estimated that included time, time-squared and time-cubed. The assumption was that if the trend in large cities reflects the national trend, the time effect should be positive, indicating the rapid increase in the early years, the time-squared term should be negative, indicating the decline during the middle years and the time-squared term should be positive, indicating the upturn in the later years of the time frame. The overall analytical objective was to determine whether the city characteristics independently predict variation in the age-specific homicide trends once this temporal pattern had been empirically estimated.

Results

A key methodological issue in analysing pooled cross-sectional time series models is the impact of heterogeneity among the cross-sections. However, the impact of such variation can be assessed using the Hausman test [75]. Table 2 gives the results of the Hausman test for the age-specific youth homicide rates. The test was statistically significant for homicides involving youth

13–17 and 18–24 years of age. This result indicated the appropriateness of the fixed effects model in which the unit-specific heterogeneity is included via the specification of dummy variables for each cross-section or city. Results reported below were based on the fixed effects model.

Substantive findings

Table 3 reports the results for the fixed effects pooled models for homicide offending rates in the two age groups. First, the positive time coefficient corresponded to the escalating youth homicide rates during the early ‘epidemic’ years of the 23 year series (e.g. the mid-1980s to the early 1990s). The negative time-squared coefficient reflected the downturn in the time series after the early 1990s, while the positive time-cubed coefficient captured the upturn of homicide rates

Table 2. Hausman test results

Dependent variable	Hausman test	Probability
Homicide offenders 13–17	31.97	0.0002
Homicide offenders 18–24	109.45	0.0000

Chi-square for Hausman test with 9 degrees of freedom for both dependent variables.

Table 3. Pooled cross-section time series results: youth homicide, 91 large cities 1984–2006

Model parameters (fixed effects)	Offenders 13–17		Offenders 18–24	
	Coefficient	Standard error	Coefficient	Standard error
Constant	–72.82*	23.59	–42.19	23.62
Time	12.44*	0.97	7.21*	0.97
Time-squared	–1.10*	0.10	–0.51*	0.10
Time-cubed	0.03*	0.003	0.01*	0.003
Structural disadvantage	16.25*	3.11	20.95*	3.11
Owner-occupied housing units (%)	0.64	0.36	0.27	0.36
Per cent of population aged 18–24	1.24	0.82	0.78	0.83
Gun suicide ratio	28.77*	12.48	38.10*	12.50
Narcotics-related homicides (%)	0.47*	0.08	0.38*	0.08
Gang homicide (%)	1.15*	0.13	0.63*	0.13
Alcohol outlet density	22.52*	8.20	46.64*	8.21
R-square		Overall R-square		Overall R-square
Between cities	0.28		0.24	
Within cities	0.22	0.22	0.15	0.21
Overall F-test	d.f. = 10, 1992	56.27*	d.f. = 10, 1992	34.45*
Rho (due to city-specific effects)	0.351		0.657	
F-test for all city effects equal 0	d.f. = 90, 1992	7.65*	d.f. = 90, 1992	23.98*

* $P \leq 0.05$; $N = 2093$.

during the more recent years of the period. These results were similar across the models for the two offender age groups, indicating the expected empirical pattern in the general time trends of youth homicide offending.

The structural disadvantage scale was found to influence both aged 13- to 17-year-old offenders and their counterparts aged 18–24. However, neither owner-occupied housing units nor the proportion of young people in the population had statistically significant estimated effects on either offender age group. As expected, the estimate effects of the measures of firearm availability, narcotics trafficking and use, and violent youth gangs were statistically significant and positive on both age offender rates (see Table 3). Finally, the results in Table 3 also show that the estimated effects of the measure of alcohol availability were also statistically significant and positive on youth homicide offending for both young offenders and older offenders.

Sensitivity analyses

Sensitivity tests were calculated to ensure the extrapolation methods used for the independent variables were not influenced by the over-time variation in the data. Such tests were conducted using a jack knife procedure in which each year of data were systematically omitted 1 year at a time throughout the entire time series. If a year-to-year artefact was introduced by the extrapolation methods, the exclusion of a year in the middle of the sequence should disrupt any such contrived effect. The 22 resulting coefficients were used to construct a sampling distribution and a standard error for each independent variable. The findings were exactly the same as those reported in Table 3 above in terms of direction and significance of each predictor variable.

To examine whether the MI methods introduced a particular bias in one or a handful of cities, a similar procedure was utilised on the cross-sections, such that each city was systematically excluded one at a time from the analysis. The resulting distribution of estimate effects, in this case 90 replications of the model, was used to estimate a mean coefficient and a standard error. Once again, the results were the same as the year-to-year exclusion sensitivity analysis.

Finally, a model was estimated with data from available Census and mid-Census with 91 cross-sections and 5 time points (i.e. 1985, 1990, 1995, 2000 and 2005) and 3 time points, using only census years (i.e. 1980, 1990 and 2000). The economic census data for retail alcohol outlet density ending in 2 were used to correspond with the census year only analysis. The economic data collected in the year ending in 7 were used to correspond with the mid-census estimates in the first analysis with 5 time points. Once again, these

results replicated the findings reported in Table 3, meaning the direction and statistical significance of estimated effects of the major predictors was identical to that reported in Table 3. The over-time changes in the homicide rates captured by third-order polynomial terms could not be replicated by these final sensitivity analyses. Regardless, the results reported in Table 3 appeared to be robust, that is, not significantly influenced by the data management procedures implemented in this research.

Discussion and conclusion

The results reported in this article demonstrated the importance of the relations between alcohol and youth homicide in large US cities and contributed to the literature in several important ways. Although many studies have shown significant net effects of alcohol measures on violence within single cities, the neighbourhood level or census tract level, this study found evidence of such effects utilising data national in scope and covering a significant amount of over-time variation. The time period included in the study was significant because of the enormous increases and declines in youth homicide during the reference period. The results extended the findings of a recent systematic literature review, which found that retail alcohol outlet density and violence are significantly related [8]. The findings also showed that other factors, including structural disadvantage, narcotic drug activity, firearm availability and gang influence had significant and theoretically predicted estimated effects on youth homicide in both age groups examined. In sum, the study's results supported the theoretical notion that alcohol availability was a significant determinant of lethal violence committed by adolescents and young adults, net of several major theoretically derived and empirically supported predictors of homicide rate variation identified in previous research. These results also add to a growing literature that shows that the relationship between outlet density and violence holds longitudinally for different types of violence in different social and national contexts [15–17].

The findings of this study have important policy implications. Despite many attempts to mobilise policy makers and despite some well-known attempts to implement programs, no sustainable effort national in scope has been devised and implemented to prevent youth violence based on reducing structural disadvantage, firearm availability, illegal drug market activity, or gang presence and activity. Conversely, a number of local and national studies have shown that reducing alcohol availability via alcohol policy or other related interventions have reduced such violence [9–12]. The findings of the present study suggest that reducing retail

alcohol outlet density should significantly govern the trends of youth homicide. Hence, these results offer promise for guiding effective violence prevention and reduction strategies, especially those targeting alcohol availability among adolescents and young adults.

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Appendix 1

Cities included in this research:

Akron, Albuquerque, Amarillo, Anaheim, Anchorage, Atlanta, Austin, Baltimore, Baton Rouge, Birmingham, Boston, Buffalo, Charlotte, Chattanooga, Chicago, Cincinnati, Cleveland, Colorado Springs, Columbus (GA), Columbus (OH), Corpus Christi, Dallas, Dayton, Denver, Des Moines, Detroit, District Of Columbia, El Paso, Flint, Fort Lauderdale, Fort Wayne, Fort Worth, Fresno, Gary, Grand Rapids, Greensboro, Honolulu, Houston, Indianapolis, Jackson, Jacksonville, Jersey City, Kansas City, Knoxville, Las Vegas, Lexington-Fayette, Lincoln, Little Rock, Long Beach, Los Angeles, Louisville, Lubbock, Madison, Memphis,

Miami, Milwaukee, Minneapolis, Mobile, Montgomery, Nashville-Davidson, New Orleans, New York City, Newark, Norfolk, Oakland, Oklahoma City, Omaha, Philadelphia, Phoenix, Pittsburgh, Portland, Providence, Raleigh, Richmond, Riverside, Rochester, Sacramento, Salt Lake City, San Antonio, San Diego, San Francisco, San Jose, Santa Ana, Seattle, Shreveport, Spokane, Springfield (MA), St Petersburg, St. Louis, St. Paul, Stockton, Syracuse, Tacoma, Tampa, Toledo, Tucson, Tulsa, Virginia Beach, Wichita, Worcester

Note: Cities that are underlined here were dropped from the analysis reported here because of excessive missing data in the Supplemental Homicide Report; 'excessive' is defined here as 10 or more years of missing homicide reports between 1984 and 2006.

THE L.A. RIOTS: 20 YEARS LATER; Liquor vs. hope; Violence claimed 200 package stores. Some have become new businesses, but problems linger.

Los Angeles Times - Los Angeles, Calif.

Subjects: [Riots](#), [Neighborhoods](#), [Liquor stores](#)

Author: SANDY BANKS

Date: Apr 27, 2012

Start Page: A.1

Section: Main News; Part A; Metro Desk

Text Word Count: 1430

Document Text

There used to be a liquor store next to Frances Fikes' church on Normandie Avenue in South Los Angeles.

But the store burned down 20 years ago, on the first night of the riots.

"I didn't do it," she said bluntly, without a hint of joking in her voice. "But I'm happy it's gone. I was asleep. It was 3 a.m. when it burned."

I get the feeling that Mrs. Fikes could have done it, if she weren't such a good Christian woman.

"It was a terrible place. Ter-ri-ble!" she said, indignant at the memory.

The men who hung around the store would urinate on the sidewalk and barge into the sanctuary during worship.

"They'd ask for money. We would offer them food, but that wasn't what they wanted."

One morning after Sunday school, with children crowding the candy aisle, the store owner leaped over the counter with a gun and fired at a shoplifter.

"It was frightening," Mrs. Fikes said. "We suffered. We didn't know what to do."

The riots took care of it for them.

The owner cleared the rubble, fenced off the spot and let the church use it as a parking lot. When he applied to rebuild, vanloads of churchgoers protested and the city denied his permit.

Today, that corner is home to a tidy apartment building, ringed by well-tended rosebushes and a sturdy wrought-iron fence.

It's an awkward thing to celebrate. But the riots accomplished in three days what years of protests could not: 200 liquor stores were wiped out, in a 51-square-mile swath of the city weighted down with more than 600.

The payoff was big: less crime, cleaner streets and fewer ugly scenes.

But controlling their numbers going forward will take more than a match and kerosene.

::

There are nearly 70,000 more people today in South Los Angeles than there were 20 years ago, census figures show. And liquor license records show 174 fewer liquor stores.

That's a tribute to the persistence and resilience of a long-suffering community.

Some stores call themselves mini-markets now. Picture windows have replaced cinder-block walls. The owners know better than to toss a customer's change across the counter. They count it out politely instead, from behind bulletproof barriers.

They're not the shops that the suburbs know as a pit stop on the way home from work.

They sell six-packs of beer, one can at a time, and charge 50 cents for a "loosie," a single cigarette.

At their worst, they're a reflection of what's wrong in South Los Angeles: high prices, poor service; a magnet for addicts and dealers.

At their most benign, they're impromptu gathering spots in neighborhoods long on economic woe and short on markets and parks -- in communities where the only open space might be a fenced-off, riot-ravaged lot.

The liquor stores were flash points for trouble long before Rodney King, and before teenager Latasha Harlins was shot to death by a Korean store owner two weeks after King's beating. Soon Ja Du was convicted by a jury of manslaughter, but kept out of jail by a sympathetic judge.

The riots were considered, in some neighborhoods, a chance to settle the score. Some black-owned stores were left untouched, while those run by Koreans were torched.

Before the riots, 45% of the liquor stores in South L.A. were operated by Koreans, according to a Times analysis of owners' names. Now only about one-third (158) are Korean.

But the proliferation of liquor stores -- not the ethnicity of owners -- is what drags the community down.

"Drugs, prostitution, violence -- the liquor store was the place where all that converged," said Joanne Kim, a leader of the South Los Angeles Community Coalition, which is heading the fight to close them.

Even now, the stores seem to be on every corner, thriving at the intersection of need and disorder.

A mother pushing a baby stroller, shopping for milk, would line up at the liquor store counter alongside an addict buying a glass pipe for the rock of crack that he purchased from a dealer in the parking lot.

Outside, customers would drink and use drugs openly. Some sidewalks had folding chairs, even couches. There were fights and robberies. Prostitutes competed for customers.

For neighbors, the scene was embarrassing.

Marqueece Harris-Dawson, the Community Coalition's chief executive, grew up near 110th Street and Normandie Avenue, with a liquor store on his street corner. As a kid, he couldn't shop there after 3 p.m. "because by then everybody who'd been there drinking would be inebriated," he recalled.

"If we were going to have guests and they were going to arrive after that time, my parents would give directions that would take them down another street ... rather than let them see that corner."

::

Until the riots, Warren Jones was one of those inebriated liquor store louts. He lived next door to Mrs. Fikes' church and passed his days at the corner store.

He watched it burn that night. A liquor store at the other end of the block burned too; it's been replaced by a doughnut shop.

"When they first burned down, I didn't think it was too cool," he said. "I didn't have no place to buy my alcohol."

He was an alcoholic back then, he told me as we walked the block. I didn't ask his status now; I could smell the alcohol.

At 60, he wants his neighborhood quiet. He's lived there all his life. He can remember when the church didn't need window bars.

"Things got bad for a while," he said. "Getting rid of the liquor stores didn't solve the problem, but over time, it was a very good thing."

::

It's the "over time" part that's frustrating.

The move to clamp down on liquor stores began years before the riots, when the city made it tougher to open new stores by requiring zoning permits that could be loaded with restrictive conditions.

That's the tool the Community Coalition used to keep all but 50 of the burned-out stores from reopening.

Some are still empty buildings or vacant lots. Many were replaced by child-care centers, fast-food outlets or laundromats. The coalition is trying to persuade others to alter their stores, to sell more fresh food and less alcohol.

But the movement stalls when liquor store owners resist. And residents are mindful that there are bigger problems, like unemployment and foreclosures.

"They're not asking for anything different than people in Santa Monica and Larchmont are," the coalition's Kim said. "But there's an attitude of 'You people should be happy with any kind of business you get. You should tolerate anything.'"

The former Lucky Liquor is Exhibit A.

The store at 61st Street and Vermont Avenue was declared a "public nuisance" and allowed to rebuild after the riots by complying with 19 operating conditions that covered everything from the conduct of customers to the condition of the alley behind the store.

Years passed, and little enforcement occurred, even after a new operator took over and changed the name to Vermont Liquor.

Public zoning records sketch an ugly scene: Trash bins overflowed. Men drank boldly in the parking lot and lounged on bar stools they set up on the sidewalk. One zoning inspector was too scared to even check out the corner, "unsafe with gang activity."

At a hearing in 2007, police outlined dozens of arrests -- including the store's security guard for being a felon in possession of a gun.

Still, some locals defended the store as a harmless neighborhood hangout -- "like going to the park," said Shanea Lyons.

Two years later, the city revoked its permit to operate. But it would take until January of this year for Vermont Liquor to shut down.

The store reopened two weeks ago. It's clean and bright, stocked with food and cleaning products.

The Korean couple that own it have applied for a liquor license. Beer and wine bring customers in "to buy the other products," their son Max Kim said.

There's a sign in the window now. "NO Loitering, Littering or Drinking."

I didn't see any customers.

I did sense an uneasy peace -- one that reflects evolving change and enduring consensual need.

--

sandy.banks@latimes.com

[Illustration]

Caption: PHOTO: NUMERO UNO MARKET stands on the site of Empire Liquor, where Latasha Harlins was killed two weeks after the Rodney King beating.; PHOTOGRAPHER:Wally Skalj Los Angeles Times; PHOTO: MINI-MARKETS, child-care centers and laundromats have been built where liquor stores once stood.; PHOTOGRAPHER:Wally Skalj Los Angeles Times; GRAPHIC: MAP: South Los Angeles liquor stores; CREDIT:Khang Nguyen Los Angeles Times

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From: [Kinser, Cynthia](#)
To: [Jenkins, Diane](#)
Subject: RE: Recent Alcohol Ordinance
Date: Thursday, August 23, 2012 10:08:35 AM
Attachments: [Alcoholic Beverages.ppt](#)
[CCPacket_Alcohol_040511.pdf](#)
[Ord 455-11_Alcohol_041911.pdf](#)

Hi Diane,

Yes. We had pretty restrictive/prohibitive alcoholic beverage standards, so we went through a major change that lifted the prohibitions, but also provided that anyone selling alcohol needs either an administrative use permit or a minor CUP. So even restaurants get an administrative use permit...the process for them is as simple as signing a document that they agree to all the regulations of the City, which includes the midnight restriction. The reason for adding such uses as restaurants, is that we had a restaurant that started functioning as a bar, and as we have low alcohol issues, so when we do have issues we aren't that big of a priority for ABC resources. So, this administrative permit gives our Code/Police folks more muscle to deal with issues while we are in the ABC cue for investigation.

Attached is the PowerPoint presentation we made to Council, the Council packet for this item, and the final ordinance.

Cynthia S. Kinser
City Planner

****Please be advised that City Hall is closed every Friday****

From: Jenkins, Diane [mailto:DIJENKINS@riversideca.gov]
Sent: Thursday, August 23, 2012 8:07 AM
To: Kinser, Cynthia
Subject: Recent Alcohol Ordinance

Good Morning Cynthia,

I understand the City of Murrieta recently passed an ordinance regarding midnight cut-off time for alcohol sales. Would it be possible to get a copy of this ordinance and the staff report?

Thank you very much

Di

Diane Jenkins, AICP § Principal Planner
City of Riverside ▪ Community Development Department ▪ Planning Division
3900 Main Street, Third Floor ▪ Riverside, CA 92522
☎ (951) 826-5625 ▪ 📠 (951) 826-5981
DiJenkins@riversideca.gov

 please consider the ENVIRONMENT before printing this email

ORDINANCE NO. MC-1331

AN ORDINANCE OF THE CITY OF SAN BERNARDINO AMENDING SAN BERNARDINO MUNICIPAL CODE SECTION 19.06.030(2)(B) (DEVELOPMENT CODE) REQUIRING A CONDITIONAL USE PERMIT FOR NEW ALCOHOLIC BEVERAGE SALES ACTIVITIES AND ESTABLISHING AUTOMATIC DEEMED APPROVED STATUS FOR LEGAL NONCONFORMING ACTIVITIES AND REPEALING ORDINANCE NO. MC-1323.

The Mayor and Common Council of the City of San Bernardino do ordain as follows:

WHEREAS, Section 40(z) of the City Charter vests the Mayor and Common Council with the power to make and enforce all laws and regulations with respect to municipal affairs, subject only to the restrictions and limitations provided in the Charter or by State law; and

WHEREAS, research shows that areas with greater densities of on-site and off-site alcohol outlets also generally have higher rates of motor vehicle crashes, alcohol-related hospital admissions, pedestrian injury collisions, self-reported injury and drinking and driving among both young people and adults; and

WHEREAS, the relationship between alcohol outlet density and violent crime has been well documented; communities with 100 or more alcohol outlets and a population of 50,000 or more can expect an annual increase of 2.5 violent crimes each year for every alcohol outlet added in the area; and

WHEREAS, drunk driving arrests often take place at night, as bars are closing and highways become crowded with patrons who have been drinking; and

WHEREAS, studies indicate the rate of alcohol-related crashes can be reduced by responsible beverage service training programs, but the level of risk still is high when outlet density exceeds the acceptable levels of saturation; and

WHEREAS, nuisance and criminal activities such as drug dealing, public drunkenness, loitering and other behaviors that negatively impact neighborhoods occur with disproportionate frequency at and around the premises of on-site and off-site sale alcohol uses; and

WHEREAS, neighborhood character can change over time and the careful regulation of nuisance activity by on-site and off-site alcohol uses will help to ensure that such uses do not contribute to the deterioration of neighborhoods; and

WHEREAS, the citizens of the City of San Bernardino have complained to the San Bernardino Police Department about said nuisance and criminal activities; and

WHEREAS, there are many establishments in the City of San Bernardino selling alcoholic beverages that do not conform with the Development Code and, as a result, these establishments generate a disproportionate amount of public nuisance service calls for service for the San Bernardino Police Department; and

1 **WHEREAS**, California law does not preempt local land use and zoning regulations with regard
2 to the sale of alcoholic beverages and the authority to regulate nuisance conditions created by state-
3 licensed alcoholic beverage retailers derives from the City’s Charter and general law police powers.

4 **WHEREAS**, the City of San Bernardino recognizes its responsibility to enforce the law and the
5 need for a partnership with alcoholic beverage sale establishments and the community to address illegal
6 activities in proximity to an alcoholic beverage sales establishment.

7 **WHEREAS**, the City wishes to require certain alcoholic beverage sale establishments to obtain
8 a conditional use permit to lawfully engage in the sale of alcoholic beverages within the City; and

9 **WHEREAS**, the conditional use permit will require the business owner to comply with
10 operational standards and training requirements as conditions of the conditional use permit; and

11 **WHEREAS**, the City wishes to designate each lawfully established and existing alcoholic
12 beverage sale business to be “deemed approved” to lawfully engage in the sale of alcoholic beverages
13 and be required to comply with operational standards as conditions to its deemed approved status; and

14 **WHEREAS**, the California Court of Appeals in *City of Oakland, et al. v. Superior Court, et al.*,
15 45 Cal.App.4th 740 (1996) held that a similar “deemed approved” ordinance was not preempted by state
16 laws regulating the sale of alcoholic beverages because the ordinance merely created an administrative
17 mechanism for enforcing nuisance and criminal laws that were applicable to all alcoholic beverage
18 establishments, even those in operation before the ordinance’s effective date; and

19 **WHEREAS**, the Mayor and Common Council, by adopting this ordinance, have no intention to
20 regulate the sale of alcoholic beverages, but merely a desire to create an administrative mechanism
21 applicable to all alcoholic beverage establishments, to address the nuisance and criminal activities
22 described above; and

23 **NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN**
24 **BERNARDINO DO ORDAIN AS FOLLOWS:**

25 **SECTION 1. San Bernardino Municipal Code Section 19.06.030(2)(B) (Development Code) is**
26 **amended to read as follows:**

27 **Section 19.06.030(2)(B)**

28 **ARTICLE I – GENERAL**

SECTION I – TITLE AND PURPOSE

A. Title:

(1) This ordinance shall be known as the Conditional Use Permit - Deemed Approved Alcoholic Beverage Sales Regulations Ordinance.

1 (2) This ordinance requires land use permits for newly established alcoholic beverage sales
2 activities, confers deemed approved status for existing alcoholic beverage sales activities and provides
3 standards and an administrative hearing process to review violations of those standards in order to
4 protect the general health, safety, and welfare of the residents of the City of San Bernardino and to
5 prevent nuisance activities where alcoholic beverage sales occur.

6 **B. Purpose:**

7 (1) To protect residential, commercial, industrial and civic areas and minimize the adverse
8 impacts of nonconforming and incompatible uses; and

9 (2) To provide opportunities for alcoholic beverage sales establishments to operate in a mutually
10 beneficial relationship to each other and to other commercial and civic services; and

11 (3) To provide mechanisms to address problems associated with the public consumption of
12 alcoholic beverages such as litter, loitering, graffiti, unruly behavior and escalated noise levels; and

13 (4) To provide that alcoholic beverage sales establishments are not the source of undue public
14 nuisances in the community; and

15 (5) To provide for properly maintained alcoholic beverage sales establishments so that the
16 negative impacts generated by these activities are not harmful to the surrounding environment in any
17 way; and

18 (6) To monitor Deemed Approved establishments to ensure they do not substantially change in
19 mode or character of operation.

20 **SECTION II – DEFINITIONS**

21 The meaning and construction of these words and phrases, as set forth below, shall apply
22 throughout, except where the context clearly indicates a different meaning or construction.

23 (A) "Administrator" means the Administrative Hearing Officer as identified in Section III.

24 (B) "Alcoholic Beverage" means alcohol, spirits, liquor, wine, beer, and any liquid or solid
25 containing alcohol, spirits, wine, or beer, that contains one-half of one percent or more of alcohol by
26 volume and that is fit for beverage purposes either alone or when diluted, mixed or combined with other
27 substances, the sale of which requires a ABC license.

28 (C) "Alcoholic Beverage Sales Activity" means the retail sale of alcoholic beverages for onsite
or offsite consumption.

(D) "Alcoholic Beverage Sales Establishment" means an establishment where an alcoholic
beverage sales activity occurs. Alcoholic beverage sales establishments include but are not limited to the
following recognized types of establishments: liquor stores; beer and wine stores; convenience markets;
markets; neighborhood specialty food markets; retail sales establishments; wine shops; service stations;

1 taverns; clubs; cocktail lounges, ballrooms, cabarets, dance bars, piano bars; billiard or game parlors,
2 bowling alleys; nightclubs, dance halls; cafes, bars, restaurants with bars; full-service restaurants; and
3 fast food establishments.

4 (E) "California Department of Alcoholic Beverage Control" or "ABC" refers to the department
5 of the State of California empowered to act pursuant to Article 20, section 22, of the California
6 Constitution and authorized to administer the provisions of the Alcoholic Beverage Control Act.

7 (F) "Conditions of Approval" means a requirement that must be carried out by the activity by:
8 (1) a new alcoholic beverage sales activity to exercise a land use permit; or (2) a legal nonconforming
9 alcoholic beverage sales activity to comply with deemed approved performance standards and to retain
10 its deemed approved status.

11 (G) "Deemed Approved Activity" means any Legal Nonconforming alcoholic beverage sales
12 activity, as defined in subsection (J). Such activity shall be considered a Deemed Approved activity as
13 long as it complies with the Deemed Approved Performance Standards set forth in Article III, Section
14 IV.

15 (H) "Deemed Approved Status" means the permitted use of land for a Deemed Approved
16 Activity. Deemed Approved status replaces Legal Nonconforming status with respect to Alcoholic
17 Beverage Sales Commercial Activity and remains in effect as long as it complies with the Deemed
18 Approved provisions and performance standards.

19 (I) "Illegal Activity" means an activity, which has been finally determined to be in
20 noncompliance with the Deemed Approved provisions and performance standards. Such an activity shall
21 lose its Deemed Approved status and shall no longer be considered a Deemed Approved activity.

22 (J) "Legal Nonconforming Alcoholic Beverage Sales Commercial Activity" or
23 "Legal Nonconforming Activity" means an Alcoholic Beverage Sales Commercial Activity which was a
24 nonconforming use pursuant to San Bernardino Municipal Code (Development Code) Chapter 19.62,
25 and for which a valid state of California Alcoholic Beverage Control license had been issued and used in
26 the exercise of the rights and privileges conferred by the license at a time immediately prior to the
27 effective date of the Deemed Approved Alcoholic Beverage Sale Regulations Ordinance. Such an
28 activity shall be considered a Deemed Approved Activity and shall no longer be considered a Legal
Nonconforming Activity.

(K) "Off-Sale Alcohol Outlet" means an establishment that conducts retail sales of Alcoholic
Beverages for consumption off the premises where sold.

(L) "On-Sale Alcohol Outlet" means an establishment that conducts retail sales of
Alcoholic Beverages for consumption on the premises where sold.

(M) "Operational Standards" means regulations for the business practice activities and land use
for locations with a Conditional Use Permit or those further requirements imposed to achieve these
goals. Operational Standards constitute requirements which must be complied with by an establishment
in order to maintain its Conditional Use Permit.

1 (N) "Performance Standards" means regulations for the business practice activities and land use
2 for locations with Deemed Approved status or those further requirements imposed to achieve these
3 goals. Performance Standards constitute requirements which must be complied with by an establishment
in order to retain its Deemed Approved status.

4 (O) "Permit" means a Conditional Use Permit issued pursuant to this ordinance.

5 (P) "Permittee" means the individual or entity that owns an alcoholic beverage sale
6 establishment and to whom a Conditional Use Permit to operate an alcoholic beverage sale
7 establishment has been issued by the City of San Bernardino.

8 (Q) "Premises" means the actual space within a building devoted to alcoholic beverage sales.

9 (R) "Restaurant" means a bona fide eating place whose predominant function is the service of
10 food and where on-site sale of alcoholic beverages is incidental or secondary.

11 **SECTION III – ADMINISTRATIVE HEARING OFFICER**

12 The "Administrative Hearing Officer" shall have the same appointment and qualifications as that
13 designated in San Bernardino Municipal Code Chapter 9.93, Administrative Civil Penalties; and shall
14 conduct public hearings and make recommendations intended to encourage and achieve the compliance
15 of particular alcoholic beverage sale establishments with the provisions of this Ordinance. This section
16 is not intended to restrict the powers and duties otherwise pertaining to other City officers or bodies in
17 the field of monitoring and ensuring the harmony of alcoholic beverage sale activities in the City. The
18 Administrative Hearing Officers shall have the powers and duties assigned to them by the Development
Code, and other San Bernardino Municipal Code ordinances.

19 **SECTION IV - INSPECTION AND RIGHT OF ENTRY**

20 The sale of alcoholic beverages is a closely regulated industry. The officials responsible for
21 enforcement of the City Municipal Code or other provisions of the Development Code or their duly
22 authorized representatives may enter on any site or into any structure open to the public for the purpose
23 of investigation provided they shall do so in a reasonable manner whenever they have cause to suspect a
24 violation of any provision of this ordinance or whenever necessary to the investigation of violations to
the Conditions of Approval or Deemed Approved performance standards prescribed in these regulations.
If an owner, occupant or agent refuses permission to enter, inspect or investigate, premises which are not
open to the public, the officials or their representatives may seek an inspection warrant under the
provisions of California Code of Civil Procedure section 1822.50 et. seq. All such inspections shall be
conducted in compliance with the Fourth Amendment to the United States Constitution.

25 **SECTION V - SEVERABILITY**

26 If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be
27 invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Mayor
28 and Common Council hereby declare that it would have adopted the ordinance and each section,
subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the
sections subsections, sentences, clauses or phrases may be declared invalid.

1 **ARTICLE II – CONDITIONAL USE PERMITS FOR NEW ALCOHOLIC BEVERAGE SALES**
2 **ACTIVITIES**

3 **SECTION I – PURPOSE**

4 The general purposes of these regulations are to protect and promote the public health, safety,
5 comfort, convenience, prosperity and general welfare by requiring consideration and approval of a
6 Conditional Use Permit before a new alcoholic beverage sales activity will be permitted in any land use
7 zoning district of the City and by requiring all new alcoholic beverage sales activities to comply with the
8 operational standards in this ordinance and to achieve the following objectives:

9 (A) Protect surrounding neighborhoods from the harmful effects attributable to the sale of
10 alcoholic beverages and to minimize the adverse impacts of nonconforming and incompatible uses.

11 (B) Encourage businesses selling alcoholic beverages to operate in a manner that is mutually
12 beneficial to other such businesses and other commercial and civic activities.

13 (C) Provide a mechanism to address problems often associated with the public consumption of
14 alcoholic beverages, such as litter, loitering, graffiti, unruly behavior and escalated noise levels.

15 (D) Ensure that businesses selling alcoholic beverages are not the source of undue public
16 nuisances in the community.

17 (E) Ensure that sites where alcoholic beverages are sold are properly maintained so that negative
18 impacts generated by these activities are not harmful to the surrounding environment in any way.

19 This Article alone does not allow or permit alcoholic beverage sales activities, but only applies to
20 these activities where otherwise allowed or permitted within an involved applicable land use zoning
21 district. This Article does not authorize alcoholic beverage sales activities in any land use district where
22 they are not otherwise allowed or permitted by the applicable involved zoning district's regulations.

23 The provisions of this ordinance are intended to compliment the State of California alcohol-
24 related laws. The city does not intend to replace or usurp any powers vested in the California
25 Department of Alcoholic Beverage Control.

26 **SECTION II – REQUIREMENT**

27 Notwithstanding any other provisions of this Code, no new on-site or off-site alcoholic beverage
28 sales activity may be established unless a Conditional Use Permit is first obtained in accordance with the
requirements of this Article. The following uses are exempt from this requirement to obtain a
Conditional Use Permit:

(A) Sit-down restaurants whose predominant function is the service of food and where the on-
site sale of alcoholic beverages is incidental or secondary.

1 (B) Establishments containing 10,000 square feet or more, including but not limited to
2 supermarkets and drug stores, which do not sell alcoholic beverages as the principal business.

3 (C) Establishments, whose applications have been deemed complete prior to the effective date
4 of this Ordinance by the Community Development Department.

5 (D) Temporary uses issued a Temporary License by the California Department of Alcoholic
6 Beverage Control and established in compliance with all City laws and regulations.

7 **SECTION III – LOCATIONAL RESTRICTIONS**

8 (A) Unless otherwise exempted under subsections B – H, a new alcoholic beverage sales activity
9 is not permitted within 500 feet of any of the following locations:

- 10 1. A public or private state licensed or accredited school
- 11 2. A public park, playground, recreational area, or youth facility, including a nursery
12 school, preschool, or day-care facility
- 13 3. A place of worship or religious institution
- 14 4. A hospital
- 15 5. An alcohol or other drug abuse recovery or treatment facility
- 16 6. A county social service office.

17 (B) Establishments containing 10,000 square feet or more, including but not limited to
18 supermarkets and drugstores, which do not sell alcoholic beverages as the principal business are exempt
19 from these locational restrictions.

20 (C) Sit down restaurants whose predominant function is the service of food and where the on-site
21 sale of alcoholic beverages is incidental or secondary are exempt from these locational restrictions. An
22 incidental bar or lounge shall be allowed for the convenience of dining patrons. (Establishments which
23 are primarily a bar or lounge or have a bar or lounge area as a principal or independent activity are not
24 included in this exemption.)

25 (D) Other establishments for on-site consumption of alcohol may be exempted from the
26 locational restrictions, subject to evaluation of site-specific conditions through the Conditional Use
27 Permit review process and considering recommendations from the Police Department.

28 (E) Specialty retail establishments that offer unique product lines or variety of selection
warranting a finding of public convenience or necessity are exempt from the locational restrictions.

1 (F) An automobile service station convenience store that meets the location criteria of Section
2 19.06.030(2)(T) may be exempted from these locational restrictions, subject to evaluation of site-
3 specific conditions through the Conditional Use Permit review process and considering
4 recommendations from the Police Department.

5 (G) A fraternal organization or veterans club may be exempted from the locational restrictions,
6 subject to evaluation of site-specific conditions through the Conditional Use Permit review process and
7 considering recommendations from the Police Department.

8 (H) Temporary uses issued a Temporary License by the California Department of Alcoholic
9 Beverage Control and established in compliance with all City laws and regulations are exempt from the
10 locational restrictions.

11 (I) The following location conditions shall be considered in the review of Conditional Use
12 Permit applications, and may be grounds for denial based on potential adverse effects to the public
13 interest, health, safety or convenience:

- 14 1. A location within a crime reporting district, or within 500 feet of a crime reporting
15 district, where the general crime rate exceeds the city-wide general crime rate by more
16 than 20 percent.
- 17 2. A location where the new alcoholic beverage sales activity would be within 500 feet from
18 an existing alcoholic beverage sales activity, or would lead to the grouping of more than
19 four alcoholic beverage sales activities within a 1,000 foot radius from the new alcoholic
20 beverage sales activity.

21 **SECTION IV – OPERATIONAL STANDARDS**

22 All new alcoholic beverage sales activities shall be designed, constructed, and operated to
23 conform to all of the following operational standards:

24 (A) That it does not result in adverse effects to the health, peace or safety of persons residing or
25 working in the surrounding area.

26 (B) That it does not jeopardize or endanger the public health or safety of persons residing or
27 working in the surrounding area.

28 (C) That it does not result in repeated nuisance activities within the premises or in close
proximity of the premises, including but not limited to 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, excessive littering, loitering, graffiti,
illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic
violations, curfew violations, lewd conduct, or police detentions and arrests.

1 (D) That it complies with all provisions of local, state or federal laws, regulations or orders,
 2 including but not limited to those of the California Department of Alcoholic Beverage Control ("ABC"),
 3 California Business and Professions Code §§ 24200, 24200.6, and 25612.5, as well as any condition
 4 imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes
 5 compliance with annual City business registration fees and annual use permit fees.

6 (E) That its upkeep and operating characteristics are compatible with, and will not adversely
 7 affect the livability or appropriate development of abutting properties and the surrounding
 8 neighborhood.

9 (F) That the owners and all employees of the alcohol beverage sales establishment who are
 10 involved in the sale of alcoholic beverages complete an approved course in "Responsible Beverage
 11 Sales" (RBS) within sixty (60) days of hire for employees hired after the passage of this ordinance or
 12 within 6 months of the passage of this ordinance for existing employees. To satisfy this requirement, a
 13 certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage
 14 Service Advisory Board or other certifying/licensing body designated by the State of California.

15 (G) A copy of these operational standards, any applicable ABC or City operating conditions, and
 16 any training requirements shall be posted in at least one prominent place within the interior of the
 17 establishment where it will be readily visible and legible to the employees and patrons of the
 18 establishment.

19 **SECTION V – ADMINISTRATION**

20 The San Bernardino City Planning Commission shall administer Conditional Use Permits.

21 **SECTION VI – PERMIT APPLICATION**

22 Any person, association, partnership, corporation or other entity desiring to obtain an alcoholic
 23 beverage sales activity Conditional Use Permit shall file an application with the City of San Bernardino
 24 Community Development Department to forward to the San Bernardino City Planning Commission on a
 25 form provided by the City. The application shall be accompanied by a nonrefundable application
 26 processing fee in an amount established by a resolution of the Mayor and Common Council.

27 The application for a Conditional Use Permit shall include, but not be limited to the following
 28 information:

(A) The name, address and telephone number of the applicant. If the applicant is a corporation,
 the applicant shall set forth the name of the corporation exactly as shown in its articles of incorporation.
 The applicant corporation or partnership shall designate one of its officers or general partners to act as
 its responsible management officer.

(B) The name, address, and telephone number of each lender or share holder with a five percent
 or more financial interest in the proposed business or any other person to whom a share or percentage of
 the income of the establishment is to be paid.

1
2 (C) The name, address, and telephone number of the person who shall manage and operate the
3 establishment for which the permit is requested.

4 (D) The name, address, and telephone number of all existing schools, parks, playgrounds or
5 recreational areas, nonprofit youth facilities, places of worship, hospitals, alcohol or other drug abuse
6 recovery or treatment facilities or county social service offices within 500 feet of the proposed alcoholic
7 beverage sales activity establishment.

8 (E) The name, address, and telephone number of all alcoholic beverage sale activities within 500
9 feet of the proposed alcoholic beverage sales activity establishment and within a 1000 foot radius from
10 the proposed alcoholic beverage sales activity establishment.

11 (F) The name, address, and telephone number of a person authorized to accept service of legal
12 notices.

13 (G) The proposed business name of the alcoholic beverage sales activity establishment and
14 description of all operating aspects of the proposed business.

15 (H) The type of ABC license the applicant is seeking for the alcoholic beverage sales activity
16 establishment.

17 (I) Any other information reasonably necessary to accomplish the purposes of this ordinance.

18 (J) The Planning Commission may refer the application to other City departments to determine
19 whether the premises where the alcoholic beverage sales activity establishment will be located, complies
20 with the City's building, health, zoning and fire ordinances or other applicable ordinances or laws. City
21 departments may conduct an inspection of the premises to determine compliance with the ordinances
22 and other laws they administer. City departments may prepare reports summarizing their inspections and
23 recommending whether to approve or deny the application based on their inspections.

24 **SECTION VII – ACTION ON PERMIT APPLICATION**

25 The Planning Commission shall approve issuance of the Conditional Use Permit to allow a new
26 alcoholic beverage sales activity upon making the following findings:

27 (A) The proposed alcoholic beverage sales activity establishment is located in a zoning district in
28 which the establishment is a permitted use.

(B) A finding of "public convenience and necessity" (Business and Professions Code Section
23958.4(b) (2)), if the activity will be located in an area that has been determined by the State of
California Department of Alcoholic Beverage Control to have an undue concentration of licenses as
defined in Business and Professions Code Section 23958.4(a).

1 (C) A finding that the alcoholic beverage sales activity will not aggravate existing problems in
2 the neighborhood created by the sale of alcohol such as loitering, public drunkenness, alcoholic
3 beverage sales to minors, noise and littering.

4 (D) The proposed establishment will not detrimentally affect nearby neighborhoods considering
5 the distance of the alcohol establishment to residential buildings, schools, parks, playgrounds or
6 recreational areas, nonprofit youth facilities, places of worship, hospitals, alcohol or other drug abuse
7 recovery or treatment facilities, county social service offices, or other alcoholic beverages sales activity
8 establishments.

9 (E) The proposed establishment will otherwise be compatible with existing and potential uses
10 within the general area.

11 (F) The proposed establishment is not located in what has been determined to be a high-crime
12 area or where a disproportionate number of police service calls occur.

13 (G) The use of the proposed establishment is consistent with the General Plan.

14 SECTION VIII – CONDITIONS OF APPROVAL

15 Conditions of Approval that may be imposed include but are not limited to the following:

16 (A) Prohibited Products: To discourage nuisance activities, an Off-Sale Alcohol Outlet may be
17 prohibited from selling one or more of the following products:

18 (1) Wine or distilled spirits in containers of less than 750 milliliters.

19 (2) Malt beverage products with alcohol content greater than five and one-half percent by
20 volume.

21 (3) Wine with an alcoholic content greater than 14 percent by volume unless in corked bottles
22 and aged at least two years.

23 (4) Beer or malt liquor sold individually in containers of 40 ounces or less.

24 (5) Containers of beer or malt liquor not in their original factory packages of six-packs or
25 greater.

26 (6) Distilled spirits in bottles or containers smaller than 375 milliliters.

27 (7) Cooler products, either wine- or malt beverage- based, in less than four-pack quantities.

28 (B) Pay Telephones: Pay telephones on the site of the establishment shall be required to be of
the type that only allow outgoing calls and shall be located in a visible and well-lighted location.

1 (C) Program: A “complaint response community relations” program established and maintained
2 by the establishment conducting the Deemed Approved Activity may be required. The program may
3 include the following:

4 (1) Posting at the entry of the establishment providing the telephone number for the area
5 commander of the local law enforcement substation to any requesting individual.

6 (2) Coordinating efforts with the police department to monitor community complaints about the
7 establishment activities.

8 (3) Having a representative of the establishment meet with neighbors or the applicable
9 neighborhood association on a regular basis and at their request attempt to resolve any neighborhood
10 complaints regarding the establishment.

11 (D) Activities: If appropriate the following activities may be prohibited on the premises: pool or
12 billiard tables, football or pinball games, arcade style video or electronic games, and coin-operated
13 amusement devices.

14 (E) Chilled Alcoholic Beverages: An Off-Sale Alcohol Outlet may be prohibited from
15 maintaining refrigerated or otherwise chilled alcoholic beverages on the premises.

16 (F) Hours of Operation: In an Off-Sale Alcohol Outlet, the sale of alcoholic beverages may be
17 restricted to certain hours of each day of the week unless limited further by the State of California
18 Department of Alcoholic Beverage Control.

19 (G) Cups: In Off-Sale Alcohol Outlets, the sale or distribution to the customer of paper or plastic
20 cups in quantities less than their usual and customary packaging may be prohibited.

21 (H) Signs: The following signs shall be required to be prominently posted in a readily visible
22 manner on an interior wall or fixture, and not on windows, in English, Spanish and the predominant
23 language of the patrons:

24 (1) “California State Law prohibits the sale of alcoholic beverages to
25 persons under 21 years of age.”

26 (2) "No Loitering or Public Drinking."

27 (3) “It is illegal to possess an open container of alcohol in the vicinity of this establishment.”

28 (I) Presentation of Documents: A copy of the Conditions of Approval and the
California Department of Alcoholic Beverage Control license shall be required to be kept on the
premises and presented to any City Enforcement Officer or authorized state or county official upon
request.

(J) 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

1 living or working in the neighborhood including but not limited to sales to minors, the congregation of
2 individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing,
3 drug use, loud noise and litter.

4 (K) Drug Paraphernalia: An Off-Sale Alcohol Outlet shall be prohibited from selling
5 drug/tobacco paraphernalia products as defined in Health and Safety Code sections
6 11014.5 and 11364.5. "Drug Paraphernalia" means all equipment products and materials of any kind
7 that are used intended for use or designed for use in planting, propagating, cultivating, growing,
8 harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing,
9 analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or
10 otherwise introducing into the human body a controlled substance in violation of the California Uniform
11 Controlled Substances Act commencing with California Health and Safety Code section 11000.

12 (L) Loitering: The establishment's operators or employees shall be required to discourage
13 loiterers and to ask persons loitering longer than fifteen minutes to leave the area and contact local law
14 enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested
15 to leave fail to do so.

16 (M) Security Cameras: At least two 24-hour time lapse security cameras may be required to be
17 installed and properly maintained on the exterior of the building at locations recommended by the Police
18 Department. All criminal and suspicious activities recorded on this surveillance equipment must be
19 reported to local law enforcement. To the extent allowed by law, the establishment operators may be
20 required to provide any tapes or other recording media from the security cameras to the Police
21 Department. [Request Police Dept. input]

22 (N) Security Guards: An establishment may be required to retain a specified number of security
23 guards. The number of security guards shall vary based upon the specific facts and circumstances of
24 each establishment site and operation. All security guards shall have all required state and City permits
25 and licenses.

26 (O) Prohibited Vegetation: Exterior vegetation shall not be planted or maintained that could be
27 used as a hiding place for persons on the premises. Exterior vegetation shall be planted and maintained
28 in a manner that minimizes its use as a hiding place.

(P) Window Obstructions: No more than 25% of windows or clear doors shall bear advertising
of any sort, and all advertising signage shall be placed and maintained in a manner that ensures that law
enforcement personnel have 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.

1 **SECTION IX – APPEALS FROM A DETERMINATION ON AN APPLICATION FOR**
2 **PERMIT**

3 Any applicant or other person aggrieved by a decision of the Planning Commission on an
4 application for a Conditional Use Permit required by this Article may appeal the decision to the Mayor
and Common Council pursuant to Development Code Chapter 19.52.

5 **SECTION X – GROUNDS FOR CONDITIONAL USE PERMIT SUSPENSION OR**
6 **REVOCAATION**

7 An alcoholic beverage sales activity establishment Conditional Use Permit may be suspended by
8 the Planning Commission for up to one year or revoked after a noticed public hearing held pursuant to
9 Development Code Chapter 19.52, for failure to comply with Operational Standards, training
requirements or conditions imposed through the Conditional Use Permit.

10 Notice of intention to suspend or revoke shall be in writing and shall state the grounds therefore.
11 Notice shall be mailed by U.S. First-Class Mail and Certified Mail Return Receipt Requested at least 10
12 days before the date of the hearing.

13 **SECTION XI – INVESTIGATIVE PROCEDURES OF POTENTIAL VIOLATIONS OF**
14 **CONDITIONS OF APPROVAL**

15 The City shall appoint an Administrative Hearing Officer pursuant to San Bernardino Municipal
16 Code Chapter 9.93, to conduct hearings, make findings and determine whether violations of this Article,
17 including the Operational Standards and Conditions of Approval, as well as whether undue negative
18 impacts or public nuisance activities have occurred, are occurring or are likely to occur in the future.
The assigned Administrative Hearing Officer shall exercise all powers relating to the conduct of the
administrative hearing pursuant to San Bernardino Municipal Code Chapter 9.93.

19 Upon the City's receipt of a complaint from the public, Police Department, City official or any
20 other interested person that a Conditional Use Permit activity is in violation of the Operational Standards
and/or Conditions of Approval set forth in this Article, the following procedure shall be followed:

21 (A) A City Enforcement Officer (any Police Officer or other City Enforcement Officer as listed
22 in San Bernardino Municipal Code Chapter 9.93) shall assess the nature of the complaint and its validity
23 by conducting an on-site observation and inspection of the premises to assess the activity's compliance
with Operational Standards and/or Conditions of Approval.

24 (B) If the Enforcement Officer determines that the activity is in violation of the Operational
25 Standards and/or Conditions of Approval, the Enforcement Officer may issue an Administrative Citation
26 or an Administrative Civil Penalties Notice, which then may be subject to a hearing by the
Administrative Hearing Officer pursuant to San Bernardino Municipal Code Chapter 9.92 or 9.93.

27 (C) Any Administrative Citation or Administrative Civil Penalties Notice issued under this
28 section shall be issued, processed, and enforced in compliance with all of the provisions of San

1 Bernardino Municipal Code Chapter 9.92 and 9.93, unless otherwise expressly provided by this
2 Ordinance.

3 (D) The Administrative Hearing Officer shall determine whether the activity is in compliance
4 with the operational standards and/or Conditions of Approval. Based on this determination, the Hearing
5 Officer may continue the Conditional Use permit status for the use in question, may impose new
6 conditions on the activity, may impose Administrative Civil Penalties pursuant to San Bernardino
7 Municipal Code Chapter 9.93 for violations of the Operational Standards and/or Conditions of Approval
8 and may recommend that the Planning Commission suspend or revoke the activity's Conditional Use
9 Permit. If the Hearing Officer determines instead to impose new conditions on the activity, such
10 conditions shall be based upon the information then before the Hearing Officer. In reaching a
11 determination as to whether a use has violated the Operational Standards or Conditions of Approval, or
12 as to the appropriateness of imposing additional or amended conditions on a use, recommending
13 suspension or revocation of a use, assessing administrative penalties, or the amount of Administrative
14 Civil Penalties to assess, the Hearing Officer may consider:

15 1. The length of time the activity has been out of compliance with the Operational
16 Standards and/or Conditions of Approval.

17 2. The impact of the violation of the Operational Standards and/or Conditions of
18 Approval on the community.

19 3. Any information regarding the owner's efforts to remedy the violation of the
20 operational standards and/or Conditions of Approval.

21 (E) "Efforts to Remedy" shall include, but are not limited to:

22 1. Timely calls to the Police Department that are placed by the owner of the Deemed
23 Approved activity, his or her employees, or agents.

24 2. Requesting that those persons engaging in activities causing violations of the
25 Operational Standards and or Conditions of Approval cease those activities, unless the owner of the
26 activity, or his or her employees or agents feels that their personal safety would be threatened in making
27 that request.

28 3. Making improvements to the subject property or operations, including but not limited
to the installation of lighting sufficient to illuminate the area within the use's property line, the
installation of security cameras, the clearing of window obstructions, the cleaning of sidewalks and the
abatement of graffiti within three days.

(F) If in the judgment of the Administrative Hearing Officer, the operations of the owner of the
activity constitute a nuisance, the owner is unable or unwilling to abate the nuisance and the nuisance is
shown to be a threat to the public health and safety of the surrounding neighborhood, the Hearing
Officer may recommend that the Planning Commission suspend or revoke the activity's Conditional Use
permit. All determinations, decisions, and conditions made or imposed regarding the activity shall run
with the land.

1
 2 (G) The decision of the Administrative Hearing Officer shall become final and conclusive and
 3 shall not be subject to appeal to the Mayor and Common Council. Once the decision of the
 4 Administrative Hearing Officer becomes final, the time in which judicial review of the decision must be
 5 sought shall be governed by California Code of Civil Procedure Section 1094.6, or other applicable
 6 State Law.

7
 8 **SECTION XII – APPEAL FROM SUSPENSION OR REVOCATION OF CONDITIONAL USE**
 9 **PERMIT**

10 Any applicant or other person aggrieved by a decision of the Planning Commission from a
 11 suspension or revocation of a Conditional Use Permit may appeal the decision to the Mayor and
 12 Common Council pursuant to Development Code Chapter 19.52.

13 **ARTICLE III – STANDARDS AND PROCEDURES FOR EXISTING DEEMED APPROVED**
 14 **ALCOHOLIC BEVERAGE SALES ACTIVITIES**

15 **SECTION I – PURPOSE**

16 The purposes of these regulations are to protect and promote the public health, safety, comfort,
 17 convenience, prosperity and general welfare by requiring that alcoholic beverage sales activities that are
 18 legal nonconforming activities comply with the Deemed Approved performance standards in this
 19 Chapter and to achieve the following objectives:

20 (A) Protect surrounding neighborhoods from the harmful effects attributable to the sale of
 21 alcoholic beverages and to minimize the adverse impacts of nonconforming and incompatible uses.

22 (B) Encourage businesses selling alcoholic beverages to operate in a manner that is mutually
 23 beneficial to other such businesses and other commercial and civic activities.

24 (C) Provide a mechanism to address problems often associated with the public consumption of
 25 alcoholic beverages, such as litter, loitering, graffiti, unruly behavior and escalated noise levels.

26 (D) Ensure that businesses selling alcoholic beverages are not the source of undue public
 27 nuisances in the community.

28 (E) Ensure that sites where alcoholic beverages are sold are properly maintained so that negative
 impacts generated by these activities are not harmful to the surrounding environment in any way.

SECTION II – APPLICABILITY

The Deemed Approved alcoholic beverage sales regulations shall apply to all alcoholic beverage
 sales activities for on-site or off-site consumption existing and operating within the City on the effective
 date of this ordinance.

1 **SECTION III – AUTOMATIC DEEMED APPROVED STATUS**

2 All Alcoholic Beverage Sales Commercial Activities that were Legal Nonconforming Activities,
3 on the effective date of this ordinance, whether or not previously granted a Conditional Use Permit by
4 the City, shall automatically become Deemed Approved Activities as of the effective date of this
5 ordinance and shall no longer be considered Legal Nonconforming Activities.

6 Each deemed approved activity shall retain its Deemed Approved status as long as it complies
7 with the performance standards of this ordinance.

8 The occurrence of any of the following shall terminate the Deemed Approved status of the
9 alcoholic beverage sales activity after notice and a hearing in accordance with Section VI below, and
10 require the issuance of a Conditional Use Permit in order to continue the alcoholic beverage sales
11 activity:

12 (A) An existing alcoholic beverage sales activity changes its activity so that ABC requires a
13 different type of license.

14 (B) There is a substantial change of the mode or character of operation.

15 (C) As used herein, the phrase “substantial change of the mode or character of operation”
16 includes but is not be limited to the following:

17 1. The off-site alcoholic beverage sales activity establishment substantially increases the
18 floor or land area or shelf space devoted to the display or sales of any alcoholic beverage.

19 2. The on-site alcoholic beverage sales activity establishment substantially increases the
20 floor or land area or shelf space devoted to the display, sales or service of any alcoholic beverage.

21 3. The off-site or on-site alcoholic beverage sales activity establishment substantially
22 expands the sale or service of any alcoholic beverages and/or substantially increases the number of
23 customer seats primarily devoted to the sale or service of any alcoholic beverages.

24 4. The off-site or on-site alcoholic beverage sales activity establishment extends the hours
25 of operation.

26 5. The alcoholic beverage sales activity establishment proposes to reinstate alcohol sales
27 after the ABC license has been either revoked or suspended for a period 90 days or greater by ABC.

28 6. The alcoholic beverage sales activity voluntarily discontinues active operation for
more than 90 consecutive days or ceases to be licensed by the ABC.

(D) A substantial change of the mode or character of operation shall not include:

1. Re-establishment, restoration or repair of an existing alcoholic beverage sales activity
on the same premises after the premises have been rendered totally or partially inaccessible by a riot,

1 insurrection, toxic accident or act of God, provided that the re-establishment, restoration or repair does
2 not increase the sales or service of any alcoholic beverage, extend the hours of operation of any
3 establishment or add to the capacity, floor or land area or shelf space devoted to alcoholic beverages of
any establishment that sells or serves any alcoholic beverages.

4 2. Temporary closure for not more than ninety days in cases of vacation or illness or for
5 purposes of repair, renovation, or remodeling if that repair, renovation, or remodeling does not change
6 the nature of the premises and does not increase the sales or service of any alcoholic beverage, extend
7 the hours of operation of any establishment, or add to the capacity, floor or land area, or shelf space
devoted to alcoholic beverages of any establishment that sells or serves any alcoholic beverages.

8 (E) Discontinuance. Once it is determined by the City that there has been a discontinuance of
9 active operation for 90 consecutive days or a cessation of ABC licensing, it may be resumed only upon
10 the granting of a Conditional Use Permit as provided in Article II. The property owner shall be notified
11 by the City of the termination of the Deemed Approved status and shall be informed of the property
owner's right to appeal the City's decision to the Administrative Hearing Officer.

12 **SECTION IV – DEEMED APPROVED PERFORMANCE STANDARDS**

13 The provisions of this section shall be known as the Deemed Approved performance standards.
14 The purpose of these standards is to control dangerous or objectionable environmental effects of
15 alcoholic beverage sales activities. These standards shall apply to all Deemed Approved alcoholic
beverage sales activities that hold Deemed Approved status pursuant to this Article.

16 An alcoholic beverage sales activity ("Alcohol Outlet") shall retain its Deemed Approved status
17 only if it conforms to all of the following Deemed Approved performance standards:

18 (A) The Alcohol Outlet shall not cause adverse effects to the health, peace or safety of persons
residing or working in the surrounding area.

19 (B) The Alcohol Outlet shall not jeopardize or endanger the public health or safety of persons
20 residing or working in the surrounding area.

21 (C) The Alcohol Outlet shall not allow repeated nuisance activities within the premises or in
22 close proximity of the premises, including but not limited to disturbance of the peace, illegal drug
23 activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of
24 stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering,
graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic
violations, curfew violations, or lewd conduct.

25 (D) The Alcohol Outlet shall comply with all provisions of local, state or federal laws,
26 regulations or orders, including but not limited to those of the ABC, California Business and Professions
27 Code §§ 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant
28 to applicable laws, regulations or orders. This includes compliance with annual City business
registration fees.

1 (E) The Alcohol Outlet's upkeep and operating characteristics shall be compatible with and not
2 adversely affect the livability or appropriate development of abutting properties and the surrounding
3 neighborhood.

4 (F) A copy of these performance standards, any applicable ABC or City operating conditions,
5 and any training requirements shall be posted in at least one prominent place within the interior of the
6 establishment where it will be readily visible and legible to the employees and patrons of the
7 establishment.

8 (G) The owners and all employees of the alcohol beverage sales establishment involved in the
9 sale of alcoholic beverages shall complete an approved course in "Responsible Beverage Sales" (RBS)
10 within 60 days of hire for employees hired after the passage of this ordinance or within six months of the
11 passage of this ordinance for existing employees. To satisfy this requirement, a certified program must
12 meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS)
13 or other certifying/licensing body designated by the State of California.

14 **SECTION V – NOTIFICATION TO OWNERS OF ESTABLISHMENTS CONDUCTING** 15 **DEEMED APPROVED ACTIVITIES**

16 The City's Community Development Department shall notify the owner of each Deemed
17 Approved activity, and also, if not the same, any property owner at the address shown on the City's
18 property tax assessment records, of the activity's Deemed Approved status. The notice shall be sent by
19 U.S. First Class Mail and Certified Mail Return Receipt Requested and shall include a copy of the
20 performance standards in this Article with the requirement that they be posted in a conspicuous and
21 unobstructed place visible from the entrance of the establishment for public review. This notice shall
22 also provide that the activity is required to comply with all performance standards, and that the activity
23 is required to comply with all other aspects of the Deemed Approved regulations. Should the notice be
24 returned, then the notice shall be sent via regular U.S. Mail. Failure of any person to receive notice given
25 pursuant to this Article shall not affect the Deemed Approved status of the activity.

26 **SECTION VI - DEEMED APPROVED STATUS PROCEDURES**

27 The City shall appoint an Administrative Hearing Officer pursuant to San Bernardino Municipal
28 Code Chapter 9.93 to conduct hearings, make findings and determine whether violations of this Article,
including the Deemed Approved performance standards or Conditions of Approval, undue negative
impacts or public nuisance activity, have occurred, are occurring, or are likely to occur in the future. The
assigned Administrative Hearing Officer shall exercise all powers relating to the conduct of the
administrative hearing pursuant to San Bernardino Municipal Code Chapter 9.93.

Upon the City's receipt of a complaint from the public, Police Department, City official or any
other interested person that a Deemed Approved use is in violation of the performance standards set
forth in this Article, the following procedure shall be followed:

1 (A) A City Enforcement Officer shall assess the nature of the complaint and its validity by
2 conducting an on-site observation and inspection of the premises to assess the activity's compliance with
3 performance standards.

4 (B) If the Enforcement Officer determines that the Deemed Approved activity is in violation of
5 the performance standards, the Enforcement Officer may issue an Administrative Citation or an
6 Administrative Civil Penalties Notice, which then may be subject to a hearing by the Administrative
7 Hearing Officer pursuant to San Bernardino Municipal Code Chapters 9.92 or 9.93.

8 (C) Any Administrative Citation or Administrative Civil Penalties Notice issued under this
9 section shall be issued, processed, and enforced in compliance with all of the provisions of San
10 Bernardino Municipal Code Chapter 9.92 and 9.93, unless otherwise expressly provided by this
11 Ordinance.

12 (D) The Administrative Hearing Officer shall determine whether the Deemed Approved activity
13 is in compliance with the performance standards. Based on this determination, the Hearing Officer may
14 continue the Deemed Approved status for the use in question, may impose Administrative Civil
15 Penalties for violations of the performance standards pursuant to San Bernardino Municipal Code
16 Chapter 9.93, may impose such reasonable conditions, including but not limited to the conditions listed
17 in Article II, Section VIII above, as are in the judgment of the Hearing Officer necessary to ensure
18 compliance with the performance standards and may suspend or revoke the Deemed Approved activity's
19 Deemed Approved status. If the Hearing Officer determines instead to impose further, new conditions
20 on the Deemed Approved activity, such conditions shall be based upon the information then before the
21 Hearing Officer. In reaching a determination as to whether a use has violated the performance standards,
22 or as to the appropriateness of imposing additional or amended conditions on a use, suspending or
23 revoking a use, assessing Administrative Civil Penalties, or the amount of Administrative Civil Penalties
24 to assess, the Hearing Officer may consider:

18 1. The length of time the Deemed Approved activity has been out of compliance with the
19 performance standards.

20 2. The impact of the violation of the performance standard(s) on the community.

21 3. Any information regarding the owner of the Deemed Approved activity's efforts to
22 remedy the violation of the performance standard(s).

23 (E) "Efforts to Remedy" shall include, but are not limited to:

24 1. Timely calls to the Police Department that are placed by the owner of the Deemed
25 Approved activity, his or her employees, or agents.

26 2. Requesting that those persons engaging in activities causing violations of the
27 performance standard(s) cease those activities, unless the owner of the Deemed Approved activity, or his
28 or her employees or agents feels that their personal safety would be threatened in making that request.

1 3. Making improvements to the Deemed Approved activity's property or operations,
2 including but not limited to the installation of lighting sufficient to illuminate the area within the use's
3 property line, the installation of security cameras, clear unobstructed windows, clean sidewalks and
4 graffiti abated within three days.

5 (F) If in the judgment of the Administrative Hearing Officer, the operations of the owner of the
6 deemed Approved activity constitute a nuisance, the owner is unable to abate the nuisance and the
7 nuisance is shown to be a threat to the public health and safety of the surrounding neighborhood, the
8 Hearing Officer may suspend or revoke the activity's Deemed Approved status. Any continued
9 operation of the business shall require a Conditional Use Permit approved by the Planning Commission.
10 All determinations, decisions, and conditions made or imposed regarding the Deemed Approved activity
11 shall run with the land.

12 (G) The decision of the Administrative Hearing Officer shall become final and conclusive and
13 shall not be subject to appeal to the Mayor and Common Council. Once the decision of the
14 Administrative Hearing Officer becomes final as provided in this Chapter, the time in which judicial
15 review of the decision must be sought shall be governed by California Code of Civil Procedure Section
16 1094.6, or other applicable State Law.

17 **ARTICLE IV - ALCOHOLIC BEVERAGE SALES ACTIVITY PENALTIES**

18 (A) Any person who violates, causes or permits another person to violate any provision of this
19 ordinance is guilty of either an infraction or misdemeanor. Any person convicted of either an infraction
20 or misdemeanor under the provision of this ordinance shall be punished by a fine, imprisonment or both
21 according to Chapter 1.12 of the San Bernardino Municipal Code.

22 (B) Separate Offenses for Each Day: Any violator shall be guilty of a separate offense for each
23 and every day during any portion of which any violation of any provision of these regulations is
24 committed, continued, permitted, or caused by such violator and shall be punishable accordingly.

25 (C) Any Violation a Public Nuisance: In addition to the penalties provided in this section, any
26 use or condition caused or permitted to exist in violation of any of the provisions of these regulations
27 shall be and is declared to be a public nuisance and may be abated as such by the City.

28 (D) Injunction as Additional Remedy: Any violation of any provision of these regulations shall
be and is declared to be contrary to the public interest and shall at the discretion of the City, create a
cause of action for injunctive relief.

(E) Administrative Civil Penalties: In addition to any other penalties provided in this section,
\$1,000.00 in Administrative Civil Penalties shall be imposed for each and every offense and for each
and every day during any portion of which any violation of any provision of these regulations is
committed, continued, permitted, or caused by such violator:

 (F) The City shall bill all persons liable for these Administrative Civil Penalties by mail showing
the itemized costs and requesting payment. Payment of the penalties shall be due within thirty 30 days of

1 the date the bill is deposited in the Mail. If full payment is not received within the required time for
2 payment, the bill will be delinquent and all persons liable for the penalties shall be charged interest at
3 the maximum legal rate from the date the payment period expires and a further civil penalty in the
4 amount of \$100.00 per day. The delinquent costs may be placed as a lien against the property or
collected by the City in any manner authorized bylaw and are recoverable in a civil action filed by the
City in a court of competent jurisdiction.

5 (G) Liability for Expenses: In addition to the punishment provided by law, a violator is liable for
6 such costs, expenses and disbursements paid or incurred by the City or any of its contractors in
7 correction abatement and prosecution of the violation. Re-inspection fees to ascertain compliance with
8 previously noticed or cited violations shall be charged against the owner of the establishment conducting
the Deemed Approved Activity or owner of the property where the establishment is located. The
9 Enforcement Officer shall give the owner or other responsible party of such affected premises a written
10 notice showing the itemized cost of such chargeable service and requesting payment thereof. Should the
bill not be paid in the required time, the charges shall be placed as a lien against the property.

11 **SECTION 2.** This Ordinance is based upon the recitals and findings set forth above, and the
12 accompanying Staff Report and its attachments to this Ordinance, and is adopted pursuant to the
13 authority granted to the City of San Bernardino in Article 11, Section 7 of the California Constitution,
and Section 40(z) of the Charter of the City of San Bernardino.

14 **SECTION 3.** Compliance with the California Environmental Quality Act: The Mayor and Common
15 Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA)
16 pursuant to Sections 15061(b)(3) (the activity will not result in a direct or reasonably foreseeable
indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in
17 Section 15378) of the CEQA Guidelines, *California Code of Regulations*, Title 14, Chapter 3, because it
has no potential for resulting in physical change to the environment, directly or indirectly.

18 **SECTION 4.** Severability: If any section, subsection, subdivision, sentence, or clause or phrase in this
19 Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any
20 court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
21 remaining portions of this Ordinance or any part thereof. The Mayor and Common Council hereby
22 declares that it would have adopted each section irrespective of the fact that any one or more
subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or
ineffective.

23 **SECTION 5.** Ordinance No. MC-1323, adopted by the Mayor and Common Council on May 3, 2010,
24 is hereby repealed.

25 ///
26
27
28

1 AN ORDINANCE OF THE CITY OF SAN BERNARDINO AMENDING SAN BERNARDINO
2 MUNICIPAL CODE SECTION 19.06.030(2)(B) (DEVELOPMENT CODE) REQUIRING A
3 CONDITIONAL USE PERMIT FOR NEW ALCOHOLIC BEVERAGE SALES ACTIVITIES AND
4 ESTABLISHING AUTOMATIC DEEMED APPROVED STATUS FOR LEGAL
NONCONFORMING ACTIVITIES AND REPEALING ORDINANCE NO. MC-1323.

5 I HEREBY CERTIFY that the foregoing Ordinance was duly adopted by the Mayor and Council
6 of the City of San Bernardino at a joint regular meeting thereof, held on the 20th day of
7 September, 2010, by the following vote, to wit:

8 COUNCIL MEMBERS:	AYES	NAYS	ABSTAIN	ABSENT
9 MARQUEZ	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
10 DESJARDINS	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
11 BRINKER	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
12 SHORETT	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
13 KELLEY	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
14 JOHNSON	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
15 MC CAMMACK	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

17
18 Rachel G. Clark
19 Rachel Clark, City Clerk

20 The foregoing Ordinance is hereby approved this 21st day of September, 2010.

21
22 Patrick J. Morris
23 PATRICK J. MORRIS, Mayor
City of San Bernardino

24 Approved as to form:

25 JAMES F. PENMAN
26 City Attorney

27 James F. Penman
28

From: [Cheryl Kitzerow](#)
To: [Jenkins, Diane](#)
Subject: Temecula Alcohol Ordinance
Date: Monday, August 13, 2012 12:37:10 PM
Attachments: [Final staff report.pdf](#)
[Final Signed 12_02 CC Ordinance.pdf](#)

Hi Diane,

Patrick Richardson forwarded your request for Temecula's recently adopted alcohol ordinance. Attached is the final Council staff report and Ordinance. Below is a link to the full Development Code as well – refer to section 17.10.020. Feel free to contact me with any questions. Thanks.

<http://www.qcode.us/codes/temecula/>

Cheryl Kitzerow

Economic Development Analyst I
City of Temecula
(951) 694-6409
cheryl.kitzerow@cityoftemecula.org
41000 Main St, Temecula, CA 92590

Connect with the City of Temecula



Table with columns: D, LICENSE #, LICENSE TYPE, APPLICATION, LICENSE NUMBER, TYPE, STATUS, ISSUE DATE, EXPIRATION, RECODE COUNTS, DUPLICATE COUNTS, MASTER INDICATION, TERM MONTHS, GEO CODE, DISTRICT, PRIMARY NAME, PREMISE STREET ADDRESS 1, PREMISE STREET ADDRESS 2, PREMISE CITY, STATE, PREMISE ZIP, BUSINESS NAME, MAL STREET ADDRESS 1, MAL STREET ADDRESS 2, MAL CITY, MAL STATE, MAL ZIP, AIN, GENUS TRACT. The table contains numerous rows of license data across various districts and states.

COMMON ABC LICENSE TYPES AND THEIR BASIC PRIVILEGES

P14-0359, Exhibit 3

LICENSE TYPE	DESCRIPTION
01	BEER MANUFACTURER - (Large Brewery) Authorizes the sale of beer to any person holding a license authorizing the sale of beer, and to consumers for consumption on or off the manufacturer's licensed premises. Without any additional licenses, may sell beer and wine, regardless of source, to consumers for consumption at a bona fide public eating place on the manufacturer's licensed premises or at a bona fide eating place contiguous to the manufacturer's licensed premises. May conduct beer tastings under specified conditions (Section 23357.3). Minors are allowed on the premises.
02	WINEGROWER - (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct winetastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises.
20	OFF SALE BEER & WINE - (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.
21	OFF SALE GENERAL - (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.
23	SMALL BEER MANUFACTURER - (Brew Pub or Micro-brewery) Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.
40	ON SALE BEER - (Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
41	ON SALE BEER & WINE – EATING PLACE - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
42	ON SALE BEER & WINE – PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
47	ON SALE GENERAL – EATING PLACE - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
48	ON SALE GENERAL – PUBLIC PREMISES - (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
49	ON SALE GENERAL – SEASONAL - Authorizes the same privileges and restrictions as provided for a Type 47 license except it is issued for a specific season. Inclusive dates of operation are listed on the license certificate.



LICENSE TYPE	DESCRIPTION
51	CLUB - Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. No off-sale privileges. Food service is not required. Minors are allowed on the premises.
52	VETERAN'S CLUB - Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guest only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
57	SPECIAL ON SALE GENERAL - Generally issued to certain organizations who cannot qualify for club licenses. Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guests only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
59	ON SALE BEER AND WINE – SEASONAL - Authorizes the same privileges as a Type 41. Issued for a specific season. Inclusive dates of operation are listed on the license certificate.
60	ON SALE BEER – SEASONAL - Authorizes the sale of beer only for consumption on or off the premises where sold. Inclusive dates of operation are listed on the license certificate. Wine or distilled spirits may not be on the premises. Minors are allowed on the premises.
61	ON SALE BEER – PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer only for consumption on or off the licensed premises. Wine or distilled spirits may not be on the premises. Minors are not allowed to enter and remain (warning signs required). Food service is not required.
67	BED AND BREAKFAST INN - Authorizes the sale of wine purchased from a licensed winegrower or wine wholesaler only to registered guests of the establishment for consumption on the premises. No beer or distilled spirits may be on the premises. Wine shall not be given away to guests, but the price of the wine shall be included in the price of the overnight transient occupancy accommodation. Removal of wine from the grounds is not permitted. Minors are allowed on the premises.
70	ON SALE GENERAL – RESTRICTIVE SERVICE - Authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. This license is normally issued to "suite-type" hotels and motels, which exercise the license privileges for guests' "complimentary" happy hour. Minors are allowed on the premises.
75	ON SALE GENERAL – BREWPUB - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on a bona fide eating place plus a limited amount of brewing of beer. Also authorizes the sale of beer and wine only for consumption off the premises where sold. Minors are allowed on the premises.
80	BED AND BREAKFAST INN – GENERAL - Authorizes the sale of beer, wine and distilled spirits purchased from a licensed wholesaler or winegrower only to registered guests of the establishment for consumption on the premises. Alcoholic beverages shall not be given away to guests, but the price of the alcoholic beverage shall be included in the price of the overnight transient occupancy accommodation. Removal of alcoholic beverages from the grounds is not permitted. Minors are allowed on the premises.
86	INSTRUCTIONAL TASTING LICENSE –Issued to the holder of and premises of a Type 20 or Type 21 licensee, authorizes the tasting of alcoholic beverages as authorized to be sold from the off-sale premises, on a limited basis. Requires physical separation from the off-sale premises while tasting is taking place and generally requires the participation of a specifically-authorized manufacturer or wholesaler licensee.



The Department also issues licenses and authorizations for the retail sale of beer, wine and distilled spirits on a temporary basis for special events. The most common are listed below. Other less common ones are found in Business and Professions Code Section 24045.2, et seq.

SPECIAL DAILY BEER AND/OR WINE LICENSE - (Form ABC-221) Authorizes the sale of beer and/or wine for consumption on the premises where sold. No off-sale privileges. Minors are allowed on the premises. May be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State. In some instances, the local ABC office may require the applicant to obtain prior written approval of the local law enforcement agency. Issued to non-profit organizations. (Rule 59, California Code of Regulations)

DAILY ON SALE GENERAL LICENSE - (Form ABC-221) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. No off-sale privileges. Minors are allowed on the premises. May be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State. In some instances, the local ABC office may require the applicant to obtain prior written approval of the local law enforcement agency. Issued to political parties or affiliates supporting a candidate for public office or a ballot measure or charitable, civic, fraternal or religious organizations. (Section 24045.1 and Rule 59.5 California Code of Regulations)

CATERING AUTHORIZATION - (Form ABC-218) Authorizes Type 47, 48, 51, 52, 57, 75 and 78 licensees (and catering businesses that qualify under Section 24045.12) to sell beer, wine and distilled spirits for consumption at conventions, sporting events, trade exhibits, picnics, social gatherings, or similar events. Type 47, 48 and 57 licensees may cater alcoholic beverages at any ABC-approved location in the State. Type 51 and 52 licensees may only cater alcoholic beverages at their licensed premises. All licensees wishing to cater alcoholic beverages must obtain prior written authorization from the Department for each event. At all approved events, the licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the ABC Act pertaining to the conduct of on-sale premises and violation of those provisions may be grounds for suspension or revocation of the licensee's license or permit, or both, as though the violation occurred on the licensed premises. (Section 23399 and Rule 60.5 California Code of Regulations)

EVENT AUTHORIZATION - (Form ABC-218) Authorizes Type 41, 42, 47, 48, 49, 57, 75 and 78 licensees to sell beer, wine and distilled spirits for consumption on property adjacent to the licensed premises and owned or under the control of the licensee. This property shall be secured and controlled by the licensee and not visible to the general public. *The licensee shall obtain prior approval of the local law enforcement agency.* At all approved events, the licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the ABC Act pertaining to the conduct of on-sale premises (including any license conditions) and violations of those provisions may be grounds for suspension or revocation of the licensee's license or permit, or both, as though the violation occurred on the licensed premises. (Section 23399)

WINE SALES EVENT PERMIT - (Form ABC-239) Authorizes Type 02 licensees to sell bottled wine produced by the winegrower for consumption off the premises where sold and only at fairs, festivals or cultural events sponsored by designated tax exempt organizations. The licensee must notify the city and/or county where the event is being held and obtain approval from ABC for each event (Form ABC-222). The licensee must also comply with all restrictions listed in Business and Professions Code Section 23399.6.

Note:

1. "Minor" means any person under 21 years of age.
2. Consult Section 25663(b) regarding age of employees in off-sale premises; consult Sections 25663(a) and 25663.5 regarding age of employees in on-sale premises.
3. In certain situations, ABC may place reasonable conditions upon a license, such as restrictions as to hours of sale, employment of designated persons, display of signs, restrictions on entertainment or dancing, etc. If a license has been conditioned, it will be endorsed as such on the face of the license. (Conditional licenses, Sections 23800-23805.)
4. Licensees whose license allows minors on the premises may have a "house policy" restricting minors from entering certain areas of the premises or prohibiting minors in the premises during certain hours.
5. This handout contains only abbreviated information. Contact your local ABC office for full information before doing anything which may jeopardize your license. Also available from the ABC: Quick Summary of Selected ABC Laws (form ABC-608); Alcoholic Beverage Control Act (complete laws); Rules & Regulations; and P-90 (describes privileges of non-retail licenses).

“PUBLIC CONVENIENCE OR NECESSITY”

A GUIDE FOR LOCAL GOVERNMENT
AND INTERESTED CITIZENS



CALIFORNIA COUNCIL ON ALCOHOL POLICY • REVISED MARCH 2006



A GUIDE FOR LOCAL GOVERNMENT AND INTERESTED CITIZENS

AUTHORS’ BIOGRAPHIES

VICTOR COLMAN, B.A., J.D.

In his twenty-two plus years in the public health field, Victor Colman has been a policy analyst, project director, trainer, curricula developer, lobbyist, researcher, manager, and bureaucrat. Victor has worked for academic and non-profit corporations as well as local and state government. Currently, Victor is the senior policy advisor with the Washington State Department of Health in the Division of Community and Family Health.

MICHAEL SPARKS, M.A.

Michael Sparks serves as the Policy Director at the Center for Community Action and Training (CCAT). Michael has expertise in the alcohol policy field as well as in the areas of community building, using local control strategies to manage problematic alcohol and drug environments, the legislative process, neighborhood revitalization, and management of non-profit corporations. He has provided training in the areas of community organizing, alcohol policy, using the legislative process to reduce alcohol and other drug problems, and leadership development. He was the first Executive Director of the Marin Institute for the Prevention of Alcohol and Other Drug Problems and one of four founders of that organization in 1987.

BACKGROUND:

WHY WRITE THIS GUIDE?

As the title suggests, this guide is written for those who work in local government and for those community members seeking to engage in licensing and land use regulation of retail alcohol outlets in California. Limiting alcohol problems in our communities through environmental strategies can be highly effective, but understanding how to accomplish this can be daunting. We are committed to helping you be an effective participant in these strategies, particularly as they relate to public convenience or necessity, a relatively new tool that can directly engage communities and local government into state liquor licensing processes. This is our effort to deconstruct these processes and offer some experience-based input and advice.

TABLE OF CONTENTS

Regulating Retail Alcohol Outlets in California: Challenges and Opportunities... 1

Retail Alcohol Availability: Painting A Regulatory Picture..... 2

Implementation Strategies..... 3

Putting This Handbook to Use..... 7

Improving the State ABC Licensing Process: Possible Administrative and Policy Remedies 7

Appendix A Glossary..... 9

Appendix B Sample of Web Links to Cities 11

Appendix C Key Research Findings Related to Retail Alcohol Availability..... 11

Appendix D Examples of Designated Agencies and Departments 12

Appendix E List of ABC-Approved Conditions 13

Production Notes..... 19

REGULATING RETAIL ALCOHOL OUTLETS IN CALIFORNIA: CHALLENGES AND OPPORTUNITIES

P14-0359, Exhibit 3

While the licensing and land use regulation of retail alcohol outlets in California is complex, local communities and their governments can exert some influence in newly proposed liquor license applications. However, perhaps the greatest challenge is curtailing the sheer number of retail alcohol licenses across the state. While many states place ceilings on the number of liquor licenses in a given community, California is still a state where on-sale beer and wine licenses enjoy no restrictions – see table below.

ordinance, your alcohol problems prevention efforts can be greatly aided by enacting such an ordinance. Additional resources include: <http://health.org/govpubs/PHD822/aar.aspx> and <http://resources.prev.org/documents/AlcoholViolenceGruenewald.pdf>.

“Public convenience or necessity” is an additional tool for local government and communities that directly ties them into the state liquor licensing process. Current state law limits the issuance of new licenses in geographical regions defined as high crime areas or in areas of “undue concentration” of retail alcohol outlets. However, the law also states

A CURRENT SNAPSHOT OF LIMITS IN RETAIL ALCOHOL AVAILABILITY -- CALIFORNIA

LICENSES	ON-SALE	OFF-SALE
Beer, Wine and Distilled Spirits (“General License”)	1 license for every 2,000 residents	1 license for every 2,500 residents
Beer and Wine Only	No state limit	1 license for every 2,500 residents or 1 license for every 1,250 residents when combined with off-sale general licenses

And because there is no state limit placed upon on-sale beer and wine licenses, communities will continue to see new applications filed with the Department of Alcoholic Beverage Control on a regular basis. Some localities have filled this vacuum by utilizing their local land use powers. Under state law, the ABC may not issue a liquor license if it violates an existing local zoning ordinance (CA Business & Professions Code 23790). Thus, to obtain a state liquor license, the applicant must first have all necessary local zoning permits in order. This statutory scheme gives real power to localities with strong zoning ordinances specific to retail alcohol outlets. When properly constructed and deployed, local zoning laws can be a very powerful tool. It is generally easier to be successful at policy change at the local level than at the state level. Check to see if your city or county has a strong zoning ordinance that directly regulates retail alcohol outlets (bars, restaurants, liquor stores, convenience stores). If your locality does not have such an

these restrictions can be sidestepped in specified circumstances when the state ABC or the local jurisdiction makes a determination that the applicant license proves that the proposed outlet would serve “public convenience or necessity” (PC or N). In other words, “public convenience and necessity” is demonstrated when the liquor license applicant proves that the business operation will provide some kind of benefit to the surrounding community. Thus, in addition to making local zoning decisions about alcohol outlet locations and operations, localities now have formal say into the state liquor license process when they actively utilize their authority to make PC or N determination.

Although this phrase “public convenience or necessity” had been embedded in the “undue concentration” statute well before the adoption of the PC or N law in 1994, neither the ABC Department nor local governing bodies has established definitive and uniform guidelines for defining and applying any version of the “public convenience or necessity” doctrine.

In addition, state judicial and administrative decisions have shed little light on the development of definitions or guidelines. Further, there remains some confusion regarding the exact roles and responsibilities of local governing bodies designated to make the PC or N determination.

RETAIL ALCOHOL AVAILABILITY: PAINTING A REGULATORY PICTURE

In order to understand the implications of the concepts of PC or N, a general understanding of how California governs the commercial sale and service of alcoholic beverages is necessary.

A BRIEF OVERVIEW

The regulation of the sale and service of alcohol involves two separate levels of authority: *state* and *local*. The common-sense notion that retail alcohol businesses must be regulated (and be in proportion to the general population) in order to protect the public health and safety is an underlying assumption for each regulatory level. In California, license regulation is handled by a state agency, the Department of Alcoholic Beverage Control (ABC).

State ABC systems can be divided into two basic groups: control and license. In control systems, the state actually owns and operates alcohol retail outlets themselves. In license states (like California), all alcohol businesses must obtain a liquor license from the state as a condition of doing business.

Each state has also shaped its own relationship around local (city and county) power and authority over liquor licensing. States vary widely in defining local powers. Some states place most licensing power with local government; others give all of the power to the state agency. California's liquor licensing system relies primarily on state authority. There is, however, a major exception to the strong state ABC powers in California, one that has resulted in a great deal of regulatory and community activity at the municipal level. **Under California State law, the ABC Department may not issue a liquor license if it violates an existing, valid, local zoning ordinance (CA Business & Professions Code 23790).** In locales that have enacted such zoning laws, known as conditional use permits or CUP's, state liquor licenses may only be issued **after** all zoning permits are in order.

The CUP is a land use ordinance that provides communities and local governments control over where alcohol outlets may be located, how late they may operate, how they train their sellers/servers, and how citizens may participate in determining if new outlets should open in their

neighborhoods. Through the CUP, operating conditions may be placed on new outlets that minimize potential risks to health and safety. The ordinance also provides a simple mechanism for localities to revoke the use permits of outlets operating out of compliance with the conditions set forth in the CUP.

Localities with robust CUP's enjoy real and sustained benefits -- zoning applicants are thoroughly screened, public input is heightened, and the potentially risky element of retail alcohol sales in a community is explicitly debated. Such local processes allow communities to better shape their retail alcohol availability through active use of existing zoning powers-- both in intervening with problem outlets today and preventing undue concentration problems in the future.

PC OR N: A HISTORY LESSON ORIGINAL UNDUCE CONCENTRATION STATUTE (Before AB 2897 - - CALDERA)

State law attempted to curtail the intensity of too many retail outlets and the associated community problems through its definition of "*undue concentration*". The ABC-developed formula stated that undue concentration was proved when crime was 20% higher in the specific crime reporting district where the applicant outlet would be located when compared to all crime reporting districts across either the city or county. However, the statute (and its regulatory analogue -- Rule 61.3) was very challenging for potential ABC license applicants and protestants to understand.

The process was triggered by a single liquor license application. Simply put, interested protesters (i.e., individual community members or local government bodies) needed to prove mathematically that having too many liquor licenses in the vicinity had a nexus or relationship to higher crime statistics as described above.

Applying this formula was not impossible but took extensive legwork, and much cooperation from the police department. Some police departments were able to provide the necessary statistics, while others had record systems that make this data impossible to retrieve. However, even if the protester(s) clearly proved undue concentration using the crime statistic formula described above, complete discretion over liquor license issuance resided with the ABC if they found "*public convenience or necessity*".

Both public entities and communities grew frustrated with the state's broad administrative discretion. These frustrations led to various legislative proposals to change the definition of undue concentration and provide a formal role for local input in the determination of PC or N.

PUBLIC CONVENIENCE OR NECESSITY LEGISLATION:

In 1994, the California legislature enacted AB 2897 (Caldera). Business and Professions Code § 23958.4 (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=23001-24000&file=23950-23962>) now prohibits the issuance of new alcohol retail licenses in any area that has an undue concentration of alcohol outlets **unless** a determination is made that the license would serve public convenience or necessity. The determination of “public convenience or necessity” is either made by the ABC or by a local governing body, depending on the license type.

Undue concentration was redefined in this legislation. Subsection (a) of the code defines “undue concentration” in two specific ways:

- Excess Crime
Excess Uniform Crime Reporting (UCR) Part 1 crimes (> 20%) reported within the crime reporting district (*similar to the prior definition in law*) **OR**
- Ratios (X number of licenses per X number of residents)
A higher alcohol license/population ratio within the census tract/division than the county alcohol license/population ratio.

Subsection (b) apportions the roles of the state ABC and local governing bodies based upon type of license. See table below for breakdown.

PUBLIC CONVENIENCE OR NECESSITY: A JURISDICTIONAL BREAKDOWN	
JURISDICTIONS	LICENSE TYPES
State Department of Alcoholic Beverage Control	On-Sale <ul style="list-style-type: none"> • Restaurants (bona fide eating places) • Lodging-based licenses • Non-retail licenses
Local Governing Body	Off-Sale <ul style="list-style-type: none"> • Liquor stores • Convenience stores • Bars

So, since 1995 local entities have been given an additional and direct role in the state ABC licensing process for a substantial portion of license types. How communities and their local government bodies can best flex this new muscle is described in detail below.

SUBSEQUENT LEGISLATION:

1995: The Thompson “Wrinkle” (SB 408) -- Moratorium Areas

SB 408 (Thompson) amended Business and Professions Code § 23817.5 in 1995. This provision imposes a moratorium on new off-sale retail beer and wine licenses in cities and counties where the number of such licenses exceeds one license for each 2,500 residents. Contact your local ABC office for a current listing of moratorium jurisdictions.

This amendment allows the ABC Department to potentially override the off-sale beer/wine moratorium if the applicant can demonstrate to the local governing body that public convenience or necessity would be served.

1996: The Hoge Amendment (AB 2841) - The 90 Day Limit

After enactment of the new *public convenience and necessity* provisions in 1994, various pieces of legislation were introduced in the 95-96 session to amend the statutory scheme. AB 2841 was the successfully enacted bill and essentially created a time limit for local governments to make their determination of public convenience and necessity. Local governing bodies now have 90 days in which to make such a determination. Failure to do so in that time frame will then give the ABC the right to make the determination.

Thus, localities and communities must be mindful of the time limits when designing and implementing PC or N processes; otherwise, they will lose the powers gained through the original Caldera bill.

IMPLEMENTATION STRATEGIES

The essence of this portion of the guide is to give the reader some tangible examples of how to implement the PC or N legislation at the local level. Substantive advice is provided that can assist localities and their communities to derive the most benefit from this important (but under-utilized) power.

DETERMINING A LOCAL GOVERNING BODY

Since the Caldera bill was enacted, local government has utilized a number of different options as the official “governing body.” We talked to many folks at the local level to determine if there were any preferred approaches. In short, there is no definitive answer at this juncture. Instead, we offer a guiding principle that applies across the

board, to choose a governing body that has functional linkages with other local agencies and, perhaps most importantly, the communities that make up that city or the unincorporated county.

See Appendix D for examples of locally designated entities.

DETERMINING PC OR N: MANDATORY & DISCRETIONARY MODELS

This discussion includes two main sections: (1) highlights of PC or N guidelines (both mandatory and discretionary), and (2) highlighting current procedural models which list both the pros and cons of each. It is important to remember that these are only guidelines or suggestions; control still resides at the local level as to how a community may choose to implement this local component of the state PC or N legislation.

However, the original PC or N legislation explicitly stated that the burden of proof is on the applicant, meaning that the applicant is obliged to demonstrate to the ABC or, if applicable, the local entity, how *public convenience* OR *necessity* will be served by the existence of this new retail outlet. Note the “OR” in the public convenience or necessity. The applicant does not need to prove both elements – just demonstrating one of the elements is enough to meet the burden of proof.¹

A number of potential applicant burdens or obligations have been gleaned from localities using the process around the state. These include:

- Demonstrate how the proposed use will not be detrimental to the character of development in the immediate neighborhood and will be in harmony with the overall objectives of the General Plan.
- Prove/demonstrate the economic benefit outweighs the negative impacts to the community as whole
- Demonstrate how issuance of license will provide a needed service not currently being met in the community
- Identify the special and unusual circumstances present here to justify a new retail alcohol outlet when there are already similar alcohol uses existing nearby
- Prove they cannot operate profitably without a liquor license
- Demonstrate reasonable efforts to seek community input
- Get the approval of redevelopment agency/committee when appropriate

After a local governing body has been identified and a procedural model selected (see SECTION 2, below) then the designated public entity moves on to the question of determining what constitutes public convenience or necessity for their community.

SECTION 1: PC OR N – RECOMMENDED GUIDELINES

There are two basic types of analyses for determining PC or N:

- MANDATORY (or absolute), and
- DISCRETIONARY.

These should not be seen as mutually exclusive; but rather are complementary. Note, however, that if both are to be used it would certainly make sense for the municipality to first assess the PC or N question under the MANDATORY analysis.

SUGGESTED MANDATORY GUIDELINES

Under this type of analysis the city or county should explicitly lay out in writing the criteria for which NO finding of PC or N will be made. Clearly this scenario requires special qualifying factors. Such circumstances can and have occurred. The following examples provide a beginning list of such factors used by some public entities as the basis for immediate rejection of the applicant’s bid to prove PC or N. Any one of these factors should be enough to warrant a no PC or N finding, but the presence of additional factors makes for a stronger finding and will provide less likelihood of a successful appeal.

- Proposed use to be located in an existing targeted law enforcement area
 - as documented by specific and abnormally high general health and safety indicators that have some nexus with alcohol use
 - see Appendix B for links to research findings linking alcohol availability with a variety of alcohol-related problems
- Elevated rates of alcohol-related crime in a defined area or reporting district that encompasses the proposed use
 - significantly higher than average, i.e., 20% greater
 - i.e., disturbing the peace, public intoxication., assault and battery, prostitution, vandalism, graffiti, loitering, pan-handling, all CA Business & Professions code violations, drug violations, driving under the influence (DUI) tracking

¹Note that some localities mistakenly substitute “and” instead of “or” in their PC or N policies and procedures documents. This can result in that locality creating a greater burden to the applicant than originally intended.

- Consistent history of undue concentration
-- i.e., 20% higher outlet density ratio than the state average for that particular license type
- Proximity to sensitive land uses
-- examples: schools, churches, residences, parks, senior housing, youth activity centers, hospitals, treatment centers, homeless shelters, child care facilities

NOTE: DISTANCE REQUIREMENTS SHOULD BE AT LEAST EQUIVALENT OR CLOSER TO STATE REQUIREMENTS – see Business and Professions Code § 23789

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=23001-24000&file=23770-23793>

SUGGESTED DISCRETIONARY GUIDELINES

It is strongly recommended that all local designated bodies should include at least this level of analysis. Here the designated public entity engages in a type of risk-benefit analysis. Note that license-specific factors are included as well.

It is suggested that the benefits side of the equation be examined first. If no tangible benefits can be discerned, the decision-making body should determine that public convenience or necessity would not be served. So, the applicant retains the burden of proof to make an initial case that there are discernible benefits to the particular use in question. If there are benefits, then the analysis should weigh the risks and focus on whether the business is designed to minimize those risks to the community.

To aid this important decision-making process the following variables should be considered when determining the relative merits and demerits of a proposed liquor license. The usual caveat to any promulgated state-wide guidelines must be applied here -- these are simply guidelines that require adaptation to local circumstances.

RISK VARIABLES

In addition to those circumstances cited in the MANDATORY section, the following variables also may be considered in making the PC or N evaluation:

- law enforcement calls for service and Uniform Crime Reporting (UCR) part 1 & 2 crimes higher than average
- ratio (all police service calls for service/alcohol-related service calls)
- possible increase in level of law enforcement capacity
- health indicators (alcoholism rates, homelessness, other)

- youth demographics in immediate area
-- i.e., “x” percentage of the population in the immediate vicinity of the proposed business is under the age of 21
- business operation variables
-- i.e., high percentage (more than 50%) of alcohol to non-alcohol sales, late night (after midnight) operations, high percentage (over 50%) of untrained staff, high percentage (over 50%) of underage staff, availability of single servings, sale of inexpensive fortified wines, size of facility, lack of adequate security, lighting.

BENEFIT (CONVENIENCE) VARIABLES

As discussed above, the initial inquiry involves determining (with some specificity) what potential benefits the proposed establishment will bring to the community. Again, the burden is on the applicant to provide this information. Some benefit variables include:

- net employment gain (especially of local residents)
- various business taxes
- unique business addition
- enhances and/or increases the public utilization of space
- contribution to the long-term economic development goals of the community
- positive (cultural) entertainment

SECTION 2: PC OR N PROCEDURAL ISSUES

The issue of determining PC or N is complicated by questions of procedure and timing.

TIMING

As many as three distinct processes may be in play with regard to retail alcohol outlets:

1. a local conditional use permit (if required);
2. a PC or N determination (required within 90 days of a completed PC or N application); and/or,
3. the state ABC liquor license process (protests need to be filed within 30 days of the initial posting date).

Unfortunately, these processes overlap, without any real standardization across localities. This lack of uniformity presents challenges to communities, localities, the state ABC and even the license applicant. Thus, the authors are unable to recommend any specific model. However, a key principle should be applied in all cases; namely, **promote transparency in the process in order to ensure maximum citizen input and participation.**

Another complexity is the situation where some localities are making “conditional PC or N” determinations – meaning that the determination is wholly contingent upon the ABC

placing specific conditions upon the liquor license. Consult your local ABC administrator to assess the possibility of using this particular strategy.

Models:

For those with existing conditional use permits (CUP's) regulating retail alcohol outlets, there were at least three variations. For those without an existing CUP, at least two variations were delineated. All five variations are described here:

Existing CUP Jurisdictions -- Models:

- Administrative determination of PC or N
- Determination coordinated with CUP hearing process
- Determination subsequent to CUP hearing process

Non-CUP Jurisdictions – Models:

- Administrative determination of PC or N
- PC or N determination based on public hearing

PC OR N: PROCEDURAL OPTIONS

To reiterate, public entities must determine who shall serve as the designated local governing body. Appendix D provides current examples of various designated bodies.

A quick review of those local governing bodies that have begun to develop their own definitions of public convenience or necessity revealed no clear procedural model. Each local governing body should determine which model best fits their circumstances.

EXISTING VARIATIONS WITH CUP'S	
<p>A) ADMINISTRATIVE DETERMINATION OF PC OR N Here, staff of the designated department or agency makes a determination without any public hearing process.</p>	
<p>PRO:</p> <ul style="list-style-type: none"> • fast, simple, less expensive • individual agency representative can be utilized as “designated” department 	<p>CON:</p> <ul style="list-style-type: none"> • no input from community at front end of procedure • lack of public process may give business applicant unfair advantage • more difficult for community to appeal
<p>B) DETERMINATION COORDINATED WITH CUP HEARING PROCESS² Public notification and hearing are needed for both matters at hand (PC or N and zoning). Staff input can be directed to both questions.</p>	
<p>PRO:</p> <ul style="list-style-type: none"> • most efficient process when faced with mandatory public hearing processes • other interested departments able to provide formal input • allows formal input from community on both CUP and PC or N findings. 	<p>CON:</p> <ul style="list-style-type: none"> • may confuse CUP issue (for staff, community, and members of relevant decision-making board) • difficult to untangle the two processes, possibly creating sense of not having a fair hearing on the part of the applicant

² *NOTE: If this variation is to be used, it is suggested that the issue of public convenience or necessity be taken up first. If PC or N is determined not to exist, the local zoning issue becomes moot.*

PUTTING THIS HANDBOOK TO USE

DISSEMINATION

As with the original handbook, it is anticipated that this document will be broadly disseminated across a number of key sectors, including but not limited to:

- Chiefs of Police
- Planners
- City Managers
- City Attorneys
- City Councils
- County Supervisors Association & all related organizations including sheriffs, planners, boards of supervisors, city administrators
- American Planning Association
- California Peace Officers Association
- Interested businesses and business trade associations
- Alcohol prevention groups and organizations
- Interested citizens and community activists

GETTING STARTED IN YOUR COMMUNITY

If you are interested in getting your local government to pay more attention to the issues of retail alcohol availability, we suggest contacting the Community Prevention Institute for possible support for technical assistance and training. They can be found at <http://www.ca-cpi.org> or by calling 916.983.8929.

IMPROVING THE STATE ABC LICENSING PROCESS: POSSIBLE ADMINISTRATIVE AND POLICY REMEDIES

A recent statewide meeting of ABC constituents and interested individuals representing neighborhoods and organizations using the PC or N process was held in order to shape the revision of this document. Emerging from the discussion was a number of key policy issues of concern to the participants. Of course, in any policy development process, one must first define the problem or issue area. In this arena, there are two overarching themes: 1) strengthening the information flow from state ABC to communities; and, 2) better demarcation of the state liquor licensing process and the local PC or N process.

The ideas listed below are not necessarily endorsed by any particular organizations but do point out areas of debate and concern. These ideas could take the shape of bills, rules changes, or simply shifts in operational policy. Sketches of several ideas include:

- ABC should require applicants to mail notice of license applications to a broader spectrum of community members. Participants expressed that the notices often fail to get into the hands of the residents that live nearby and also frequently leave insufficient time for community members to act should they wish to protest the license.
 - ✓ Specific ideas include: expand the area that applicants are required to disseminate the notices; provide a more timely process for distribution; and develop multiple communication avenues to ensure actual resident notification.
- Communities are confused about the interface between licensing and local land use powers. Examples of ABC District Offices initiating the processing of license applications before local government bodies have had time to determine if a Conditional Use Permit will be awarded were raised and discussed.
 - ✓ One solution offered was for the ABC not to begin processing (or even accepting) liquor license applications until local land use decisions are made.
- Participants agreed that the posting of ABC transmittals (updated information on pending license applications, transfers, etc.) and master list of conditions on the ABC Website would be a very useful tool.
- Also discussed was the possibility of using a different baseline for the calculation of population ratios for the determination of “undue concentration.”
 - ✓ Suggestions included using population ratios derived from multiple sources (e.g., census tracts, zip codes, planning districts, crime reporting districts, etc.) rather than solely the County population at large.
- Participants felt the ABC should have the statutory authority to place conditions on license even when an applicant disagrees with the conditions.
- ABC licensees are allowed to make annual requests to have current conditions removed from their license. Similarly, localities and communities would like a similar process established to request additional conditions on a license, when justified.
- Given the interface between licensing and exercising of local land use prerogatives, participants would like the ABC to take a supportive or, at worst, a neutral position in reference to the land use conditions that a local jurisdiction may choose to place on a use permit.

APPENDIX AGLOSSARY

**APPENDIX BSAMPLE OF WEB LINKS TO CITIES
WITH ACTIVE PCORN PROCESSES**

**APPENDIX C.....KEY RESEARCH FINDINGS RELATED TO
RETAIL ALCOHOL AVAILABILITY**

**APPENDIX DEXAMPLES OF DESIGNATED AGENCIES
AND DEPARTMENTS**

APPENDIX E.....LIST OF ABC-APPROVED CONDITIONS



APPENDIX A

GLOSSARY

ABC:

The Department of Alcoholic Beverage Control, the state agency responsible for licensing and regulation of alcoholic beverages <http://www.abc.ca.gov>.

Alcohol:

Includes alcohol (distilled spirits, liqueur, wine, wine coolers, or beer) in any liquid or solid containing at least one-half of 1 percent (0.05%) or more of alcohol by volume.

Alcohol Availability:

A public health term referring to how alcohol is made available or accessible in a defined area or community. Availability may be based on location, price, advertising, and promotion.

Alcohol Outlet:

A retail business that sells alcohol beverages to the public or to a select membership. Under the 21st Amendment, each state has the power to control the means by which alcohol is made available to the public. (See also Off-sale & On-sale Outlets)

Applicant:

One who is applying for a state liquor license.

Bona Fide Public Eating Place:

A technical name for “restaurant.” The business must have full kitchen facilities and serve meals on a regular basis.

California Department of Alcoholic Beverage Control:

The state agency that has the constitutional authority to regulate the manufacturing, wholesaling, and retailing of alcohol. See also “ABC” <http://www.abc.ca.gov>.

Conditions:

Those agreed upon conditions of doing business that are attached to either a liquor license or a zoning permit.

Fortified Wines:

Products made from both wine and spirits. Can include very inexpensive products generally found only in economically depressed communities or more expensive products (i.e., ports and brandies) found in most liquor stores.

General License: P14-0359, Exhibit 3

A license to sell or serve beer, wine, and distilled spirits.

ID:

Identification used to verify a person’s age.

Incident Log:

A daily record of any events occurring in an establishment that could result in legal action.

Intoxication:

The condition of physical and mental impairment resulting from consumption of alcohol and/or other drugs.

Licensee:

An individual who has applied for and received a liquor license from the State of California.

License Exchange:

When a retail alcohol outlet changes its liquor license type from one kind to another (for example, from a beer and wine license to a general license).

License Transfer:

When a retail alcohol outlet transfers from one location to another and takes the liquor license with them.

License Types:

A specific kind or class of license. For instance, Type 20 refers to an off-sale beer and wine license and Type 21 refers to an off-sale general license.

Local Control:

Local city or county governments have many powers to establish laws and policies regarding retail alcohol establishments and sales. Local control refers to this particular arena of local policymaking.

Malt Liquor:

A beer product with higher alcohol content (e.g., Olde English, St. Ides, Schlitz Malt Liquor).

Minor:

Any person less than 21 years of age.

Off-Sale Outlets:

Those establishments licensed by the state to sell alcohol for consumption away from the premises (e.g., liquor stores, convenience stores, grocery stores).

On-Sale Outlets:

Those establishments licensed by the state to sell alcohol for consumption on the premises (e.g., bars, restaurants, nightclubs).

Premises:

Any business establishment that has a license to sell alcohol.

Protestants:

Individuals who are formally protesting either a zoning permit at the local level or a liquor license application at the state level.

Responsible Beverage Service (RBS) Training:

A professional training program for managers, sellers, and servers of alcohol. Some cities and states require training as a precondition for employment or even as a condition preceding the issuance of a local zoning ordinance. As of March 2006, there are no state laws that require training in California.

Sale or Service: P14-0359, Exhibit 3

Any transaction where alcohol is exchanged for something of value from one person to another.

Undue Concentration:

Subsection (a) of the code defines “undue concentration” in two specific ways:

- Excess Crime
Excess Uniform Crime Reporting (UCR) Part 1 crimes (> 20%) reported within the crime reporting district (*similar to the prior definition in law*) **OR**
- Ratios (X number of licenses per X number of residents)
A higher alcohol license/population ratio within the census tract/division than the county alcohol license/population ratio.

Zoning:

The means by which cities and counties regulate the different types of land uses (residential or commercial) within their boundaries.

APPENDIX B

SAMPLE OF WEB LINKS TO CITIES WITH ACTIVE PCORN PROCESSES:

Citrus Heights:

http://www.ci.citrus-heights.ca.us/docs/item_12-east_meets_west_asian_imports.pdf#search='public%20convenience%20or%20necessity%20alcohol'

Concord:

<http://www.ci.concord.ca.us/citygov/agendas/za/2001/06-27-01/rpt06-27-01-1.pdf>

Davis:

<http://www.city.davis.ca.us/cmo/citycode/detail.cfm?p=40&q=2073>

Diamond Bar:

<http://www.ci.diamond-bar.ca.us/docs/15331913120068.1.pdf>

Encinitas:

<http://www.ci.encinitas.ca.us/NR/rdonlyres/EBEE7F0B-4BA8-4FC4-85BA-DA319305A440/0/WEBPUBCONVABCFORM.pdf>

Manhattan Beach:

<http://www.ci.manhattan-beach.ca.us/agenda/1999/Ag-Min19990601/19990601-13.html>

Salinas:

http://www.ci.salinas.ca.us/Admin/MuniCodes/CodeFiles/_DATA/CHAP33/Sec_33_21_1_Requirements_for.html

San Mateo:

<http://www.ci.sanmateo.ca.us/dept/codes/ch10-38.html>

San Diego City:

http://clerkdoc.sannet.gov/RightSite/getcontent/local.pdf?DMW_OBJECTID=090014518007d1f4

San Diego County:

<http://www.sdcounty.ca.gov/cob/policy/policyupdatelist.html>
(I-121 amended 6/23/04)

Temecula:

<http://www.cityoftemecula.org/cityhall/CommDevDivision/Planning/Permits/pdfs/Public%20Convenience%20and%20Necessity-Revised%2009-05.pdf>

Yucca Valley:

<http://www.yucca-valley.org/pdf/planning/publicconvenecess.pdf>

APPENDIX C P14-0359, Exhibit 3

KEY RESEARCH FINDINGS RELATED TO RETAIL ALCOHOL AVAILABILITY – WEB LINKS:

- <http://www.health.org/govpubs/PHD822/aar.aspx>
- <http://www.udetc.org/documents/accesslaws.pdf>
- <http://www.udetc.org/documents/strategies.pdf>
- <http://modelprograms.samhsa.gov/pdfs/Details/Community%20Trials.pdf>
- http://www.publicstrategies.org/pdfs/fact_sheet_outlet_density_2_03.pdf
- <http://www.hawaii.edu/hivandaids/Alcohol%20Availability%20and%20Targeted%20Advertising%20in%20Racial%20Minority%20Communities.pdf>
- <http://www.edc.org/hec/pubs/annotated-bib/alcohol-availability.html>



EXAMPLES OF DESIGNATED AGENCIES AND DEPARTMENTS	
DESIGNATED AGENCY OR DEPARTMENT	CITY OR COUNTY
AGENCY	
Law Enforcement	Alameda (city); Hemet; Mendocino County (Sheriff); Oceanside; Sacramento (city); San Diego (city); Santa Rosa; Ventura (city)
City Manager	Bakersfield; Berkeley
City Attorney	Simi Valley
Director of Public Works/City Engineer	La Palma
Community Development/ Neighborhood Services	Union City; San Francisco
Planning	Colusa County; Larkspur; Los Angeles County; Oakland; San Ramon; Vallejo
ELECTED:	
City Council	Long Beach; Los Angeles City; Reedley; Vista
Board of Supervisors	Fresno County; Kern County; Ventura County
OTHER:	
Shared	San Leandro (Community Services Director/ Chief of Police)

APPENDIX E

List of ABC-approved conditions. This list is not exhaustive. Local officials may request the ABC place additional conditions on a new or transferred license; these conditions would not be ABC approved, but would be used at the local level as part of a conditional use permit process.

ON SALE PREMISES:

TO BE USED FOR LOCATIONS WHICH HAVE DIFFERENT HOURS ON DIFFERENT DAYS OF THE WEEK

Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of ___ and ___.

TO BE USED FOR ON SALE LOCATIONS WITH THE SAME HOURS EACH DAY OF THE WEEK.

Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of ___ and ___ each day of the week.

Sales, service and consumption of alcoholic beverages shall be permitted in the patio area only between the hours of ___ and ___, each day of the week.

OFF SALE PREMISES:

TO BE USED FOR LOCATIONS WHICH HAVE DIFFERENT HOURS ON DIFFERENT DAYS OF THE WEEK

Sales and service of alcoholic beverages shall be permitted only between the hours of ___ and ___.

TO BE USED FOR OFF SALE LOCATIONS WITH THE SAME HOURS EACH DAY OF THE WEEK.

Sales and service of alcoholic beverages shall be permitted only between the hours of ___ and ___ each day of the week.

The sale of distilled spirits by the bottle for same day or future consumption is prohibited.

There shall be no bar or lounge area upon the licensed premises maintained for the purpose of sales, service or consumption of alcoholic beverages directly to patrons for consumption.

If the premises do not open until 9:00 p.m., full and complete meals must be served whenever the privileges of the license are being exercised.

The premises shall be maintained as a bona fide food restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurants.

The petitioner(s) shall stock and offer for sale a substantial assortment of food and/or merchandise commonly associated with and sold to persons in the community of extraction.

Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within hours of being applied.

No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed.

No refrigerated or otherwise chilled alcoholic beverages shall be sold or maintained on the licensed premises.

The use of any amplifying system or device is prohibited on ____, and the use of any such system or device inside the premises shall not be audible outside the premises.

During normal meal hours, at least the premises seating shall be designed and used for and must possess the necessary utensils, table service, and condiment dispensers with which to serve meals to the public.

At all times when the premises are open for business the sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage.

There shall be no amplified music on the premises at any time.

Sales, delivery and consumption of alcoholic beverages will be restricted to and within the confines of the building portion of the premises and sales or delivery of alcoholic beverages through any pass-out window is prohibited.

The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.

There will be no dancing allowed on the premises.

The door(s) shall be kept closed at all times during the operation of the premises except in cases of emergency. Said door(s) not to consist solely of a screen or ventilated security door.

The door(s) shall be kept closed at all times during the operation of the premises except in cases of emergency and to permit deliveries. Said door(s) not to consist solely of a screen or ventilated security door.

The rear doors of the premises shall be equipped on the inside with an automatic locking device and shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation.

There shall be no amusement machines or video game devices in the premises at any time.

There shall be no more than ___ amusement machine or video game devices in the premises at any time.

No pool or billiard tables may be maintained on the premises.

A single jukebox or stereo may be maintained upon the premises; however, the music shall not be audible outside the premises.

Entertainment provided shall not be audible beyond the area under the control of the licensee(s) as defined on the ABC-257 dated and ABC-253 dated ____.

Live entertainment provided shall be limited to _____. No noise from said entertainment shall be heard beyond feet from the exterior of the premises in any direction.

There shall be no live entertainment of any type, including but not limited to live music, disc jockey, karaoke, topless entertainment, male or female performers or fashion shows.

There shall be no ___ permitted on the premises at any time.

Between the hours of ___ and ___ or at any time the premises are providing ___, the petitioner(s) shall provide ___ licensed uniformed security guard(s)³ in the parking lot and shall maintain order therein and prevent any activity which would interfere with the quiet enjoyment of their property by nearby residents.

Petitioner(s) shall provide uniformed security guard(s) between the hours of ___ to ___.

Petitioner(s) shall provide uniformed security guard(s) from ___ to ___ after closing.

Between the hours of ___ and ___ or at any time the premises are providing ___, the petitioner(s) shall provide security personnel in the parking lot and shall maintain order therein and prevent any activity which would interfere with the quiet enjoyment of their property by nearby residents. Said personnel shall be clothed in such a manner as to be readily identifiable as security.

The sale of alcoholic beverages for consumption off the premises is strictly prohibited.

The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premise.

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 ABC-257 dated and ABC-253 dated ____.

The petitioner(s) shall provide off-street parking spaces for vehicles for use by patrons of the premises.

The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences.

Trash shall not be emptied between the hours of ___ nor later than ____.

Trash pickup at the premises will be made no earlier than ___ nor later than ____.

Trash shall not be emptied into outside trash containers between the hours of ___ nor later than ____.

The petitioner(s) shall construct and maintain a solid block or brick fence not less than ___ feet along the boundary of the premises parking lot.

No wine shall be sold with an alcoholic content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles.

No beer or malt beverage products shall be sold, regardless of container size, in quantities of less than six per sale.



³ If you want guards in full uniform, use the phrase "licensed uniform guards(s)". If full uniforms are not required, use the phrase "security personnel".

The sales of beer or malt beverages in quantities of quarts, 22 oz., 32 oz., 40 oz., or similar size containers is prohibited. No beer or malt beverages shall be sold in quantities of less than six per sale.

Beer, malt beverages, and wine coolers in containers of 16 oz. or less cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.

There shall be no cups, glasses, or similar receptacles commonly used for the drinking of beverages, sold, furnished, or given away at the petitioner's premises in quantities of less than twenty-four in their original multi-container package.

No alcoholic beverages shall be sold in bottles or containers smaller than ____.

Wine shall not be sold in bottles or containers smaller than 750 ml. and wine-coolers, beer coolers, or pre-mixed distilled spirit cocktails (if allowed by the license) must be sold in manufacturer pre-packaged multi-unit quantities.

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 ABC-257 dated and ABC-253 dated ____.

There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.

No person under the age of 21 shall sell or deliver alcoholic beverages.

No pay phone will be maintained on the interior or exterior of the premises.

All ice shall be sold at or about prevailing prices in the area and in quantities of not less than ____ pounds per sale and shall not be given away free.

Sales and delivery of alcoholic beverages to customers shall be made from behind a counter where a clerk will obtain the product; no self-service of alcoholic beverages will be permitted.

Not more than ____% of the square footage of the premises will be used for the display of alcoholic beverages.

The licensee(s) or an employee of the licensee(s) will be present in the patio at all times that alcoholic beverages are being served or consumed.

No person shall be excluded from membership in the club on the basis of race, color, sex, religion, ancestry, disability, marital status or national origin.

Petitioner(s) shall furnish four additional keys and/or passes to the Department of Alcoholic Beverage Control. Such keys or passes shall not be marked or prepared in any manner so as to distinguish the bearer's official capacity. In addition, said keys or passes shall contain random, non-consecutive numbers, various dates of issuance and shall not be identified on any membership lists so as to distinguish the listed member's official capacity.

Petitioner(s) shall police the area under their control in an effort to prevent the loitering of persons about the premises as depicted on ABC-253, dated ____.

Loitering is prohibited on or around these premises or this area under the control of the licensee(s) as depicted on the ABC-257 dated and ABC-253 dated ____.

The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages is prohibited on or around these premises as depicted on ABC-253, dated _____.

The licensee shall keep the property, adjacent to the licensed premises and under the control of the licensee(s) as depicted on ABC-253, dated ____, clear of newspaper racks, benches, pay telephones, bicycle racks, and any other objects which may encourage loitering.

There shall be no sales of alcoholic beverages while the boat is at any dock, except sales to passengers one-half hour prior to departing on scheduled trips or charters, and one-half hour after returning to designated commercial docks pursuant to (A) or (B).

- (A) In addition to its primary home port dock, a licensee may designate up to ten (10) commercial docks each year at which it intends to embark or disembark passengers.
- (B) A licensee may designate any public commercial dock within the state. Such designation shall be in writing.

The applicant corporation shall report to the Department in writing any changes in directors, managing officers, and/or the issuance or transfer of shares of stock which results in a person or entity not previously approved owning 10% or more of its stock. This report shall be made within 30 days of issuance, transfer, or change.

The Department of Alcoholic Beverage Control will be notified in writing of any change in the trustees under Trust dated ____.

That ___ shall have no interest directly or indirectly in the ownership nor act as a manager or consultant in the operation or control of the licensed premises or business activities conducted in said premises.

That ___ shall not be employed in any capacity in the operation or control of the licensed premises.

That ___ shall not violate any laws or have any determination by law, by plea of guilty, bail forfeiture, conviction, or nolo contendere of any crime or commit any act involving the intemperate use of alcohol for a period of ___ years from the signing of this petition.

The sale of products, other than beer & wine, measured by gross receipts on an annual basis, shall exceed the annual sales of beer & wine products, measured by gross receipts.

Off-sale privileges under this license are restricted to sale of malt and vinous beverages containing not more than 3.2 percent of alcohol by weight, and to the sale of beer.

Peace officers, as listed in Section 830.1 of the California Penal Code, and the Director and other persons employed by the Department of Alcoholic Beverage Control for the administration and enforcement of the Alcoholic Beverage Control Act are hereby authorized to visit and inspect the proposed premises as outlined in red on form ABC-257 dated ___, at any time the undersigned is exercising the privileges authorized by the license on such premises.

Subject premises will be solely a business office and no alcoholic beverages will be possessed, stored, or delivered from this location, nor will there be any direct sales to consumers or retailers from this location.

Sales of alcoholic beverages from a mobile cart are permitted provided there are a substantial assortment

of non-alcoholic beverages and snacks offered for sale on the same cart.

Sales of alcoholic beverages from the mobile cart are only permitted at no more than two designated and approved sites on the golf course.

The mobile cart must remain at each designated site for a minimum of four hours.

There is maintained upon the drive-in premises a building or other suitable enclosed structure to be licensed as provided in Section 24040 of the Act, and all sales of alcoholic beverages shall be made from within the licensed enclosure.

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

No alcoholic beverages shall be consumed on any portion of the licensed premises or any portion adjacent thereto which is under the control of the licensee.

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.

Alcoholic beverages offered for sale at the licensed premises shall be displayed and available for convenient inspection and purchase within the premises by the general public.

No wine tasting is to be permitted at this location.

No retail sales of alcoholic beverages to consumers shall be permitted at this location.

There shall be no importation of beer or malt beverages.

No retail sales of alcoholic beverages to consumers shall be permitted at this location.

CLUB:

Membership in the club shall be non-discriminatory and will not exclude persons because of race, creed, color, sex, religion or national origin.

The sale, service and consumption of alcoholic beverage shall be made only to or by members of the club and bona fide guests.

The sale of alcoholic beverages for consumption off the premises is prohibited.

Keys and/or passes, and/or membership cards shall be furnished to the Department. Such keys, passes and/or membership cards shall not be marked or coded in any way such as to distinguish a bearer's official capacity.

DRIVE IN:

There is maintained upon the drive-in premises a building or other suitable enclosed structure to be licensed as provided in Section 24040 of the Act, and all sales of alcoholic beverages shall be made from within the licensed enclosure.

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

No alcoholic beverages shall be consumed on any portion of the licensed premises or any portion adjacent thereto which is under the control of the licensee.

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.

OTHER:

Petitioner shall not share any profits, or pay any percentage or commission to a promoter or any other person, based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders, or the sale of drinks.

Petitioner(s) shall not require an admission charge or a cover charge, nor shall there be a requirement to purchase a minimum number of drinks.

The licensee shall not sell and/or offer for sale or display any magazine, video or other printed material which contains pictures depicting:

- ✓ Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
- ✓ Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.
- ✓ Scenes wherein a person displays the vulva or the anus or the genitals.
- ✓ Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any other prohibited activities described above.

No obstructions shall be attached, fastened or connected to the partitions or ceiling to separate the booths/dining areas within the interior space of the licensed premises.

Partitions separating the booths/dining areas shall not exceed 52" in height.

VIP/Hospitality alcoves constructed on the premises and depicted on diagram dated____, shall have the following characteristics:

- (a) No physical obstruction shall be attached, fastened, or connected in any manner to any section of the wall or ceiling at the alcove openings.
- (b) No physical obstruction, including but not limited to planters, partitions or items of decor, shall be placed or attached to any section of the floor at the alcove openings.

The licensee(s) shall not maintain or construct any type of enclosed room intended for use by patrons or customers for any purpose.

The licensee shall not permit "Taxi Dancing" to occur on the licensed premises wherein partners are provided for dancing or social purposes. Social purposes include but are not limited to the soliciting or accepting of any alcoholic beverages from any customers while in the premises.

No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee(s) provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.

No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premises.

Petitioner(s) shall make no changes in the premises interior without prior written approval from the Department.

The Petitioner(s) shall post and maintain a professional quality sign facing the premises parking lot(s) that reads as follows:

The sign shall be at least two feet square with two inch block lettering. The sign shall be in English and Spanish.

No distilled spirits shall be sold by the bottle.

There shall be no selling of alcoholic beverages for future consumption.

No open bottles of distilled spirits shall be stored on the premises for specific customers.

NO LOITERING, NO LITTERING
NO DRINKING OF
ALCOHOLIC BEVERAGES
VIOLATORS ARE SUBJECT
TO ARREST

PRODUCTION NOTES

The initial and revised version of this guide was produced by two members of the California Council on Alcohol Policy, Vic Colman and Michael Sparks. In addition, a third member, Brenda Simmons, assisted with the research and writing of this revised version. We would also like to thank Everest Robillard and Sharon O'Hara for their careful editorial review.

The drafters of this document would also like to thank the many people who either came to a focus group meeting in early September 2005 (graciously hosted by the state ABC) as well as those that reviewed drafts of this document.

This document is a product of the Community Prevention Institute (CPI), a project of the Center for Applied Research Solutions, to provide no-cost technical assistance and training to communities throughout California. CPI is funded and directed by the California Department of Alcohol and Drug Programs. If you have any technical assistance or training needs regarding this handbook, please contact CPI.

CPI Project Director -- Tamu Nolfo

tnolfo@cars-rp.org

CPI Project Manager -- Gary Neumann

gneumann@cars-rp.org



771 Oak Avenue Parkway, Suite 2

Folsom, CA 95630

(916) 983-8929

(916) 983-5738 fax

www.cars-rp.org



Utility Services/Land Use/ Energy Development Committee

City of Arts & Innovation

**TO: UTILITY SERVICES/LAND USE/
ENERGY DEVELOPMENT COMMITTEE**

DATE: October 11, 2012

FROM: PUBLIC WORKS DEPARTMENT

ITEM NO:

WARDS: ALL

**SUBJECT: AGREEMENT FOR TRANSFER SERVICES WITH AGUA MANSA MRF, LLC
FOR PROCESSING AND TRANSFER SERVICES FOR TRASH,
RECYCLING AND GREEN WASTE**

ISSUES:

The issue for Utility Services/Land Use/Energy Development Committee consideration is to renew the Agreement with Agua Mansa MRF, LLC, a subsidiary of Burrtec Waste Industries, operating under the name of Burrtec Waste (Burrtec) for processing and transfer services at the Agua Mansa Material Recovery Facility (MRF).

RECOMMENDATIONS:

That the Utility Services/Land Use/Energy Development Committee recommend that City Council approve the renewal of the Agreement with Burrtec, as outlined in this report, for processing and transfer services.

BACKGROUND:

In 1996, when the County of Riverside was preparing for the planned closure of the Highgrove Landfill, they solicited proposals from private firms to construct and operate a regional refuse transfer station on county owned land. The County ultimately entered into a 20-year agreement with Burrtec Waste Industries, Inc. (Burrtec) to construct and operate the facility. The facility became known as the Agua Mansa Transfer Station and later as the MRF or Materials Recovery Facility. On January 8, 1997, the City entered into a 15-year Agreement with Burrtec for Transfer Services. That Agreement required all waste and recycling collected within the City to be transported and processed at the Agua Mansa facility. The City's long term commitment was critical for Burrtec to obtain \$5.7 million of financing necessary to construct the transfer station. The Agreement expires on November 30, 2012.

Since that time, Burrtec has invested over \$17 million in the facility to accommodate the City's needs with improvements such as construction of the Material Recovery Facility (MRF) in 2002 to facilitate recycling and increase diversion from the region's landfills. Implementation of the recycling facility resulted in the City saving money on the cost to dispose of trash, and also provided the City a rebate of \$7 per ton for material recycled at the MRF.

In May of 2002, the MRF began accepting the City's green waste when the City was forced to terminate a contract with IEC who was disposing of the City's green waste at the time. It was

necessary for Burrtec to immediately obtain a temporary operating permit to process green waste. Based on Burrtec’s performance a permanent operating permit was obtained, a permanent green waste facility was constructed and the City’s Agreement was amended to include green waste processing.

Some of the benefits the City receives from the use of the Burrtec operated Agua Mansa MRF include:

- A predicable and cost effective program to manage disposal of the City’s solid waste;
- A 69% diversion rate exceeding State requirements;
- A green waste collection program;
- Free mulch for City residents and businesses;
- A rebate of \$7.00 per ton of recycled material;
- Contractually receiving Burrtec’s lowest disposal pricing; and
- Free disposal for our residents on the third Saturday of each month (included in the residential rate structure).

To increase the City’s diversion rate and recycling, Burrtec has also implemented a pilot food waste program in partnership with the Mission Inn, Nordstrom’s and Albertsons in Riverside, developed a construction and demolition material recycling program and continues to pursue new technologies for diversion, resulting in the successful diversion of 69% of the City’s waste out of landfills, well above the State requirement of 50%.

With the County’s extension of Burrtec’s Agreement to operate the MRF until March 30, 2029, the Public Works Department is recommending renewal of the Agreement with Burrtec for solid waste transfer services.

Agua Mansa MRF Proposed Contract Renewal

Given the outstanding performance of Burrtec, the extended term of their ground lease with the County and the desire to secure long term solutions for refuse disposal at reasonable rates, Public Works is proposing to amend the Agreement as follows:

- Extend the Agreement to March 30, 2029, to coincide with the ground lease;
- Setting the annual cost adjustment based on the Consumer Price Index (CPI);
- Allowing Burrtec or the City to request extraordinary adjustments to the contract, subject to City Council approval;
- Increasing the curbside recycling rebate from \$7 to \$15 per ton with a biannual review of rebate reimbursement and adjustments based on the recycled commodities index;
- Include a one-time extraordinary adjustment of \$0.44 per ton for diesel fuel adjustment for the transfer of regular trash from the MRF to the landfill to be effective July 1, 2013. The transfer cost will increase from \$13.04 per ton to \$13.48 per ton;
- Including the current tire processing contract in the contract at the current price of \$72.22 per ton with annual rate reviews;
- The City will promote optional higher quality green waste as available for sale by Burrtec to the public;
- The City will assume costs for hazardous waste recovery not to exceed \$100 per incident;

- In the event the County sells its landfill operations, the City and Burrtec reserve the right to renegotiate the transfer and disposal costs subject to terms that are mutually acceptable to both parties. This may include directing refuse to alternative disposal sites that are more cost effective for the City; and
- Burrtec will continue to evaluate emerging technologies and present diversion program alternatives to the City as they become viable and feasible. These programs include but are not limited to food waste, mixed waste processing, organics composting, and construction and demolition processing. Burrtec may request a rate adjustment to the extent that any program cannot be fully funded within the existing rate structure. Such requests shall be subject to the approval of the City Council.

Effect on Commercial and Residential Rates

The existing rates for residential service expire on June 30, 2013, and the existing rates for commercial service expire on June 30, 2018.

In 2008, the City Council approved a 10-year commercial rate structure, with annual increases based on annual CPI adjustments. State law now requires that all such annual increases that exceed five years be affirmed in a public hearing after the fifth year, as required by Proposition 218 (the Proposition 218 hearing process is further described below). Under the current rate structure, the rate for a typical three-yard commercial bin will increase from \$100.09 by the CPI estimate of 2.30% (\$2.30) plus the fuel adjustment of \$0.29 for a total increase of \$2.59. The increased recycling rebate comes directly to the City and will not impact commercial rates. Currently, businesses are not required to have their recycling collected by one of the three franchised haulers and delivered it to the MRF, consequently; they are free to negotiate with different companies for the collection and disposal of their recycled material.

For residential rates, the Public Works Department is anticipating presenting a proposed rate structure to the Land Use Committee in late 2012 or early 2013. However, it is anticipated that the fuel cost adjustment will only increase the typical residential bill by five-cents per month. The increased recycling rebate will increase revenues by an estimated \$160,000 and will be used to offset costs.

Both the proposed commercial and residential rates are subject to Proposition 218, which requires the City, as part of the rate-making process, to provide written notice to all affected ratepayers of the proposed rate increase and hold a public hearing 45 days after the date of such notice to consider all written protests. If more than 50 percent of the ratepayers protest in writing, then the increased rate cannot be adopted.

FISCAL IMPACT:

The proposed terms will provide approximately \$160,000 in additional revenue from the increased recycling rebate. This additional revenue will be retained within the Refuse Fund to off-set the cost of refuse services. The one-time increase of \$.44 per ton for transfer services is approximately \$85,000 per year.

Prepared by:	Thomas J. Boyd, P.E, Public Works Director/City Engineer
Certified as to availability of funds:	Brent Mason, Finance Director/Treasurer
Approved by:	Deanna Lorson, Assistant City Manager for Scott C. Barber, City Manager
Approved as to form:	Gregory P. Priamos, City Attorney