

Chapter 19.450**ALCOHOL SALES**

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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.

- 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 be mandatory with regard 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, drop-in, permanent emergency, homeless or transitional shelters 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.

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 or drop-in, permanent emergency, homeless or transitional shelters 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 or drop-in, permanent emergency, homeless or transitional shelters 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. 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 or smaller.
 3. The minimum inventory level shall be 15,000 thousand dollars 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, the main, 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 one thousand 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 or drop-in, permanent emergency, homeless or transitional shelters 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. (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.
- 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)