

Chapter 19.450 ALCOHOL SALES

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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.

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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 Community & Economic Development Department Director or his/her designee ~~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. 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.

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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 Community & Economic Development Department Director or his/her designee~~Zoning Administrator~~ or City Planning Commission makes a determination that public convenience or necessity will be served by the proposed project. The determination that public convenience or necessity will be served shall be made through the following findings:

- A. That the license applicant has submitted a request for a particular type of alcoholic beverage license, license upgrade, or premises-to-premises transfer and will agree to all conditions placed on the application;
- B. That the proposed use is compatible with surrounding uses and will enhance economic vitality and improve consumer choice in the surrounding area; and
- C. That the proposed use will not increase the severity of existing law enforcement or public nuisance problems in the area.