

Chapter 19.450 ALCOHOL SALES

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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.

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. On-sale.

1. 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.

~~12.~~ Exemption.

a. ~~Businesses meeting the conditions listed in this Section shall be exempt from the site location, operation and development standards set forth in 19.450.030.C.~~

b. The Community & Economic Development Director or his/her designee 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.i.~~ The premises contains a kitchen or food-servicing area in which a variety of food is prepared and cooked.

~~b.ii.~~ The primary use of the premises is for sit-down food service to patrons.

~~c.iii.~~ The premises serves food to patrons during all hours the establishment is open for customers.

~~d.iv.~~ 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.v.~~ No alcoholic beverages, including beer or wine are sold or dispensed for consumption beyond the premises.

PART II - CODE OF ORDINANCES
Title 19 - ZONING
ARTICLE VII. - SPECIFIC LAND USE PROVISIONS
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~~fvi.~~ The premises is defined as a "bona fide public eating place" by the State of California Department of Alcoholic Beverage Control.

~~g. 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.~~