

## *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.

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-~~salesite~~ 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-~~salesite~~ sale of wine.*

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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-~~salesite~~ 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. 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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### **19.450.050 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. 7331 §70, 2016; Ord. 6966 §1, 2007)