

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor Jeff Stone


SUBMITTAL DATE: July 25, 2013

SUBJECT: ERACIR II, Enforce Responsible Alcohol Consumption In Riverside County II an ordinance/program to enhance public safety and decrease demand for county services

RECOMMENDED MOTION: That the Board DIRECT TLMA and other departments as needed to:

1. Establish a planning group consisting of county staff and other agencies as deem appropriate.
2. Prepare an ordinance and implementation program which encompasses the items listed in the background contained herein.
3. Present proposed ordinance and/or ordinance amendments and implementation program to the Planning Commission.
4. Provide quarterly updates to the Board of Supervisors with a performance schedule included in the first update within 90 days. Staff shall include cost of program design and implementation in the first update.

BACKGROUND: on next page



Jeff Stone
Supervisor Third District

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Background:

Riverside County is presently the fastest growing county in the state and is expected to reach 471,467 residents (unincorporated only) by 2020. As our population, density and urbanization levels grow we need to be on the forefront of addressing problems/issues that have already started to negatively impact the image, safety and services of Riverside County. While significantly more prevalent in the incorporated/urbanized areas the correlation of the off-site sale of alcohol to crime rate, public nuisances and increase use in police and social services is a social issue that now affects unincorporated areas of Riverside County. These problems if left unattended will only be exacerbated.

In order to address the current and future problems with retail outlets that sell alcoholic beverages for off-site consumption in areas where an overconcentration has been identified, it is recommended that the County initiate a program that adequately conditions new retail outlets, provides for training in knowledge and implementation of the regulations, sets performance standards and monitors for compliance. The result will be a level playing field for both pre-existing nonconforming operations and those that operate with a conditional use permit. The proposed program exclusively applies to stand alone stores that sell alcohol for off-site consumption. Typically this includes convenience stores, liquor stores and gas stations with a convenience store. It should also be noted that the proposed program does not apply to grocery stores or bonafied restaurants. The intent of this request is to seek compliance and a level playing field not to close down business.

Businesses that operate in a responsible manner are part of economic prosperity and growth and provide a legal product that is enjoyed and desired by many residents in our county. However, when these establishments operate irresponsibly by selling to minors, allowing congregation/loitering in parking lots and failing to properly maintain their property (not removing graffiti, unclean parking lot and sign clutter) the direct result is an increase in county services, a decrease in property values and a negative image of our communities. This is evidenced in the program successfully implemented in the City of Ontario. In our research the City of Ontario has reaped many accolades and awards for their efforts to turn the operators and neighborhoods around and reverse the previous condition of blight, crime levels, property values and public nuisances. Riverside County needs to create programs and implementation measures that strategically mitigate the issues in a cost effective manner for both the county and the business community. This approach ultimately serves as a safeguard of public safety, quality of life and a decrease in public services used to respond to said issues.

Overview of Alcohol Outlet Density:

Over saturation of retail outlets is controlled through density limits. Alcohol Beverage Control Department (ABC) enforces the ratio of one Type 20 (Off-Sale Beer and Wine) license per 2,500 inhabitants. The number of licenses is tracked by census tracts. When the number allowed is reached ABC places a moratorium on the issuance of Type 20 licenses. In California of the 56 counties 45 are now under a moratorium on the issuance of Type 20 licenses. Within Riverside County 15 cities are currently under moratorium. Both counties and cities are listed on the ABC attachment, Exhibit A. A little over half of the cities are at an oversaturation level. This generally results in long term adverse effects on public safety, public services, community growth/economic development and quality of life. Depending on the location of the outlets it can cause a decline in property values as a result of poorly maintain buildings, parking lots, signage and criminal activity in the area. Areas where the allowed density has been exceeded, "hot spots", are generally regarded as unsafe, unsightly and undesirable.

Impacts of over concentration on county services

Researchers have documented the relationship between concentrations of alcohol retail outlets and social problems such as drunk driving, alcohol related injuries, violence and property crime. Outlet density also impacts quality of life concerns such as late night noise, litter, public urination and defecation and minor vandalism. This increase in crime and public nuisance impacts, police, emergency rooms, mental health services, and other services. Currently, when cities apply a focus on the issue associated with the sale of alcohol for off-site consumption, the problem finds its way to neighboring jurisdictions, the county. While unincorporated areas do not experience the impacts to the degree that cities do we do not want to become a host due to less restrictions or enforcement in the county areas.

Existing zoning controls:

Ordinance 348 Section 18.48 regulates the sale of alcoholic beverages in Riverside County. Like most jurisdictions the county uses conditional use permits (CUP's) to apply conditions of approval, development standards and a public hearing process. While the issuance of new CUPs will always afford the county the means by which to address or mitigate issues through conditions of approval it does not afford the county the ability to regulate those establishments that have been in existence and are considered legal nonconforming uses. In order to capture all outlets and to make it a level playing field for the retail industry that has off-sales, the county needs to implement mechanisms that give it legal means by which to apply the same performance standards to all outlets. Some counties and cities have adopted "deem approved ordinance" to effectively deal with not only the alcohol outlet density issue but with performance standards for all outlets, monitoring, enforcement/compliance and funds to implement the program. A Deemed "Approved Ordinance exercises authority over establishments by issuing "deemed approved" permits and establishing "public nuisance standards" that pre-existing retailers must abide by in order to maintain their permit. The standards are monitored by the jurisdiction through enforcement and education program which is paid for by a fee on the deemed approved outlets. The standards do not directly regulate the sale of alcohol, but rather address land use and public safety issues associated with alcohol sales, such as loitering, increased police calls, noise, graffiti, and drug sales.

It is recommended that the county develop a deemed approved ordinance whose purpose or goal is to deal in a transparent manner with issues related to the outlet density and the cost of services by improving the quality of life and business environment and safeguarding public safety for county residents. Deemed approved ordinances typically require a well thought out implementation and enforcement program. It is recommended that staff develop an implementation program that includes but it not limited to:

1. Performance standards to be applied to both existing and new outlets.
2. Standard conditions of approval for the various types of establishments.
3. Tracking software program to track training and compliance. There are examples of inexpensive programs.
4. Dedicated or designated personnel to implement program.
5. Monitoring program to monitor establishments for compliance and training
6. Funding via appropriate fees/penalties
7. Training of all program related staff, operators and their employees
8. Partnerships with cities to improve enforcement throughout the county and to share resources and information.

Developing a program that integrates the needs, roles, and functions of the various parties that are involved in implementation necessitates the formation of a planning group to review existing ordinances and polices as well as to create a new ordinance. The planning group will incorporate input from all applicable departments and related agencies so that the new program reflects the concerns of all county staff that is part of the implementation process. The planning group should at minimum include:

1. TLMA
 - a. Planning
 - b. Building& Safety
 - c. Code Enforcement
2. Sheriff Department
3. County Counsel
4. Fire Department
5. Environmental Health
6. Mental Health
7. Public Health
8. Alcohol Beverage Control

Additionally, the internal planning group should consult with staff from the City of Ontario team. A brief narrative of their program is attached, Exhibit B. While we cannot duplicate their program, we can use and extract those elements that are a fit for our county. Their program is recognized throughout the state and they have offered technical assistance to our staff. Once a draft document of the program is prepared it should be considered by the Planning Commission to have them vet issues and concerns and provide a recommendation to the Board.

Attachments:

Exhibit A. 2011 Moratorium Counties/Cities
Exhibit B. Ontario Police Department ABC Program

References:

U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, How to Use Local Regulatory and Land Use Powers to Prevent Underage Drinking
www.udetc.org/documents/regulatory.pdf

Reducing Community Alcohol Problems Associated with Alcohol Sales The case of Deemed Approved Ordinances in California www.venturacountylimits.org

Outlet Density: Limiting the Concentration of Retailers Selling & Serving Alcohol in Your Community
<https://law.wisc.edu/wapp/outletdensity2011revisions.pdf> Jun 30, 2010
Wisconsin **Alcohol** Policy Project 1.



COUNTIES WITH MORATORIUM = UNSHADED

COUNTIES WITH PARTIAL MORATORIUM = SHADED

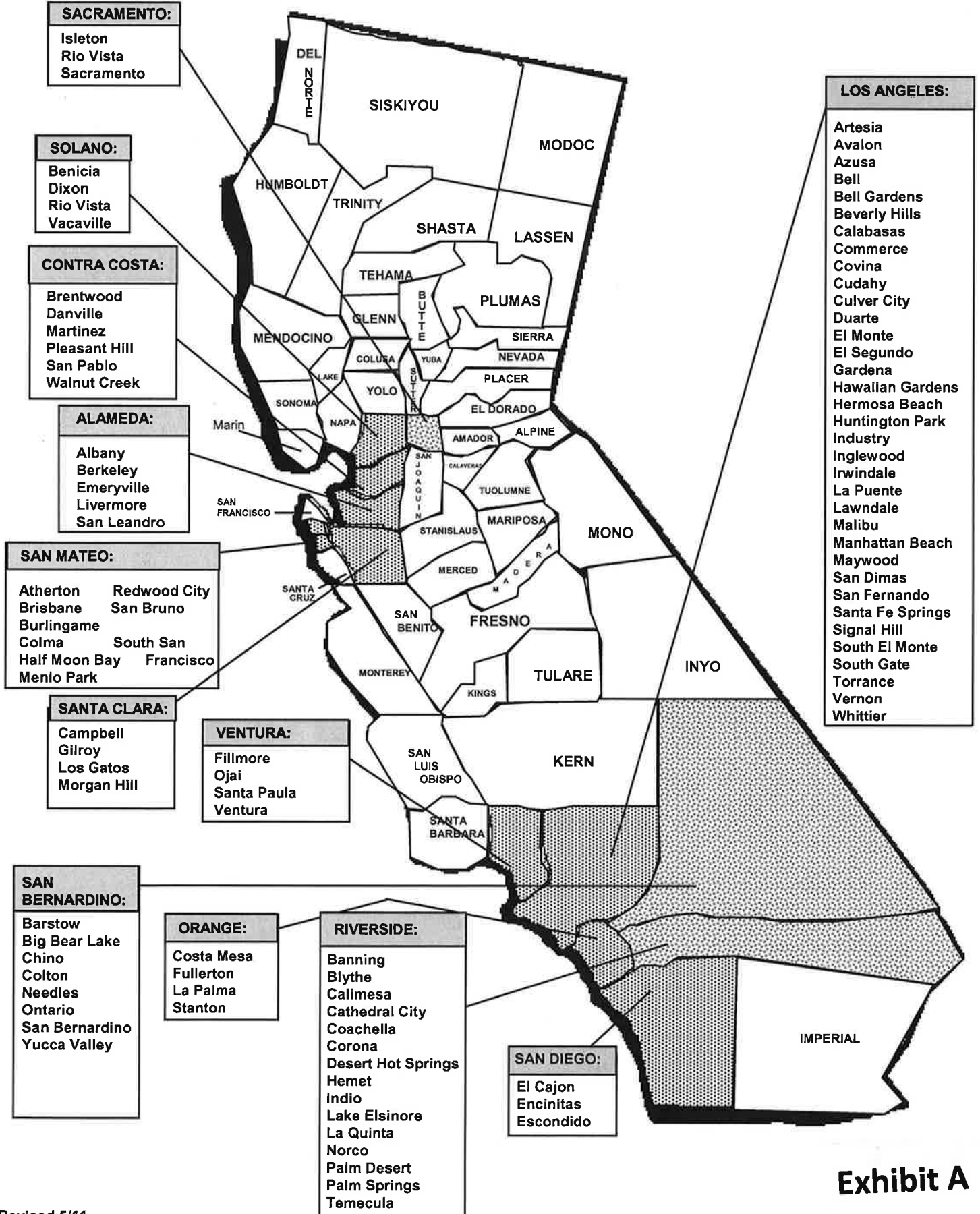


Exhibit A

MORATORIUM - COUNTIES - SECTION 23817.5 B.P. CODE

May 9, 2011

<u>COUNTY</u>	<u>MORATORIUM</u>	<u>COUNTY</u>	<u>MORATORIUM</u>
Alameda	No	Orange	No
Alpine	YES	Placer	YES
Amador	YES	Plumas	YES
Butte	YES	Riverside	No
Calaveras	YES	Sacramento	No
Colusa	YES	San Benito	YES
Contra Costa	No	San Bernardino	No
Del Norte	YES	San Diego	No
El Dorado	YES	San Francisco	YES
Fresno	YES	San Joaquin	YES
Glenn	YES	San Luis Obispo	YES
Humboldt	YES	San Mateo	No
Imperial	YES	Santa Barbara	YES
Inyo	YES	Santa Clara	No
Kern	YES	Santa Cruz	YES
Kings	YES	Shasta	YES
Lake	YES	Sierra	YES
Lassen	YES	Siskiyou	YES
Los Angeles	No	Solano	No
Madera	YES	Sonoma	YES
Marin	YES	Stanislaus	YES
Mariposa	YES	Sutter	YES
Mendocino	YES	Tehama	YES
Merced	YES	Trinity	YES
Modoc	YES	Tulare	YES
Mono	YES	Tuolumne	YES
Monterey	YES	Ventura	No
Napa	YES	Yolo	YES
Nevada	YES	Yuba	YES

SUMMARY OF CHANGES TO MORATORIUM COUNTIES/CITIES
EFFECTIVE May 9, 2011

<u>NO LONGER MORATORIUM CITIES</u>	<u>CITIES</u>	<u>MORATORIUM</u>
CONTRA COSTA COUNTY	Pittsburg	NO
LOS ANGELES COUNTY	Paramount	NO
	Pico Rivera	NO
RIVERSIDE COUNTY	Beaumont	NO
	San Jacinto	NO
SACRAMENTO COUNTY	Galt	NO
SAN BERNARDINO COUNTY	Grand Terrace	NO
	Montclair	NO
	Pomona	NO
	Victorville	NO
SANTA CLARA COUNTY	Hollister	NO
VENTURA COUNTY	Westlake Village	NO
<u>NEWLY ADDED MORATORIUM CITIES</u>		
ALAMEDA COUNTY	San Leandro	YES
CONTRA COSTA COUNTY	Danville	YES
	Martinez	YES
	Walnut Creek	YES
LOS ANGELES COUNTY	Artesia	YES
	Beverly Hills	YES
	Calabasas	YES
	Covina	YES
	Culver City	YES
	El Monte	YES
	Gardena	YES
	La Puente	YES
	Manhattan Beach	YES
	San Dimas	YES
	Torrance	YES
	Whittier	YES

SUMMARY OF CHANGES TO MORATORIUM COUNTIES/CITIES
EFFECTIVE May 9, 2011

ORANGE COUNTY	La Palma	YES
RIVERSIDE COUNTY	Corona	YES
	La Quinta	YES
	Palm Springs	YES
	Temecula	YES
SACRAMENTO COUNTY	Rio Vista	YES
SAN DIEGO COUNTY	Encinitas	YES
SAN MATEO COUNTY	Atherton	YES
	Burlingame	YES
	Redwood City	YES
	San Bruno	YES
	South San Francisco	YES
SOLANO COUNTY	Vacaville	YES

MORATORIUM CITIES - SECTION 23817.5 B. P. CODE

Effective May 9, 2011

ORANGE COUNTY (Continued)

CITY	MORATORIUM	CITY	MORATORIUM
Costa Mesa	YES	Newport Beach	NO
Cypress	NO	Orange	NO
Dana Point	NO	Placentia	NO
Fountain Valley	NO	Rancho Santa Marg	NO
Fullerton	YES	San Clemente	NO
Garden Grove	NO	San Juan Capistrano	NO
Huntington Beac	NO	Santa Ana	NO
Irvine	NO	Seal Beach	NO
Laguna Beach	NO	Stanton	YES
Laguna Hills	NO	Tustin	NO
Laguna Niguel	NO	Villa Park	NO
Laguna Woods	NO	Westminster	NO
La Habra	NO	Yorba Linda	NO
Lake Forest	NO		

RIVERSIDE COUNTY

CITY		CITY	
Banning	YES	La Quinta	YES
Beaumont	NO	Menifee	NO
Blythe	YES	Moreno Valley	NO
Calimesa	YES	Murrieta	NO
Canyon Lake	NO	Norco	YES
Cathedral City	YES	Palm Desert	YES
Coachella	YES	Palm Springs	YES
Corona	YES	Perris	NO
Desert Hot Sprin	YES	Rancho Mirage	NO
Hemet	YES	Redlands	NO
Indian Wells	NO	Riverside	NO
Indio	YES	San Jacinto	NO
Lake Elsinore	YES	Temecula	YES
		Wildomar	NO

SACRAMENTO COUNTY

CITY			
Citrus Heights	NO	Isleton	YES
Elk Grove	NO	Rancho Cordova	NO
Folsom	NO	Rio Vista	YES
Galt	NO	Sacramento	YES

Ontario Police Department ABC Program

The ABC Program was initiated by COPS officers, after long time alcohol establishment problems became a drain on police resources and danger to the quality of life for the Citizens of Ontario. The problem locations were identified along with city ordinance gaps which continued the cycle of un-compliant alcohol establishments to occur. Another problem that surface was the absence of networking between city, county, and state departments that had the same troubled locations in the city.

New relations were built within city departments which included Code Enforcement, Fire, and the Planning department. Other relations were built with county and state agencies which included, San Bernardino County Health, the Department of Alcoholic Beverage Control, and the Board of Equalization. The relations built later turned into what is now known as our Multi-Agency Task Force. The task force main focus is to gain compliance of all city, county, and state regulations from alcohol establishments. This aided in ending the continuous cycle of non-compliance by alcohol establishments. The cooperation with city departments helped by passing new ordinances which allowed the police department to place operating alcohol conditions on new and modifying alcohol establishments in the city.

Later it was determined that a full time officer was needed to continue the compliance of alcohol establishments and conditioning of new establishments entering the city. It was discovered that funding was not available thru the city for a full time ABC officer position. COPS officers research for a possible solution and found the ABC Grant Assistance Program. After writing the grant and going thru a competitive process. The police department was able to secure a grant two years in a row. The officer assigned to the position was trained by ABC to be an equal and work hand in hand with its district office. The expertise that was learned help push the program to the next phase of non-supervision status. Later that expertise was used to develop a law enforcement training course that would be POST (Peace Officers Standard and Training) certified. The course is currently offered to law enforcement officers in California every two months. The law enforcement course has been so successful that it is now part of the curriculum of the National Liquor Law Enforcement Association Academy which is offered once a year in different states throughout the United States.

The funding of a full time officer brought, yearly inspections of all alcohol establishments, responsible beverage training to employees of alcohol establishments, law enforcement training to department personnel, increase in task force operations, the revocation, suspension, and closure of long time problem locations and the conditioning of new alcohol establishments. Alcohol Awareness presentations have also been given at local high schools and middle schools in the city to decrease underage consumption of alcohol beverages.

After the continued success of the program, non-profit organizations such as Reach Out West End, began a partnership with the police department. The ultimate goal in the partnership is to continue the ABC program and duplicate it with other surrounding agencies and cities, along with developing training and polices to decrease underage drinking and bring a quality of life to citizens of cities.

By having a working relationship with our non-profit partners we were able to increase our ABC program. We wrote and enacted new alcohol ordinances related to Social Host and Deemed Approved, along with becoming certified by the state as a RBS Responsible Beverage Server state trainer. We are currently working with four cities in the inland empire to help bring this alcohol program to their cities. This program has also reach the other side of the County when we began working with the Tampa Bay Alcohol Coalition. The program was presented to City Council members of Tampa Bay and Hillsborough County, along with the University of Tampa.

The ABC Program has received the following awards, California Law Enforcement Challenge Award for Underage Alcohol Prevention from the Office of Traffic Safety, Tobacco Crushing Award for Prevention of Smoking in Alcohol Establishments from San Bernardino County Health Department, Service Award for Hosting the first West Coast Alcohol Training Academy from the National Liquor Law Enforcement Association, and an Award for Continuing Support of Creating Safe Communities from Reach Out West End.

Bullet Points of Program

- Conduct Multi-Agency Task Force Operations involving Code Enforcement, Fire, Planning, ABC, County Health.
- We are certified to provide Responsible Beverage Service Training by ABC to alcohol establishments throughout the State of California, which occurs every other month.
- Provide ABC POST Training Course to Law Enforcement Agencies in California every two months.
- Conduct proactive inspections yearly on all alcohol establishments in the city.
- Conduct minor decoy operations on establishments.
- Continually write ordinances and funding grants related to alcohol compliance and enforcement.
- Currently we are working with non-profit and coalition groups (Reach Out West End, Tampa Bay Alcohol Coalition, Friday Night Live, National Liquor Law Enforcement Association, and Girl Scouts of America) on alcohol policies and relationship building with neighboring cities. (Chino, Chino Hills, Rancho Cucamonga, and Fontana)
- We continue to provide alcohol awareness presentations at crime prevention events, colleges, high schools, and middle schools.
- Currently working with a software developer on ABC compliance software program. (Dynamic Design)
- Awards received from OTS, NLLEA, SB County Health, Reach Out, State and City.

Other Ordinances that work in hand with ABC Program


- Security Guard Ordinance
- Social Host Ordinance
- Conditional Use Permit Ordinance
- Deemed Approved Ordinance

Alcoholic Beverage Control (ABC) Map

By: John Earle Hildebrand III

By: John Earle Hildebrand III

Legend

-  ABC Sites
 — Streets
 Census Tract Concentrations
 ■ Not Overconcentrated
 ■ On-Sale Overconcentration
 ■ Off-Sale Overconcentration
 ■ On & Off Sale Overconcentration

City of Ontario - ABC License Data Report

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