

**M E M O R A N D U M**

**DATE:** November 2, 2005

**TO:** Honorable Mayor and Councilmembers

**FROM:** Patricia Allison, City Manager's Office

**SUBJECT:** **CONSIDERATION TO ESTABLISH STANDARD CONDITIONS OF APPROVAL TO REGULATE LIQUOR SALES IN OCEANSIDE AS PART OF THE ALCOHOLIC BEVERAGE CONTROL PROCESS, AND ADOPTION OF MATRIX STANDARDS**

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From the

## Office of the Chief of Police

TO: Honorable Mayor and City Council  
FROM: Jerome Lance, Chief of Police *JL*  
VIA: Steve Jepsen, City Manager *WB For*  
SUBJECT: Modification to Alcohol Licensing Matrix  
DATE: November 2, 2005

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The purpose of this memorandum is to follow up on a request from the Council on October 11, 2005 to modify the alcohol licensing matrix.

On March 1, 2000 the police department presented an alcohol-licensing workshop to the Council. As a result of this workshop, the City Council requested the police department create an alcohol licensing matrix. The matrix was presented and approved by City Council on May 10, 2000.

The State Alcohol Beverage Control (ABC) determines Public Convenience or Necessity (PC&N) for restaurants and hotels. The Oceanside Police Department determines PC&N for all other on and off-sale liquor licenses. PC&N must be established in all cases where 1) the proposed premises is located within a census tract which is over concentrated with alcohol licenses or 2) where the proposed premises is located within a police beat having a crime rate of 20% (or greater) above the average for all police beats within the City.

The alcohol-licensing matrix (see attached) was created to provide consistency in the application of local control rules. The police department also worked to decrease the sale of products of abuse i.e. small containers of distilled spirits, single containers of beer and or malt beverage.

Modifications have been made to the existing matrix to allow more flexibility in the licensing of large specialty stores, such as Beverages and More, Cost Plus, and Trader Joes. Additionally, greater restriction has been placed on traditional products of abuse which impacts the quality of life of a community.

The Police Department in response to City Council request for information is proposing they affirm our authority to act in matters regarding ABC application using the new matrix.

## STANDARD CONDITIONS FOR TYPE 20/21 LICENSES

This list of primary restrictions is provided as a general guideline. This list is not inclusive of all restrictions nor is it a guarantee of what the final restrictions will be. All final restrictions are at the discretion of the City of Oceanside based on the type of business, the surrounding area and the concerns of residents and business owners being affected by the regulated use

|   | <u>Gas Stations</u><br>(7-11/AM/PM) | <u>Liquor Stores</u> | <u>Box Stores</u><br>(Drug & Food) | <u>Specialty Stores</u><br>(Trader Joe/Cost Plus) |
|---|-------------------------------------|----------------------|------------------------------------|---|
| 1 Sales and service of alcoholic beverages shall be permitted only between 8:00 am and 12:00 midnight   | X                                   | X                    | X                                  | X   |
| 2 There shall be no pool tables, amusement machines or video game devices in the premises at any time   | Only if needed                      |                      |                                    |   |
| 3 There shall be no live entertainment or dancing permitted in the premises at any time   |                                     |                      |                                    | Only if they also have Type 42                    |
| 4 No wine shall be sold with an alcoholic content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles. (Excluding Chardonnay, Viognier "Dinner Wines", ports and sherries which may be aged less than two years)  | X                                   | X                    | X                                  |   |
| 5 No single containers of refrigerated/cold beer or malt beverage products, regardless of container size, may be sold.  | X                                   | X                    |                                    |   |
| 6 Wine coolers shall not be sold by single containers, but must be sold in manufacturer pre-packed multi-unit quantities  | X                                   | X                    | X                                  | X   |
| 7 No distilled spirits shall be sold in bottles or containers 200ml or smaller  | X                                   | X                    | X                                  |   |
| 8 Ice shall be sold at or about prevailing prices in the area and in quantities of not less than seven pounds per sale  | X                                   | X                    | X                                  | X   |
| 9 There shall be no cups, glasses or similar receptacles, commonly used for the drinking of beverages, whether constructed of glass, plastics, foam or other material, sold, furnished or given away at the petitioner's premises in quantities of less than their original multi-container package with the exception of non-alcoholic beverages sold in single cups | X                                   | X                    | X                                  | X   |
| 10 Not more than 15% of the square footage of the premises will be used for the display of alcoholic beverages  | X                                   |                      | X                                  |   |

"X" indicates the restriction will be applied

|    |   | <u>Gas<br/>Stations<br/>(7-11/AM/PM)</u> | <u>Liquor<br/>Stores</u> | <u>Box<br/>Stores<br/>(Drug &amp; Food)</u> | <u>Specialty<br/>Stores<br/>(Trader<br/>Joe/Cost Plus)</u> |
|----|---|--|--------------------------|---|--|
| 11 | The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of all other commodities during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of all commodities other than alcoholic beverages and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand | X  |                          | X   |  |
| 12 | No public pay phone capable of receiving incoming calls shall be maintained on the licensed premises or on the outside area adjacent to the licensed premises as depicted on the ABC Diagram of Licensed Premises over which the licensee has control.  | X  | X                        | X   | X  |
| 13 | Video recording surveillance camera required with video surveillance of all exits   | ABC cannot enforce.<br>Can go on CUP     |                          |   |  |
| 14 | No alcoholic beverages shall be consumed on the premises or on any property adjacent to the licensed premises under the control of the licensee as depicted on the ABC Diagram of Licensed Premises over which the licensee has control   | X  | X                        | X   | X  |
| 15 | No beer or wine shall be displayed within five feet of the front door unless it is in a permanently affixed cooler  | Statute for all gas stations             |                          |   |  |
| 16 | No display of beer or wine shall be made from an ice tub, barrel or similar container   | X  | X                        | X   | X  |
| 17 | The rear door shall be kept closed at all times during the operation of the premises except in cases of emergency and shall not be used as a means of access by patrons to and from the licensed premises   | X  | X                        | X   | X  |
| 18 | The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages is prohibited on or around the premises as depicted on the ABC 253 diagram  | X  | X                        | X   | X  |

"X" indicates the restriction will be applied

|    |  | <u>Gas<br/>Stations<br/>(7-11/AM/PM)</u> | <u>Liquor<br/>Stores</u> | <u>Box<br/>Stores<br/>(Drug &amp; Food)</u> | <u>Specialty<br/>Stores<br/>(Trader<br/>Joe/Cost Plus)</u> |
|----|--|--|--------------------------|---|--|
| 19 | Exterior lighting of the parking area and premise must be provided and shall be kept at a level so as to provide adequate lighting, as described in Oceanside City Code Section 39 to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot, while not disturbing surrounding residential or commercial areas | X  | X                        | X   | X  |
| 20 | The establishment must prominently post inside the establishment one 8 1/2 x 11" sign stating "We ID everyone under 30 years of age for alcohol sales". This sign must be easily readable by all patrons and written in English, as well as in the predominate language of the facility's clientele  | ABC cannot enforce.<br><br>Can go on CUP |                          |   |  |
| 21 | The applicant shall be responsible for keeping the area under the licensee's control, as depicted in ABC 253 diagram, free of loiters including public rights-of-way, parking areas and in front of adjacent properties as indicated by the attached map.  | X  | X                        | X   | X  |
| 22 | The applicant shall be responsible for trash abatement on the site and shall keep the site free of litter, trash and other nuisances   | X  | X                        | X   | X  |
| 23 | Any graffiti painted or marked upon the premises or any adjacent area under the control of the licensee shall be removed within 24 hours of being applied  | X  | X                        | X   | X  |
| 24 | There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition                          | X  |                          | X   |  |
| 25 | One licensed uniformed security guard shall be present on the premises   | Only for cause                           |                          |   |  |

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## License Types and Privileges

### Type 20 Off-Sale Beer and Wine (Package Store)

Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.

### Type 21 Off-Sale General (Package Store)

Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises