

Attachment A  
City Council Ordinance No. 2791

ORDINANCE NO. 2791

AN ORDINANCE OF THE CITY OF REDLANDS ADDING CHAPTER 18.190 TO THE REDLANDS MUNICIPAL CODE TO ESTABLISH CONDITIONAL USE PERMIT REQUIREMENTS FOR NEW ALCOHOL BEVERAGE SALES ACTIVITIES AND TO ESTABLISH REGULATIONS FOR ALCOHOL BEVERAGE SALES ACTIVITIES WHICH ARE CONFERRED DEEMED APPROVED STATUS, AND AMENDING CHAPTERS 18.84 (C-1 ZONING DESIGNATION PERMITTED AND CONDITIONALLY PERMITTED USES), 18.88 (C-2 ZONING DESIGNATION PERMITTED AND CONDITIONALLY PERMITTED USES), 18.92 (C-3 ZONING DESIGNATION PERMITTED AND CONDITIONALLY PERMITTED USES), 18.96 (C-4 ZONING DESIGNATION PERMITTED AND CONDITIONALLY PERMITTED USES), AND 18.100 (C-M ZONING DESIGNATION PERMITTED AND CONDITIONALLY PERMITTED USES) OF THE REDLANDS MUNICIPAL CODE.

THE CITY COUNCIL OF THE CITY OF REDLANDS DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 18.190, entitled “Alcohol Beverage Sales Establishment Regulations,” is hereby added to the Redlands Municipal Code to read as follows:

“CHAPTER 18.190

Alcohol Beverage Sales Establishment Regulations

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18.190.010 Title and Purpose. This chapter shall be known as the City's Alcohol Beverage Sales Establishment Regulations. This chapter requires conditional use permits for newly established Alcohol Beverage Sales Activities, confers deemed approved status for existing Alcohol Beverage Sales Activities that constitute legal nonconforming uses, and establishes standards and an administrative hearing process to review violations of those standards in order to protect the general health, safety, and welfare of the residents of the City and to prevent nuisance activities where Alcohol Beverage Sales Activities occur. The City has adopted the regulations described in this chapter for the following purposes:

A. To protect residential, commercial, industrial, civic and institutional areas and minimize the adverse impacts of nonconforming and incompatible uses;

B. To provide mechanisms to address problems often associated with the public consumption of alcohol beverages such as litter, loitering, graffiti, unruly behavior and escalated noise levels, and ensure that Alcohol Beverage Sales Establishments are not the source of public nuisances in the community;

C. To provide for properly maintained Alcohol Beverage Sales Establishments so that the negative impacts generated by these activities are not harmful to the surrounding environment in any way;

D. To monitor Deemed Approved establishments to ensure they do not substantially change in mode or character of operation;

E. To provide opportunities for Alcohol Beverage Sales Establishments to operate in a mutually beneficial relationship to each other and to other surrounding uses.

18.190.020 Definitions: The meaning and construction of the words and phrases set forth below shall apply throughout this chapter, except where the context clearly indicates a different meaning or construction.

A. "Alcohol Beverage" means alcohol, spirits, liquor, wine, beer, and any liquid or solid containing alcohol, spirits, liquor, wine or beer, that contains one-half of one percent or more of alcohol by volume and that is fit for beverage purposes either alone or when diluted, mixed or

combined with other substances, the sale of which requires an ABC license.

B. “Alcohol Beverage Sales Activity” means the retail sale of alcohol beverages for onsite or offsite consumption.

C. “Alcohol Beverage Sales Establishment” means an establishment where Alcohol Beverage Sales Activity occurs. Alcohol Beverage Sales Establishments including but not limited to the following recognized types of establishments: grocery stores, liquor stores, beer and wine stores, convenience markets, specialty food markets, retail sales establishments, wine shops, bowling alleys, billiard or game parlors, service stations, social halls, taverns, cocktail lounges, dance halls, nightclubs, and bars. This definition excludes fast food establishments, restaurants (serving of alcoholic beverages with meals only), and temporary events.

D. “California Department of Alcohol Beverage Control” or “ABC” refers to the department of the State of California empowered to act pursuant to Article 20, section 22, of the California Constitution and authorized to administer the provisions of the Alcohol Beverage Control Act.

E. “Conditions of Approval” means requirements that must be carried out by a new Alcohol Beverage Sales Activity in connection with a conditional use permit, or by a Legal Nonconforming Alcohol Beverage Sales Activity to comply with deemed approved performance standards to retain its deemed approved status.

F. “Deemed Approved Activity” means any Legal Nonconforming Alcohol Beverage Sales Activity. Such activity shall be considered a Deemed Approved Activity as long as it complies with the Deemed Approved Performance Standards set forth in section 18.190.150.

G. “Deemed Approved Status” means the permitted use of land for a Deemed Approved Activity. Deemed Approved status replaces legal nonconforming status with respect to an Alcohol Beverage Sales Activity and remains in effect as long as the activity complies with the Deemed Approved provisions and performance standards.

H. “Illegal Activity” means an activity which has been determined to be in noncompliance with the Deemed Approved provisions and performance standards. Such an activity shall lose its Deemed Approved status and shall no longer be considered a Deemed Approved Activity.

I. “Legal Nonconforming Alcohol Beverage Sales Activity” or “Legal Nonconforming Activity” means an Alcohol Beverage Sales Activity which was a nonconforming use pursuant to the City’s nonconforming use regulations and for which a valid state of California ABC license had been issued and used in the exercise of the rights and privileges conferred by the license at a time immediately prior to the effective date of the ordinance establishing this chapter. Such an activity shall be considered a Deemed Approved Activity and shall no longer be considered a Legal Nonconforming Activity.

J. “Operational Standards” means regulations for the business practice activities and

land use for locations with a conditional use permit or those further requirements imposed to achieve these goals. Operational Standards constitute requirements which must be complied with by an establishment in order to maintain its conditional use permit.

K. “Performance Standards” means regulations for the business practice activities and land use for locations with Deemed Approved status or those further requirements imposed to achieve these goals. Performance Standards constitute requirements which must be complied with by an establishment in order to retain its Deemed Approved status.

L. “Permit” means a conditional use permit issued pursuant to this chapter.

M. “Permittee” means the individual or entity that owns an Alcohol Beverage Sales Establishment and to whom a conditional use permit to operate an Alcohol Beverage Sales Establishment has been issued by the City.

N. “Surrogate Sales” means the purchasing of alcohol by an individual on behalf of another individual, typically an adult purchasing alcohol on behalf of or for consumption by a minor.

18.190.030 Hearing Officer: The administrative hearing officer (“Hearing Officer”) shall be a designated person as described in section 1.22.100A of this Code who shall conduct public hearings and make recommendations intended to encourage and achieve the compliance of particular Alcohol Beverage Sale Establishments with the provisions of this chapter. This section is not intended to restrict the powers and duties otherwise pertaining to other City officers in the field of monitoring and ensuring the harmony of Alcohol Beverage Sales Activities in the City.

18.190.040 Inspection and Right of Entry: The sale of alcohol beverages is a closely regulated industry. The officials responsible for enforcement of this Code, and their duly authorized representatives, may enter on any site or into any structure for the purpose of investigation provided they shall do so in a reasonable manner whenever they have cause to suspect a violation of any provision of this chapter or whenever necessary to the investigation of violations of the Conditions of Approval or Deemed Approved performance standards prescribed in this chapter. If an owner, occupant or agent refuses permission to enter, inspect or investigate, the officials or their representatives may seek an inspection warrant under the provisions of Code of Civil Procedure section 1822.50 et seq. All such inspections shall be conducted in compliance with the Fourth Amendment to the United States Constitution.

18.190.050 Conditional Use Permits for New Alcohol Beverage Sales Activities. The general purposes of these regulations are to protect and promote the public health, safety, comfort, convenience, prosperity and general welfare by requiring consideration and approval of a land use permit before a new Alcohol Beverage Sales Activity will be permitted. This chapter alone does not allow or permit Alcohol Beverage Sales Activities, but only applies to these activities where otherwise allowed or permitted within an applicable land use or zoning district. All new Alcohol Beverage Sales Establishments are required to comply with the Operational Standards and objectives set forth in this chapter. Notwithstanding any other provision of this Code, no new Alcohol Beverage Sales Establishment may be established unless a conditional use permit is first

obtained in accordance with the requirements of this chapter. The provisions of this chapter are intended to compliment the State of California alcohol-related laws. The city does not intend to replace or usurp any powers vested in the ABC.

18.190.060 Operational Standards. All new Alcohol Beverage Sales Establishments shall be designed, constructed, and operated to conform to all of the following Operational Standards:

A. That the establishment does not result in adverse effects to the health, welfare, peace or safety of persons visiting, residing, working, or conducting business in the surrounding area.

B. That the establishment does not jeopardize or endanger the public health or safety of persons visiting, residing, working, or conducting business in the surrounding area.

C. That the establishment does not result in repeated nuisance activities within its premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.

D. That the establishment complies with all provisions of local, state and/or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual City business license taxes.

E. That the establishment's upkeep and operating characteristics are compatible with, and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

F. That the owners and all employees of the establishment complete an approved course in "Responsible Beverage Sales" (RBS) within sixty (60) days of hire for employees hired after the passage of the ordinance establishing this chapter, or within 6 months of the passage of the ordinance establishing this chapter for existing employees. To satisfy this requirement, a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS) or other certifying/licensing body designated by the State of California.

A copy of these operational standards, any applicable ABC or City operating conditions, and any training requirements shall be posted in at least one prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.

18.190.070 Permit Applications. Any person, association, partnership, corporation or other

entity desiring to obtain an Alcohol Beverage Sales Activity conditional use permit shall file an application with the City's Development Services Department on a form provided by the City. The application shall be accompanied by a nonrefundable application processing fee in an amount established by resolution of the City Council. The application for a conditional use permit shall contain the following information:

A. The name, address and telephone number of the applicant. If the applicant is a corporation, the applicant shall set forth the name of the corporation exactly as shown in its articles of incorporation. An applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible management officer.

B. The name, address, and telephone number of the person who shall manage and operate the establishment.

C. The name, address, and telephone number of a person authorized to accept service of legal notices.

D. The proposed business name of the Alcohol Beverage Sales Establishment and description of all operating aspects of the proposed business.

E. The type of ABC license the applicant is seeking for the Alcohol Beverage Sales Establishment.

F. The street address of the proposed establishment and the assessor parcel number for the property.

G. A site plan for the property depicting the location of the building housing the Alcohol Beverage Sales Activity on the property, and all existing and proposed parking, exterior lighting, signage, and landscaping, trash enclosures, waiting or queuing areas.

H. Any other information determined reasonably necessary by the City to accomplish the purposes of this chapter.

The application shall be forwarded to the Development Services Department which may refer the application to other City departments to determine whether the premises where the Alcohol Beverage Sales Establishment will be located, complies with the City's building, health, zoning and fire ordinances or other applicable ordinances or laws. City departments may conduct an inspection of the premises to determine compliance with the ordinances and other laws they administer. City departments may prepare reports summarizing their inspections and recommending whether to approve or deny the application based on their inspections.

18.190.080 Action on Permit Application. The Planning Commission may approve issuance of the conditional use permit to allow a new Alcohol Beverage Sales Establishment upon making the following findings:

A. The establishment is located in a zoning district in which the establishment is a

conditionally permitted use.

B. That the operations of the establishment do not cause or result in adverse effects to the health, welfare, peace or safety of persons visiting, residing, working, or conducting business in the surrounding area.

C. That the establishment does not jeopardize or endanger the public health or safety of persons visiting, residing, working or conducting business in the surrounding area.

D. A finding of "public convenience and necessity" (Business and Professions Code section 23958.4(b) (2)), if the activity will be located in an area that has been determined by the ABC to have an undue concentration of licenses as defined in Business and Professions Code Section 23958.4(a).

E. That the operations of the establishment will not aggravate existing problems in the neighborhood created by the sale of alcohol such as disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.

F. The establishment will not detrimentally affect nearby neighborhoods considering the distance of the alcohol establishment to residential buildings, schools, parks, playgrounds or recreational areas, nonprofit youth facilities, places of worship, hospitals, alcohol or other drug abuse recovery or treatment facilities, social service offices, or other Alcohol Beverages Sales Activity Establishments.

G. The establishment will otherwise be compatible with existing and potential uses within the surrounding area.

18.190.090 Conditions of Approval. Reasonable Conditions of Approval that may be imposed include, but are not limited to, the following:

A. Soundwalls: If the Deemed Approved Activity abuts residential areas a soundwall may be required between the establishment conducting the Deemed Approved Activity and the abutting residential areas. The soundwall must comply with all state and local requirements for construction and location and must not obstruct the view of the building and parking areas from the street. Vegetation may be required to be planted along the soundwall to improve the appearance of the soundwall.

B. Trash Receptacles: Permanent, non-flammable trash receptacles may be required to be located at convenient locations appropriately screened from view outside the establishment and in any establishment parking area. The operators of the establishment may be required to remove on a daily basis, or more frequently if needed to maintain a litter free environment, all trash from these receptacles and from the sidewalk adjacent to the establishment. The operators of the establishment also may be required to remove at least three times per week all trash



originating from its establishment deposited on public property within 250 feet of any boundary of its premises.

C. Pay Telephones: Pay telephones on the site of the establishment may either be (i) prohibited; or (ii) required to be of the type that only allow outgoing calls and be located in a visible and well-lighted location.

D. Program: A “complaint response community relations” program established and maintained by the establishment conducting the Deemed Approved Activity may be required. The program may include the following:

1. Posting at the entry of the establishment a sign providing the telephone number for the area commander of the local police department substation to any requesting individual.

2. Coordinating efforts with the police department to monitor community complaints about the establishment activities.

3. Having a representative of the establishment meet with neighbors or the applicable neighborhood association on a regular basis and at their request attempt to resolve any neighborhood complaints regarding the establishment.

E. Activities: If appropriate, the following activities may be prohibited on the premises: pool or billiard tables, football or pinball games, arcade style video and electronic games, and amusement devices.

F. Prohibited Products: To discourage nuisance activities, an off-site Alcohol Beverage Sales Establishment may be prohibited from selling one or more of the following products:

1. Wine or distilled spirits in containers of less than 750 milliliters.

2. Malt beverage products with alcohol content greater than five and one-half percent by volume.

3. Wine with an alcohol content greater than 14 percent by volume unless aged at least two years.

4. Single containers of beer or malt liquor.

5. Containers of beer or malt liquor not in their original factory packages of six- packs or greater.

6. Containers of beer or malt liquor larger than (24 – 39) ounces.

7. Distilled spirits in bottles or containers smaller than 375 milliliters.

8. Cooler products, either wine- or malt beverage- based, in less than four-pack quantities.

G. Chilled Alcohol Beverages: An off-site Alcohol Beverage Sales Activity may be prohibited from maintaining refrigerated or otherwise chilled alcohol beverages on the premises.

H. Hours of Operation: In off-site Alcohol Beverage Sales Activity, the sale of alcohol beverages may be restricted to certain hours of each day of the week unless limited further by the ABC.

I. Cups: In off-site Alcohol Beverage Sales Activity, the sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging may be prohibited.

J. Signs: The following signs may be required to be prominently posted in a readily visible manner in English, Spanish, and the predominant language of the patrons:

1. "California State Law prohibits the sale of alcohol beverages to persons under 21 years of age."

2. "No Loitering or Public Drinking."

3. "It is illegal to possess an open container of alcohol in the vicinity of this establishment."

K. Presentation of Documents: A copy of the Conditions of Approval and the ABC license may be required to be kept on the premises of the establishment and presented to any law enforcement officer or authorized state or city official upon request.

L. Mitigating Alcohol Related Problems: The establishment may be required to operate in a manner appropriate with mitigating alcohol related problems that negatively impact those individuals living or working in the neighborhood including but not limited to sales to minors, surrogate sales, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, drug use, loud noise and litter.

M. Drug Paraphernalia: the establishment may be prohibited from selling drug/tobacco paraphernalia products as defined in Health and Safety Code sections 11014.5 and 11364.5. "Drug Paraphernalia" means all equipment products and materials of any kind that are used intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act commencing with Health and Safety Code section 11000.

N. Loitering: The establishment's operators or employees may be required to

discourage loiterers and to ask persons loitering longer than fifteen minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so.

O. Security Cameras: The establishment may be required to implement a video camera safety plan which includes, at a minimum:

1. Digital video camera system which records activity of patrons and employees at service counters, entrances and exits, and primary parking areas.

2. Video recordings must be stored and retrievable for a minimum period of seven days from the time of recording.

3. Video clarity must be such that a person's facial features can be identified from the video.

4. The video system must be engaged, and recording at all times, while the establishment is open to the public. The system must be maintained in working order at all times.

5. The video system must be approved by the Redlands Police Department before it is installed to ensure compliance with City requirements, and approved again after the system is operational.

6. The system must be compatible with the Redlands Police Department video system so that the video feed from the establishment can be fed directly to the City's police department dispatch center. Upon opening of the establishment, real time video shall be fed directly to the police dispatch center 24 hours a day, seven days a week, at the expense of the establishment.

P. Security Guards: An establishment may be required to retain a specified number of security guards. The number of security guards shall vary based upon the specific facts and circumstances of each establishment site and operation. All security guards shall have all required state and City permits and licenses.

Q. Vegetation: Any required exterior vegetation shall be planted in accordance with this Code, and shall be maintained in a manner that minimizes its use as a hiding place.

18.190.100 Appeals from a Determination on an Application for Permit. Pursuant to sections 18.192.070 and 18.192.080, any applicant or other person aggrieved by a decision of the Planning Commission on an application for a permit required by this chapter may appeal the decision to the City Council.

18.190.110 Grounds for Conditional Use Permit Suspension or Revocation. An Alcohol Beverage Sales Establishment conditional use permit may be suspended by the Planning Commission and/or the City Council for up to one year, or revoked, for failure to comply with Operational Standards, training requirements or conditions imposed through the conditional use

permit in accordance with section 18.192.100 of this Code. Notice of intention to suspend or revoke shall be in writing and shall state the grounds therefore. Notice shall be mailed by U.S. First-Class Mail and Certified Mail Return Receipt Requested.

18.190.120 Investigative Procedures of Potential Violation of Conditions of Approval. The city shall appoint a Hearing Officer to conduct hearings, make findings and determine whether violations of this chapter, including the operational standards, Conditions of Approval as well as whether undue negative impacts or public nuisance activities have occurred, are occurring, or are likely to occur in the future. The Hearing Officer shall exercise all powers relating to the conduct of the administrative hearing as set forth in Chapter 1.22 of this Code.

Upon the City's receipt of a complaint from the public, City official, or any other interested person, that a conditional use permit activity is in violation of the Operational Standards and/or Conditions of Approval set forth in this chapter, the following procedure shall be followed:

A. The City code enforcement officer (or other designated City representative) shall assess the nature of the complaint and its validity by conducting an on-site observation and inspection of the premises to assess the activity's compliance with Operational Standards and/or Conditions of Approval. The enforcement officer shall provide the business owner and any manager on the premises during the on-site inspection with a copy of any complaint made in writing or with information about the details of any oral complaint.

B. If violations are observed during the observation and inspection, the enforcement officer shall record the violations and send via both U.S. First Class Mail and Certified Mail Return Receipt Requested a "Notice to Abate" to the owner of the activity and the property owner, if not the same person or entity. Such "Notice to Abate" shall notify the owner and property owner of the violations recorded by the officer and that continued non-compliance may result in the penalties and shall set forth a reasonable period of not less than 30 calendar days within which to abate any violations.

C. At the end of the abatement period prescribed in the "Notice to Abate," the code enforcement officer shall conduct a re-inspection visit. If the violations have not been abated within the prescribed abatement period and the officer determines that it is reasonably unlikely that further efforts to compel compliance with operational standards and/or Conditions of Approval by the owner of the activity is likely, the officer shall determine that the activity is in persistent violation of the Operational Standards and/or Conditions of Approval and shall refer the matter and all material evidence to the Hearing Officer for adjudication. A copy of the officer's determination of continued non-compliance shall be sent via both U.S. First Class Mail and Certified Mail Return Receipt Requested to the owner of the Deemed Approved activity and the property owner, if not the same person or entity.

D. Upon referral from the code enforcement officer that an activity is in persistent violation of the Operational Standards and/or Conditions of Approval of this chapter, the operating status of the activity in question shall be reviewed by the Hearing Officer at a public hearing. The purpose of the administrative hearing is to receive information as to whether the activity is in compliance with the operational standards and/or Conditions of Approval.

E. The Hearing Officer shall determine whether the activity is in compliance with the Operational Standards and/or Conditions of Approval. Based on this determination, the officer may continue the Conditional Use status for the use in question, may impose administrative penalties for violations of the operational standards and/or Conditions of Approval or may make a recommendation to the Planning Commission to revoke the activity's Conditional Use Permit. If the officer determines instead to impose further, new conditions on the activity, such conditions shall be based upon the information then before the officer. In reaching a determination as to whether a use has violated the operational standards, or as to the appropriateness of imposing conditions on a use, assessing administrative penalties, or the amount of administrative penalties to assess, the Hearing Officer may consider:

1. The length of time the activity has been out of compliance with the performance standards.

2. The impact of the violation of the operational standards and/or Conditions of Approval on the community.

3. Any information regarding the owner of the activity's efforts to remedy the violation of the operational standards and/or Conditions of Approval.

F. "Efforts to Remedy" shall include, but are not limited to:

1. Timely calls to the police department that are placed by the owner of the Deemed Approved activity, his or her employees, or agents.

2. Requesting that those persons engaging in activities causing violations of the Operational Standards and or Conditions of Approval cease those activities, unless the owner of the activity, or his or her employees or agents feels that their personal safety would be threatened in making that request.

3. Making improvements to the establishment's property or operations, including but not limited to the installation of lighting sufficient to illuminate the area within the use's property line, the installation of security cameras, clear unobstructed windows, clean sidewalks and graffiti abated within three days.

G. The decision of the Hearing Officer shall be final unless appealed to the Planning Commission, by written form approved by the City, within ten (10) days after the date of the decision.

H. The decision of the Planning Commission shall be final unless appealed to the City Council, by written form approved by the City, within ten (10) days after the date of the decision.

18.190.130 Appeal from Suspension or Revocation of Conditional Use Permit. Any applicant or other person aggrieved by a decision of the Planning Commission from a suspension or revocation of a Conditional Use Permit may appeal the decision to the City Council.

18.190.140 Automatic Deemed Approved Status. The Deemed Approved alcohol beverage sales regulations shall apply to all Alcohol Beverage Sales Activities for on-site or off-site consumption that have been legally established and operating, without a conditional use permit, within the City as of the effective date of the ordinance establishing this chapter. All Alcohol Beverage Sales Activities that were Legal Nonconforming Activities immediately prior to the effective date of the ordinance establishing this chapter shall automatically become Deemed Approved Activities as of the effective date of such ordinance and shall no longer be considered Legal Nonconforming Activities. Each deemed approved activity shall retain its Deemed Approved status as long as it complies with the performance standards of this chapter. The occurrence of any of the following shall terminate the Deemed Approved status of the alcohol beverage sales activity and require the issuance of a conditional use permit in order to continue the Alcohol Beverage Sales Activity:

A. An existing Alcohol Beverage Sales Establishment changes its activity so that ABC requires a different type of license.

B. There is a substantial modification to the mode or character of operation.

C. As used herein, the phrase “substantial change of mode or character of operation” includes but is not be limited to the following:

1. The off-site Alcohol Beverage Sales Establishment increases the floor or land area or shelf space devoted to the display or sales of any alcohol beverage.

2. The on-site Alcohol Beverage Sales Establishment increases the floor or land area or shelf space devoted to the display, sales or service of any alcohol beverage.

3. The off-site or on-site Alcohol Beverage Sales Establishment expands the sale or service of any alcohol beverages and/or increases the number of customer seats primarily devoted to the sale or service of any alcohol beverages.

4. The off-site or on-site Alcohol Beverage Sales Establishment extends the hours of operation.

5. The Alcohol Beverage Sales Establishment proposes to reinstate alcohol sales after the ABC license has been either revoked or suspended for a period greater than 30 days by ABC.

6. The Alcohol Beverage Sales Establishment voluntarily discontinues active operation for more than 90 consecutive days or ceases to be licensed by the ABC.

D. A substantial change in the mode of character of operation shall not include:

1. Re-establishment, restoration or repair of an existing Alcohol Beverage Sales Establishment on the same premises after the premises have been rendered totally or partially

inaccessible by a riot, insurrection, toxic accident or act of God, provided that the re-establishment, restoration or repair does not increase the sales or service of any alcohol beverage, extend the hours of operation of any establishment or add to the capacity, floor or land area or shelf space devoted to alcohol beverages of any establishment that sells or serves any alcohol beverages.

2. Temporary closure for not more than 90 days in cases of vacation or illness or for purposes of repair, renovation, or remodeling if that repair, renovation, or remodeling does not change the nature of the premises and does not increase the sales or service of any alcohol beverage, extend the hours of operation of any establishment, or add to the capacity, floor or land area, or shelf space devoted to alcohol beverages of any establishment that sells or serves any alcohol beverages.

E. If it is determined by the City that there has been a discontinuance of active operation for 90 consecutive days or a cessation of ABC licensing, it may be resumed only upon the granting of a conditional use permit as provided in this chapter. The property owner shall be notified by the City of the termination of the Deemed Approved status and shall be informed of the property owner's right to appeal the City's decision to the Hearing Officer.

18.190.150 Deemed Approved Performance Standards. The provisions of this section shall be known as the Deemed Approved performance standards. The purpose of these standards is to control dangerous or objectionable environmental effects of Alcohol Beverage Sales Activities. These standards shall apply to all Deemed Approved Alcohol Beverage Sales Activities that hold Deemed Approved status pursuant to this chapter. An Alcohol Beverage Sales Activity shall retain its Deemed Approved status only if it conforms to all Operational Standards identified in Section 18.190.060.

18.190.160 Notification to Owners of Establishments Conducting Deemed Approved Activities. The City or its Hearing Officer shall notify the owner of each Deemed Approved activity, and also, if not the same, any property owner at the address shown on the City's property tax assessment records, of the activity's Deemed Approved status. The notice shall be sent by U.S. First Class Mail and Certified Mail Return Receipt Requested and shall include a copy of the performance standards in this chapter with the requirement that they be posted in a conspicuous and unobstructed place visible from the entrance of the establishment for public review. This notice shall also provide that the activity is required to comply with all performance standards and that the activity is required to comply with all other aspects of the Deemed Approved regulations. Failure of any person to receive notice given pursuant to this chapter shall not affect the Deemed Approved status of the activity.

18.190.170 Deemed Approved Status Procedures. The City shall appoint a Hearing Officer to conduct hearings, make findings and determine whether violations of this chapter, including the Deemed Approved performance standards, Conditions of Approval, undue negative impacts or public nuisance activity, have occurred, are occurring, or are likely to occur in the future. The assigned Hearing Officer shall exercise all powers relating to the conduct of the administrative hearing unless or until the decision of the Hearing Officer is appealed to the Planning Commission. Upon the City's receipt of a complaint from the public, the City's Police Department, City official

or any other interested person that a Deemed Approved use is in violation of the performance standards set forth in this chapter, the procedures identified in Section 18.190.120 shall be followed.

18.190.180 Penalties. Any person who violates, causes, or permits another person to violate any provision of this chapter is guilty of a misdemeanor, except as otherwise determined by this Code and the City Attorney. Any person convicted of either an infraction or misdemeanor under the provisions of this chapter shall be punished by a fine, imprisonment, or both, in accordance with state law.

18.190.190 Separate Offenses for Each Day. Any violator shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued, permitted, or caused by such violator and shall be punishable accordingly.

18.190.200 Any Violation is a Public Nuisance. In addition to the penalties provided in this chapter, any use or condition caused or permitted to exist in violation of any of the provisions of this chapter shall be and is declared to be a public nuisance and may be abated as such by the City.

18.190.210 Injunction as Additional Remedy. Any violation of any provision of this chapter shall be and is declared to be contrary to the public interest and shall, at the discretion of the City, create a cause of action for injunctive relief.

18.190.220 Administrative Penalties. In addition to any other penalties provided in this chapter, the administrative penalties set forth in Chapter 1.22 of this Code shall apply for any violation of this chapter.

18.190.230 Liability for Expenses. In addition to the punishment provided by law, a violator is liable for such costs expenses and disbursements paid or incurred by the City or any of its contractors in correction, abatement and prosecution of the violation. Re-inspection fees to ascertain compliance with previously noticed or cited violations shall be charged against the owner of the establishment conducting the Deemed Approved Activity or owner of the property where the establishment is located. The inspection official shall give the owner or other responsible party of such affected premises a written notice showing the itemized cost of such chargeable service and requesting payment thereof. Should the bill not be paid in the required time the charges may be placed as a lien against the property.”

Section 2. Section 18.84.040 of the Redlands Municipal Code, entitled “Permitted Uses, Conditionally Permitted Uses, and Similar Uses Permitted by Commission Determination,” is hereby amended to read as follows:

“18.84.040 Permitted Uses, Conditionally Permitted Uses, and Similar Uses Permitted by Commission Determination.

In the C-1 district, no building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered or enlarged, except for the following purposes:



A. Principal Permitted Uses:

Bakery with lunch counter.

Convenience goods:

Candy.

Delicatessen.

Drugs.

Florist.

Grocery; no alcohol sales.

Meat.

Pizza, takeout and delivery.

Variety, five-and-ten cents store.

Pet Shop

Services:

Administrative Office.

Barber.

Beautician.

Cleaner, laundry; pick up service.

Figure salon.

Laundromat.

Real Estate Office.

Shoe Repair

B. Conditionally Permitted Uses:

Uses listed in chapter 18.192 of this title.

Business and professional office.

Grocery; with alcohol sales.

C. Similar Uses Permitted By Commission Determination: The commission may, by resolution of record, recommend to the City Council the permitting of any other uses which it may determine to be similar to those listed above, in conformity with the intent and purpose of this zone, and not more obnoxious or detrimental to the public health, safety and welfare, or other uses permitted in this zone.”

Section 3. Section 18.88.100 of the Redlands Municipal Code, entitled “Permitted Uses, Conditional Uses and Similar Uses Permitted by Commission Determination,” is hereby amended to read as follows:

“18.88.100 Permitted Uses and Similar Uses Permitted by Commission Determination.

In C-2 districts, no building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered or enlarged, except for the following purposes:

A. Principal Permitted Uses:

Convenience goods:

Bakery, retail.

Books.

Camera.

Candy.

Delicatessen.

Drugs.

Florist.

Gifts.

Grocery; no alcohol sales.

Hardware.

Hobbies.

Luggage.

Meat.

Nurseries; no outdoor display of merchandise other than plants.

Paint.

Toys.

Services:

Automobile club insurance office.

Automobile parts, sales.

Automobile service station; minor repairs only, with no outdoor display of merchandise.

Barber.

Beautician.

Branch bank.

Cleaner/laundry.

Day Spa.

Laundromat.

Martial arts studio.

Pet shop.

Real estate office.

Restaurant.

Shoe repair.

Shopper's goods:

Apparel.

Dry goods.

Jewelry.

Knitting.

Linens.

Portable appliances.

Shoes.

Variety.

B. **Similar Uses Permitted By Commission Determination:** The commission may, by resolution of record, recommend to the City Council the permitting of any other uses which it may determine to be similar to those listed above, in conformity with the intent and purpose of the C-2 zone, and not more obnoxious or detrimental to the public health, safety and welfare, or other uses permitted in this zone.”

Section 4. Section 18.88.110 of the Redlands Municipal Code, entitled “Conditionally Permitted Uses,” is hereby amended to read as follows:

“18.88.110. Conditionally Permitted Uses.

- A. The following uses may be permitted within the C-2 zone subject to the city's approval of a conditional use permit:

Uses listed in chapter 18.192 of this title.

Business and professional office.

Drive-through facilities which are ancillary to a use permitted as a matter of right within the C-2 zone.

Family recreation centers consist of amusement machine arcades, billiard rooms or other similar entertainment.

Grocery; with alcohol sales.

”

Section 5. Section 18.92.040 of the Redlands Municipal Code, entitled “Permitted Uses,” is hereby amended to read as follows:

“18.92.040: Permitted Uses.

Permitted uses in the C-3 zone are:

Uses permitted in the C-1 and C-2 zones:

Auto sales and service establishments, providing all operations, including sales, display, storage and repair work are conducted within completely enclosed buildings, including:

Auto parts and accessory stores.

New auto sales.

Used auto sales.

Clubs, schools and studios, including:

Art schools or studios.

Beauty and barber colleges.

Business schools.

Clubs, lodges and similar organizations.

Dance and drama schools or studios.

Gymnasiums and health studios.

Language schools.

Music schools or studios.

Swimming schools.

Weight loss and diet centers, nonmedical.

Entertainment establishments, including:

Social halls, no alcohol sales.

Theaters.

Financial establishments, including:

Banks.

Finance offices.

Savings and loan associations.

Stockbrokers.

Trust companies.

Hotels.

Retail stores, including:

Antique or curio shops.

Art shops.

Department stores.

Drapery.

Floor covering.

Furniture and appliances.

Furrier.

Garden and farm supplies, but not including open air sales or storage.

Grocery; without alcohol sales.

Interior decorators' studios.

Locksmith shops.

Mail order.

Music and records.

Office equipment and stationery.

Pet and pet supply uses. Ancillary pet boarding services are permitted in conjunction with pet and pet supply, subject to the following criteria:

- A. The gross floor area of the pet business shall not exceed five thousand (5,000) square feet;

- B. The ancillary pet boarding service area shall be limited to twenty five percent (25%) of the gross floor area of the business but in no event shall exceed one thousand (1,000) square feet;
- C. Each animal shall be provided a primary enclosure that provides adequate space, as required by California Health and Safety Code section 122350(a);
- D. Noise produced by the proposed use shall not exceed the limits set in title 8, chapter 8.06 of this code. Sufficient soundproofing shall be provided to prevent noise and vibrations from penetrating into adjacent properties;
- E. Emergency after hour contact information shall be provided to the City's police department and posted in a publicly visible location within the facility;
- F. Waste disposal facilities shall be adequate to ensure sanitary conditions; and
- G. A separate and isolated ventilation system shall be provided for the pet boarding area.

Sporting goods.

Service establishments and offices, including:

Blueprinting, duplicating, photocopying and addressing.

Business and professional offices, as listed in subsections 18.64.030B and C of this title.

Catering.

Dry cleaning establishments, using nonflammable fluids and having not more than two (2) cleaning machines with a rated capacity not over forty (40) pounds each.

Employment agencies.

Furniture upholstery.

Governmental agencies.

Libraries.

Photographers.

Restaurants; with or without alcohol sales

Specialty food markets, no alcohol sales.

Tailors.

Tanning salons.

Service stations, no alcohol sales; all merchandise must be displayed within the building.”

Section 6. Section 18.92.080 of the Redlands Municipal Code, entitled “Conditional Uses,” is hereby amended to read as follows:

“18.92.080. Conditional Uses.

- A. In the C-3 zone, the following uses may be permitted subject to approval of a conditional use permit:

Uses listed in chapter 18.192 of this title.

Audio and film production studios and schools.

Auto repair establishments; no open service bays shall face a public street, or they shall be screened.

Automobile parking garages and lots, public or private.

Beer and wine stores

Bus terminals and similar transit facilities.

Commercial amusement establishments, such as skating rinks, bowling lanes, amusement machine arcades, pool halls, dance halls, nightclubs, cocktail lounges, taverns and beer and wine bars.

Grocery; with alcohol sales.

Drive-in stores, such as cleaner, liquor, milk and food.

Drive-through sales and/or service.

Frozen food locker.

Hospitals and sanatoriums.



Mechanical or self-service auto wash.

Mortuaries or funeral homes.

Motels.

Open air sales, display and storage, including:

Miniature golf and similar commercial amusement establishments.

New or used auto, motorcycle and boat sales.

Swimming pools, commercial.

Tool and equipment sales or rental.

Service stations with alcohol sales; all merchandise must be displayed within the building.

Social halls, with alcohol sales.

Specialty food markets, with alcohol sales.

B. Residential uses may be combined with nonresidential uses in an existing building or an entirely new building provided:

1. The residential density permitted shall be that allowed by the R-3 district, and
2. Required parking for the residential units shall be provided on site, in addition to that required for the commercial use(s), except that up to fifty percent (50%) of the required uncovered guest parking spaces for the residential units may jointly use the required parking spaces for the commercial use(s)."

Section 7. Section 18.96.040 of the Redlands Municipal Code, entitled "Permitted Uses," is hereby amended to read as follows:

"18.96.040. Permitted Uses.

Uses permitted in the C-1, C-2 and C-3 zones.

Motels.

Personal services.

Retail stores:

Automobile sales and service establishments of new or used vehicles, where sales, display, storage and repair work are conducted within completely enclosed buildings.

Commercial greenhouses.

Drive-in stores, such as milk and food, no alcohol sales.

Electrical apparatus and equipment.

Pest control.

Public scales.

Taxidermy.

Wedding chapels.

Service stations no alcohol sales; all merchandise must be displayed within the building or under canopy cover.”

Section 8. Section 18.96.070 of the Redlands Municipal Code, entitled “Conditional Uses,” is hereby amended to read as follows:

“18.96.070: Conditional Uses.

The following uses may be permitted in the C-4 zone subject to approval of a conditional use permit:

Uses permitted with a conditional use permit in the C-3 zone.

Uses listed in chapter 18.192 of this title.

Ambulance service.

Animal hospitals.

Drive-in stores, such as milk and food, with alcohol sales.

Service stations with alcohol sales; all merchandise must be displayed within the building or under canopy cover.

Tire recapping on conjunction with sales (not more than 3 molds).

Section 9. Section 18.100.040 of the Redlands Municipal Code, entitled “Permitted Uses,” is hereby amended to read as follows:

“18.100.040. Permitted Uses.

Principal permitted uses in the C-M zone include:

Auto services: No open service bays shall face a public street, or they shall be screened:

Brake relining.

Glass installation.

Muffler installation.

Painting.

Repair.

Upholstery.

Commercial sales and service:

Agricultural supplies and equipment.

Automobile equipment.

Automobile, new and used.

Bicycle, boat and motorcycle.

Building material and hardware.

Cabinet shop.

Camper and mobile home.

Drive-in stores, such as milk and food, no alcohol sales.

Electrical apparatus and equipment.

Furniture, appliances and carpeting.

Garden and farm supplies.

Interior decorator studios.

Machinery, equipment and supplies.

Nurseries; no outdoor display of merchandise other than plants.

Office equipment.

Paint.

Pet and pet supply.

Plumbing, heating, air conditioning and refrigeration equipment and supplies.

Radio, television and musical instruments.

**Industrial:**

Uses permitted in the M-P planned industrial district.

The following uses are subject to approval of a conditional use permit if within three hundred feet (300') of a residential area:

Bowling lanes, skating rinks, and sports arenas, no alcohol sales.

Drive-in theaters.

**Services:**

Auction houses.

Auto rental.

Bus terminals and similar transit facilities.

Cleaning and dyeing plants, laundries, linen and towel service.

Furniture upholstery.

Governmental agencies.

Ice manufacture, cold storage, and frozen food lockers.

Mail order houses.

Motels and hotels.

Parcel delivery.

Pest control.

Public scales.

Radio and television broadcasting studios.

Restaurants.

Retreading of tires.

Sign painters.

Other uses:

Agricultural uses permitted in the M-P district.

Business, technical, trade or professional schools.

Clubs, lodges, and similar organizations.

Electric distribution substations, public utility buildings and service yards.

Van and storage.

Warehouses and wholesalers.”

Section 10. Section 18.100.070 of the Redlands Municipal Code, entitled “Conditional Uses,” is hereby amended to read as follows:

“18.100.070: Conditional Uses.

The following uses may be permitted in the C-M zone subject to approval of a conditional use permit:

Uses listed in chapter 18.192 of this title.

Ambulance service.

Animal hospitals.

Bowling lanes, skating rinks, and sports arenas, with alcohol sales.

Cocktail lounges and bars.

Drive-in stores, such as milk and food, with alcohol sales.

Equipment rental.

Radio and television transmitter towers higher than fifty feet (50') above ground level.

Regional shopping center containing at least one department store and a minimum gross land area of thirty five (35) acres; uses permitted shall be limited to those contained in the C-3 zone.

Retail store containing a minimum gross leasable area of seventy five thousand (75,000) square feet, subject to the parking requirements for neighborhood commercial districts.

Service stations.”

Section 11. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases may be declared unconstitutional.

Section 12. The City Council hereby finds that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (“CEQA”) based upon the City Council’s determination that, pursuant to state CEQA guidelines section 15061(b)(3), it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect upon the environment.

Section 13. The Mayor shall sign this ordinance and the City Clerk shall certify to the adoption of this ordinance and shall cause it, or a summary of it, to be published once in the Redlands Daily Facts, a newspaper of general circulation within the City, and thereafter, this ordinance shall take effect as provided by law.

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Pete Aguilar, Mayor

ATTEST:

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Sam Irwin, City Clerk

I, Sam Irwin, City Clerk, City of Redlands, hereby certify that the foregoing Ordinance was duly adopted by the City Council at the regular meeting thereof, held on the \_\_\_\_\_ day of \_\_\_\_\_ 2014, by the following vote:

AYES:

NOES:

ABSENT:

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Sam Irwin, City Clerk