

**REQUEST FOR COUNCIL ACTION**

**SUBJECT: CITY OF REDLANDS, APPLICANT**

1. Consideration of a recommendation to the City Council on a Notice of Exemption pursuant to Section 15061(B)(3) of the California Environmental Quality Act Guidelines.
2. **PUBLIC HEARING** to consider a recommendation to the City Council on **Ordinance 2791 (Ordinance Text Amendment No. 338)** to amend various sections of the Redlands Municipal Code pertaining to:
  - Adding Chapter 18.190 relating to establishing 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;
  - Amending Chapter 18.84 related to Permitted and Conditionally Permitted Uses in the C-1 Zoning District;
  - Amending Chapter 18.88 related to Permitted and Conditionally Permitted Uses in the C-2 Zoning District;
  - Amending Chapter 18.92 related to Permitted and Conditionally Permitted Uses in the C-3 Zoning District;
  - Amending Chapter 18.96 related to Permitted and Conditionally Permitted Uses in the C-4 Zoning District; and
  - Amending Chapter 18.100 related to Permitted and Conditionally Permitted Uses in the C-M Zoning District.
3. **PUBLIC HEARING** to consider a recommendation to the City Council on **Resolution No. 7379 [Specific Plan No. 40 (Amendment No. 42)]** to amend various sections of the East Valley Corridor Specific Plan relating to conditionally permitted uses in Sections EV3.0610 and EV3.0613 of the EV/CN (Neighborhood Commercial) District, Section EV3.0713 of the EV/CG (General Commercial District), and Section EV3.0913 of the EV/IC (Commercial Industrial) District in order to be in compliance with Chapter 18.190 of the Redlands Municipal Code.
4. **PUBLIC HEARING** to consider a recommendation to the City Council on **Resolution No. 7380 [Specific Plan No. 45 (Amendment No. 19)]** to amend Section III, Table 1 to require uses within the Downtown Specific Plan to comply with Chapter 18.190 of the Redlands Municipal Code.

**PROCEDURE FOR PUBLIC HEARING**

1. Mayor declares the meeting open as a public hearing.
2. Mayor calls upon Department Director for report.
3. Mayor calls for questions/comments from members of the City Council.
4. Mayor calls for comments/questions/testimony from members of the public (3 minutes per speaker).
5. Mayor calls upon City Clerk to note any written comments received.
6. Mayor calls upon staff for rebuttal comments (5 minutes).
7. Mayor closes the public hearing.
8. City Council considers the motion and votes.

**MOTION:**

If the City Council concurs with the Planning Commission's recommendations the following motions are provided:

A. "I move that the City Council determine that Ordinance No. 2791 (Ordinance Text Amendment No. 338), Specific Plan 40 Amendment 42, and Specific Plan 45 Amendment 19 are exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(B)(3) of the CEQA Guidelines."

B. Mayor requests the City Clerk to read the title of Ordinance No. 2791;

"I move to waive further reading of, and to introduce, Ordinance No. 2791."

"I move to approve Resolution No. 7379 approving Amendment No. 42 to Specific Plan 40."

"I move to approve Resolution No. 7380 approving Amendment No. 19 to Specific Plan 45."

**PLANNING COMMISSION RECOMMENDATION:**

On July 9, 2013, August 13, 2013, September 10, 2013, October 8, 2013, and April 8, 2014 the Planning Commission held public hearings regarding the proposed Ordinance Text Amendment, Specific Plan 40 Amendment 42, and Specific Plan 45 Amendment 19. The Planning Commission adopted Resolutions 1252, 1253, and 1254 recommending the City Council approve Ordinance No. 2791, Specific Plan 40 (Amendment No. 42), and Specific Plan 45 (Amendment No.19).

## **BACKGROUND/PROPOSAL:**

The Redlands Police Department working with local businesses, the Common Vision Coalition, and the Institute of Public Strategies has been searching for an innovative way in which to positively impact the crime and disorder issues associated with on-site and off-site alcohol beverage sales establishments throughout the City. Over the past several years, the increase in the number and popularity of these businesses in Redlands has significantly impacted neighboring businesses, the community, and the police department through increased crime and disorder incidents including a homicide, drunk driving, assaults, public drunkenness, loitering and other negative behaviors.

In response, the police department has worked diligently with the establishments, community partners, and the state's Alcoholic Beverage Control (ABC) agency to monitor and control the above listed issues. Fortunately, most of the businesses responded positively to the police department's proactive approach to dealing with crime and disorder issues caused by these establishments, and the city has experienced numerous successes over the years in addressing such issues. There have, however, been occasions in which business owners/operators do not respond positively to the suggestions made by the police department and prefer to operate in a manner that is inconsistent with maintenance of order and responsibility expected of conscientious businesses in this City.

After extensive and careful research, the police department and community partners found that local jurisdictions across the state have successfully used Deemed Approved Ordinances (DAO) to set standards for alcohol retailers by using a public nuisance approach. This approach allows cities to correct public nuisances associated with alcohol beverage establishments who are not operating their businesses responsibly or in compliance with state and local laws. A DAO does not supersede the state's ABC requirements but serves an additional tool that a city can use to address concerns at a local level. At least eleven (11) other California cities have adopted DAOs, most notably San Bernardino, Oakland, Ventura, and Oxnard.

Based on the research of other Deemed Approved Ordinances staff has undertaken the task of amending various Chapters and Sections of the Redlands Municipal Code, the East Valley Corridor Specific Plan (EVCSP) (Specific Plan 40), and the Downtown Specific Plan (Specific Plan 45) related to alcohol beverage sales.

The amendments to the Redlands Municipal Code occur as follows:

- Adding Chapter 18.190 relating to establishing 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;

- Amending Chapter 18.84 related to Permitted and Conditionally Permitted Uses in the C-1 Zoning District;
- Amending Chapter 18.88 related to Permitted and Conditionally Permitted Uses in the C-2 Zoning District;
- Amending Chapter 18.92 related to Permitted and Conditionally Permitted Uses in the C-3 Zoning District;
- Amending Chapter 18.96 related to Permitted and Conditionally Permitted Uses in the C-4 Zoning District; and
- Amending Chapter 18.100 related to Permitted and Conditionally Permitted Uses in the C-M Zoning District.

The modifications to the East Valley Corridor Specific Plan (Specific Plan 40) include the amending of the following sections to be in compliance with Chapter 18.190 of the Redlands Municipal Code:

- Sections EV3.0610 and EV3.0613 of the EV/CN (Neighborhood Commercial) District;
- Section EV3.0713 of the EV/CG (General Commercial District); and
- Section EV3.0913 of the EV/IC (Commercial Industrial) District.

The modifications to the Downtown Specific Plan (Specific Plan 45) include the amending Section III, Table 1 to be in compliance with Chapter 18.190 of the Redlands Municipal Code. The modifications to each of the Chapters and Sections noted above are explained in further detail in the Analysis Section of this report, below.

## **ANALYSIS:**

### **Ordinance 2791 (Ordinance Text Amendment 338):**

Chapter 18.190 “Alcohol Beverage Sales Establishment Regulations” is proposed to be added to the Redlands Municipal Code and will require conditional use permits for certain newly established alcohol beverage sales activities in the City of Redlands. These uses include 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.

As part of the approval of new alcohol beverage sales activities the Planning Commission will need to make the following findings listed below:

- The establishment is located in a zoning district in which the establishment is a conditionally permitted use.
- 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.
- 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.
- 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).
- 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.
- 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.
- The establishment will otherwise be compatible with existing and potential uses within the surrounding area.

Additionally, the ordinance will confer deemed approved status for existing alcohol beverage sales activities that constitute legal nonconforming uses. The ordinance establishes operational standards for existing and new business that sell alcohol. The

key operational standards are summarized below. The ordinance will require consideration and approval of a conditional use permit before a new alcohol beverage sales activity will be permitted in the City, and will require all new alcohol beverage sales establishments to comply with the operational standards listed below:

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

Under the proposed ordinance text amendment, any existing retailer of alcohol

beverages, whether on-site or off-site consumption, must comply with the provisions of the ordinance. If and when the ordinance is adopted by the City Council, those establishments in existence at the time will be “deemed approved,” meaning that such establishments are presumed that they are in compliance with the proposed operational standards.

Procedures are included in the legislation in the event a complaint is received from the public, city official, or any other interested person that an alcohol beverage establishment is in violation of the operational standards. A process is established to verify such complaint(s) and to allow the establishment an opportunity to correct the violation. An administrative hearing process is also provided that will review violations; the process is intended to protect the general health, safety, and welfare of the residents of the City and prevent nuisance activities where alcohol beverage sales occur.

The proposed ordinance will also amend the permitted and conditionally permitted use sections of Chapter 18.84 (C-1 Zoning District), Chapter 18.88 (C-2 Zoning District), Chapter 18.92 (C-3 Zoning District), Chapter 18.96 (C-4 Zoning District), and Chapter 18.100 (C-M Zoning District). These sections have been amended to identify and provide reference to the uses that are subject to the provisions of Chapter 18.190.

Additionally, amendments to Specific Plan 40 and Specific Plan 45 are proposed to identify uses that are subject to Chapter 18.190 of the Redlands Municipal Code as is discussed below.

#### **Specific Plan 40, Amendment 42:**

As with the modifications to the Commercial Districts identified above within the Redlands Municipal Code, the proposed amendment to Specific Plan 40 amends the “Permitted Land Uses section in the EV/CN (Neighborhood Commercial) District (Section EV3.0610), “Conditionally Permitted Uses” section in the EV/CN (Neighborhood Commercial) District (Section EV3.0613), the EV/CG (General Commercial) District (Section EV3.0713), and, the EV/IC (Commercial Industrial) District (Section EV3.0913) to specifically identify and provide reference to the uses that are subject to the provisions of Chapter 18.190 of the Redlands Municipal Code.

#### **Specific Plan 45, Amendment 19:**

As with the modifications to the Commercial Districts identified above within the Redlands Municipal Code, the proposed amendment to Specific Plan 45 amends Section III, Table 1 to identify and provide reference to the uses that are subject to the provisions of Chapter 18.190 of the Redlands Municipal Code, within the Town Center District, the Town Center Historic District and the Service Commercial District.

**ENVIRONMENTAL REVIEW:**

The proposed amendments to the Redlands Municipal Code (RMC), the East Valley Corridor Specific Plan (Specific Plan 40), and the Downtown Specific Plan (Specific Plan 45) do not result directly in the development of any parcel of land. Thus, implementation of the proposed amendment would not result in any direct physical changes in the environment; therefore, Staff is recommending that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(B)(3) of the CEQA Guidelines. This section is known as the general rule and exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**FISCAL IMPACT:**

There are no Fiscal Impacts associated with the proposed Ordinance.

**ALTERNATIVES:**

1. The City Council can continue consideration of the Ordinance and direct staff to bring back additional information or modify the Ordinance as directed; or
2. The City Council can decide not to take action with respect to the Ordinance.

**ATTACHMENTS:**

- A. City Council Ordinance No. 2791
- B. City Council Resolution No. 7379
- C. City Council Resolution No. 7380
- D. Ordinance No. 2791 Legislative Version
- E. Specific Plan 40, Amendment 42 Legislative Version
- F. Specific Plan 45, Amendment 19 Legislative Version

City Council Meeting of 5/6/14  
Ordinance 2791  
Specific Plan 40 Amendment 42  
Specific Plan 45 Amendment 19  
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