



# Alcohol Sales: Land Use Study Session

El Cajon City Council

26 February 2013



# Overview

- 1. Introduction** — Douglas Williford, City Manager
- 2. Issue** — Jim Redman, Police Chief
- 3. Background** — Jim Redman, Police Chief
- 4. Goals** — Manjeet Ranu, Planning Manager
- 5. Alternatives** — Manjeet Ranu, Planning Manager
- 6. Legal Considerations** — Morgan Foley, City Attorney
- 7. Concluding Remarks** — Douglas Williford, City Manager
- 8. City Council Discussion and Direction**



# Introduction





# Issue – Problem Defined

- Off-sale of alcohol is associated with negative impacts on the community and businesses, along with disproportionate demands on City services





# Issue – Public Nuisances

- Urinating in public
- Petty theft
- Panhandling
- Drunk in public



# Issue – Crime

Percentage of arrests that are alcohol-related (excluding DUIs)	2011	2012
	8.3%	13.2%

Alcohol-related Arrests in 2012 by Type	
Drunk in public	500
Drinking in public	88
Open container on premises	40
Total arrests	628

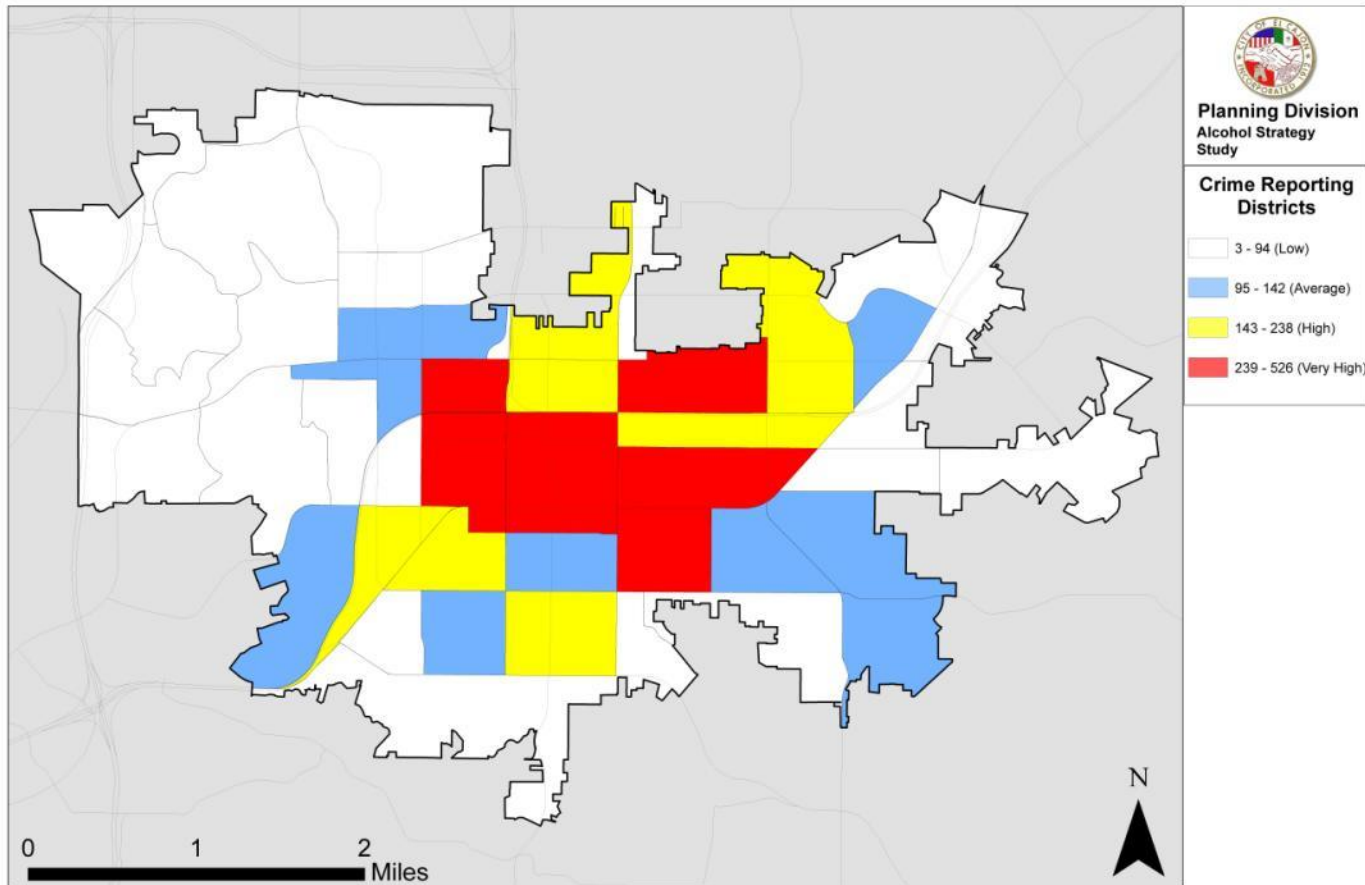


# Issue – Crime

2009 – 2012 Reporting Period Statistics	Number	Percentage
Alcohol-related arrests (excluding DUIs) within 600 feet of an off-sale alcohol outlet of less than 15,000 square feet in size	849 arrests	48%
Area of City within 600 feet of an off-sale alcohol outlet of less than 15,000 square feet in size	2.2 square miles	15%
Alcohol-related arrests (excluding DUIs) within Census tracts with an overconcentration (per State ABC regulations) of off-sale alcohol outlets	1,229 arrests	70%
Alcohol-related arrests (excluding DUIs) within High and Very High crime reporting districts	1,207 arrests	69%



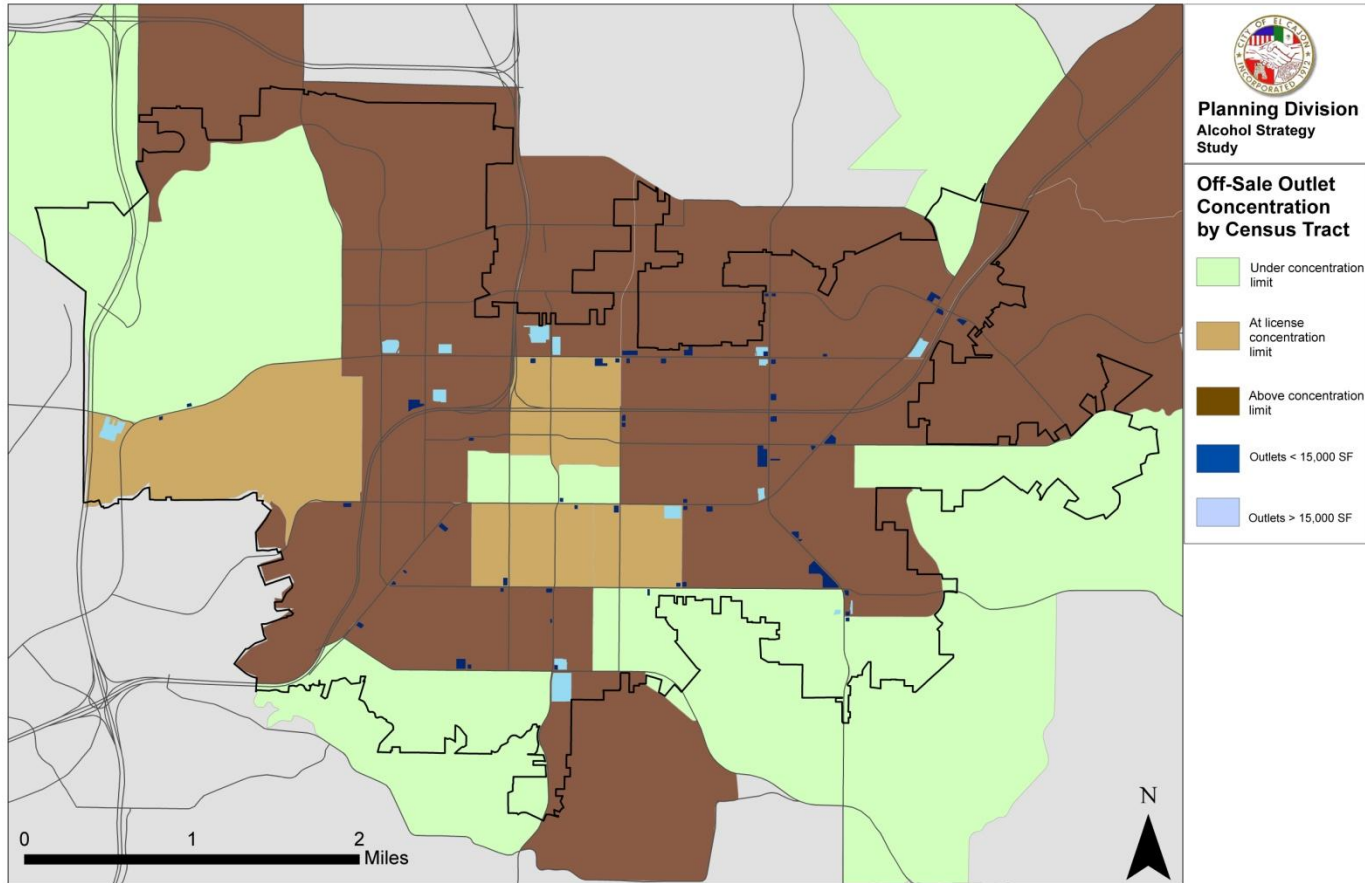
# Issue – Crime Rate by Reporting District







# Issue – Beer & Wine Outlet Concentration by Census Tract





# Issue – Economic Impacts

- Depresses business retention and recruitment in impacted areas
- Portion of the potential customer base avoids impacted areas
- Negatively affects City's image and puts City at a competitive disadvantage



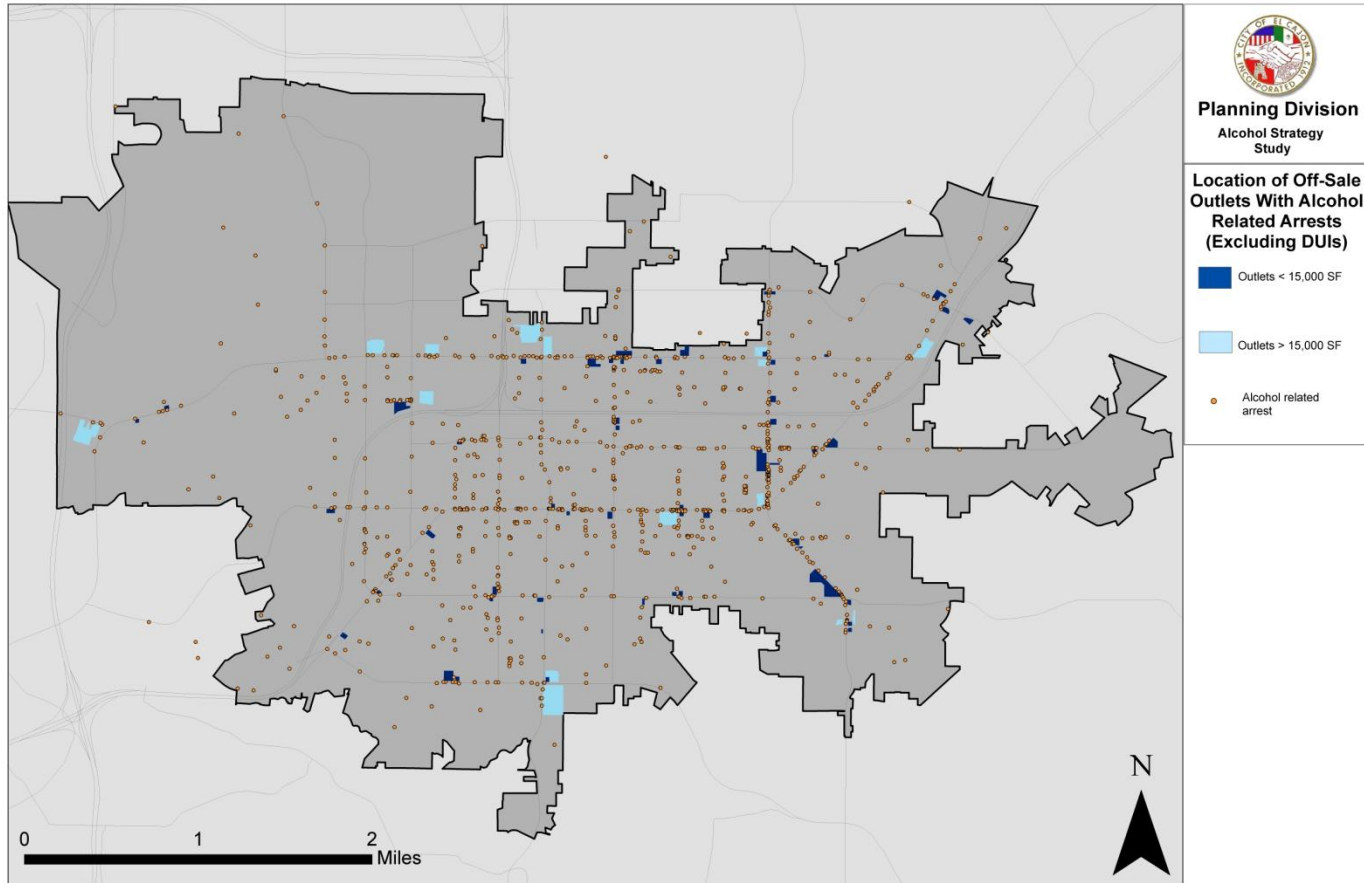
# Background – Existing Off-sale Alcohol Land Uses

	Outlet Under 15,000 square feet	Outlet 15,000 square feet and larger	Total
Type 20 license (beer and wine sales)	35	6	41
Type 21 license (liquor)	24	14	38
Total outlets	59	20	79

- 75% are legally nonconforming
- 100% of small outlets are legally nonconforming
- 30% of small outlets operating under a CUP, but still nonconforming



# Background – Location of Off-sale Alcohol Outlets





# Background – Existing Land Use Regulations

- CUP and separation requirements
  - All standalone Type 21 outlets
  - All small Type 20 outlets
  - Small Type 20 outlets may be exempted from separation requirements when beer and wine sales are accessory use
- Alcohol sales a permitted accessory use in larger stores, with public convenience and necessity finding (generally)



# Goals

- Reduction in overall crime
- Improved quality of life and business environment
- Local control



# Alternatives – Comprehensive & Programmatic

- Deemed approved – retroactive CUP
- CUP for all future outlets of any kind
- Uniform operating conditions
- License fee to fund one FTE peace officer and other administrative support
- Elements of this and any alternative may be blended



# Alternatives – Comprehensive & Programmatic

- Addresses existing and future outlets
  - No more small stores in the valley area of the City
- Most capable of achieving all the goals
- Requires the most resources to administer





# Alternatives – Voluntary Program

- Created and administered by alcohol outlet retailers, with City review and support
- Self-policed by retailers
- Periodic review of effectiveness



# Alternatives – Voluntary Program

- Incentive to business owners to police themselves
- Minimal fiscal impact to City
- Does not mandate full participation
- Does not address future outlets



## Alternatives – New, Targeted Regulations

- Targeted to specific issues to avoid problems with future outlets
- Linked to severity of crime and capacity for more licenses
  - Future small outlets only in low/average and license capacity areas
  - One-for-one license transfer for larger stores in high crime and overcapacity license areas



# Alternatives – New, Targeted Regulations

- Directs resources to the biggest problems
- Risk-based approach
- Does not address existing outlets



## Alternatives – Revert to Pre-2010 Zoning Code Amendment

- Remove code section that allowed consideration of small accessory sales of beer and wine to be exempt from separation requirements
- Small outlets could only locate near Westfield Parkway mall
- Does not address existing outlets or larger future accessory use outlets



# Alternatives – Maintain Status Quo

- Change nothing in the Zoning Code
- Rely on state ABC to police most operational issues
- Maintains discretion in considering small Type 20 outlets operating as accessory use
- Maintains few regulations on larger outlets
- Unlikely that goals would be achieved

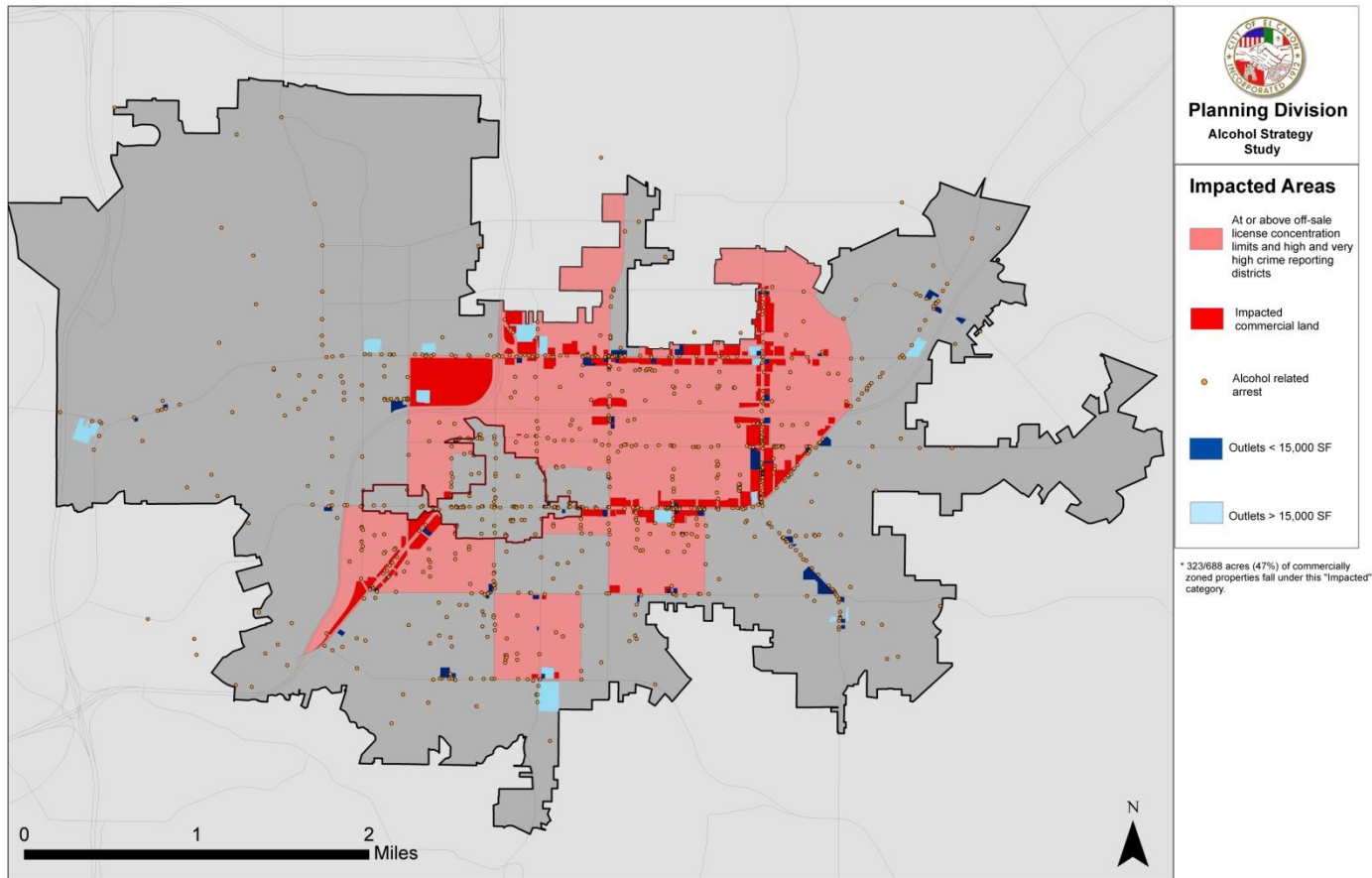


# Alternatives – Future Alcohol Outlets

- Where should future alcohol outlets be considered?



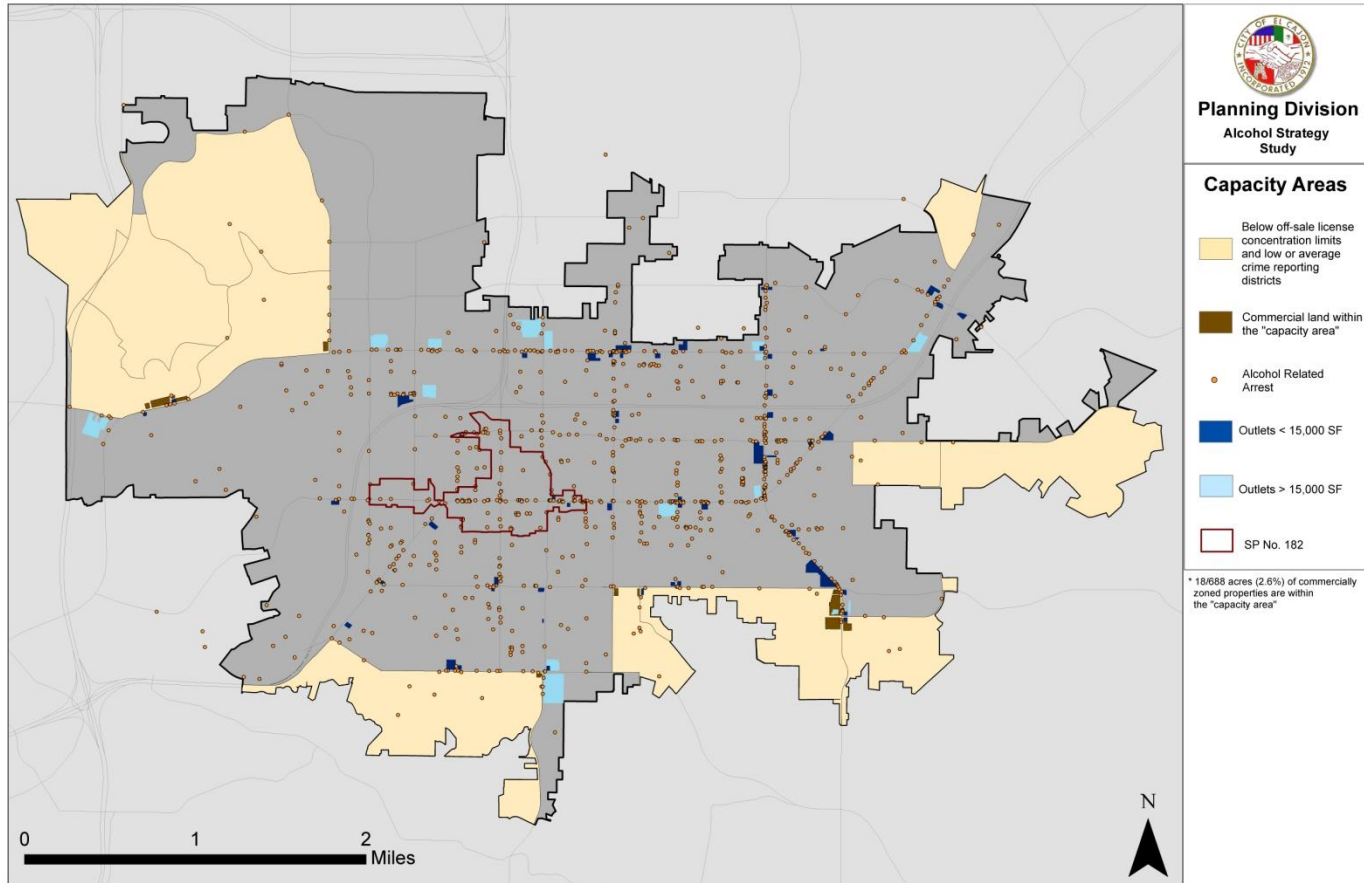
# Alternatives – Impacted Areas





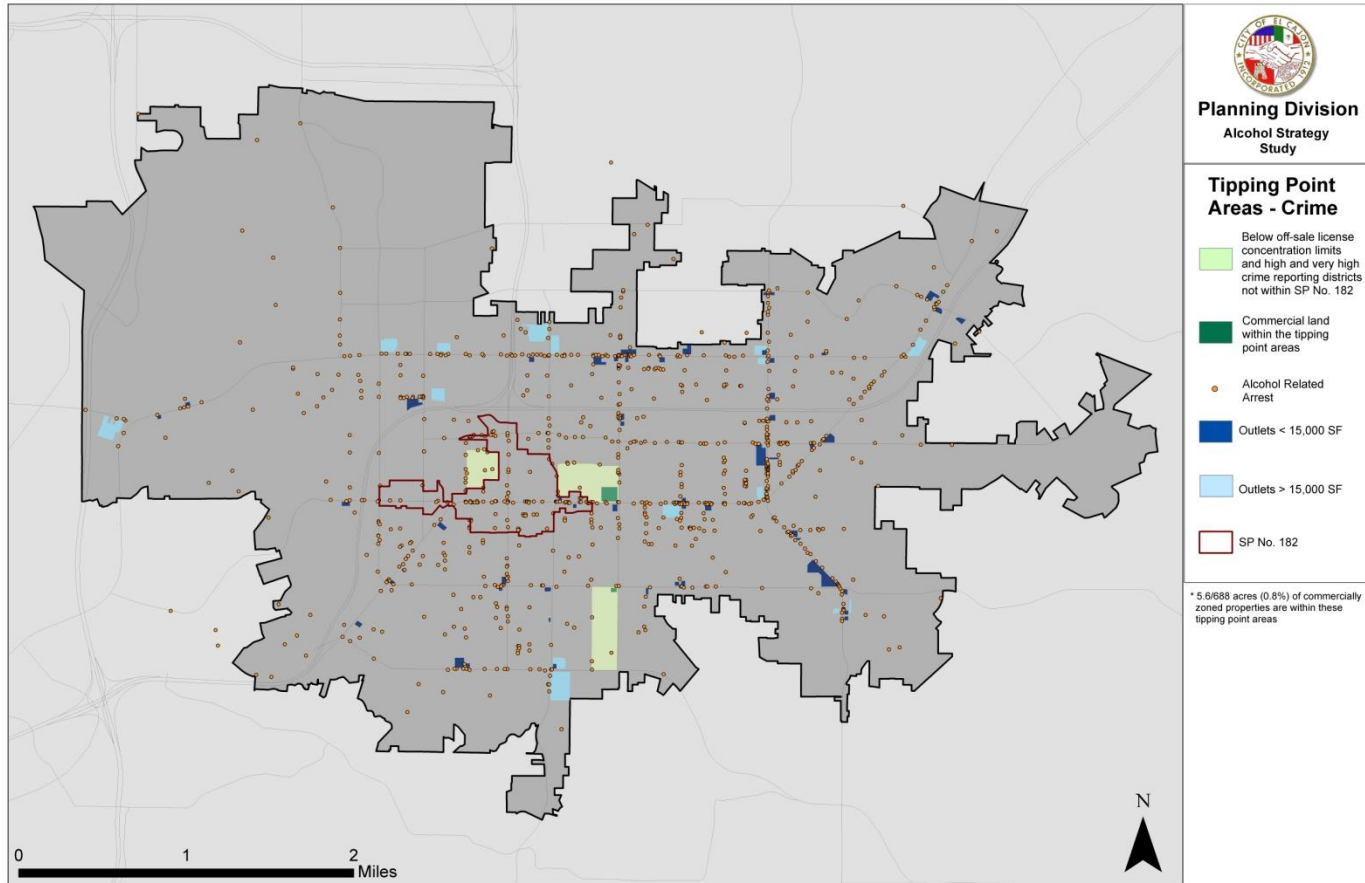


# Alternatives – Capacity Areas



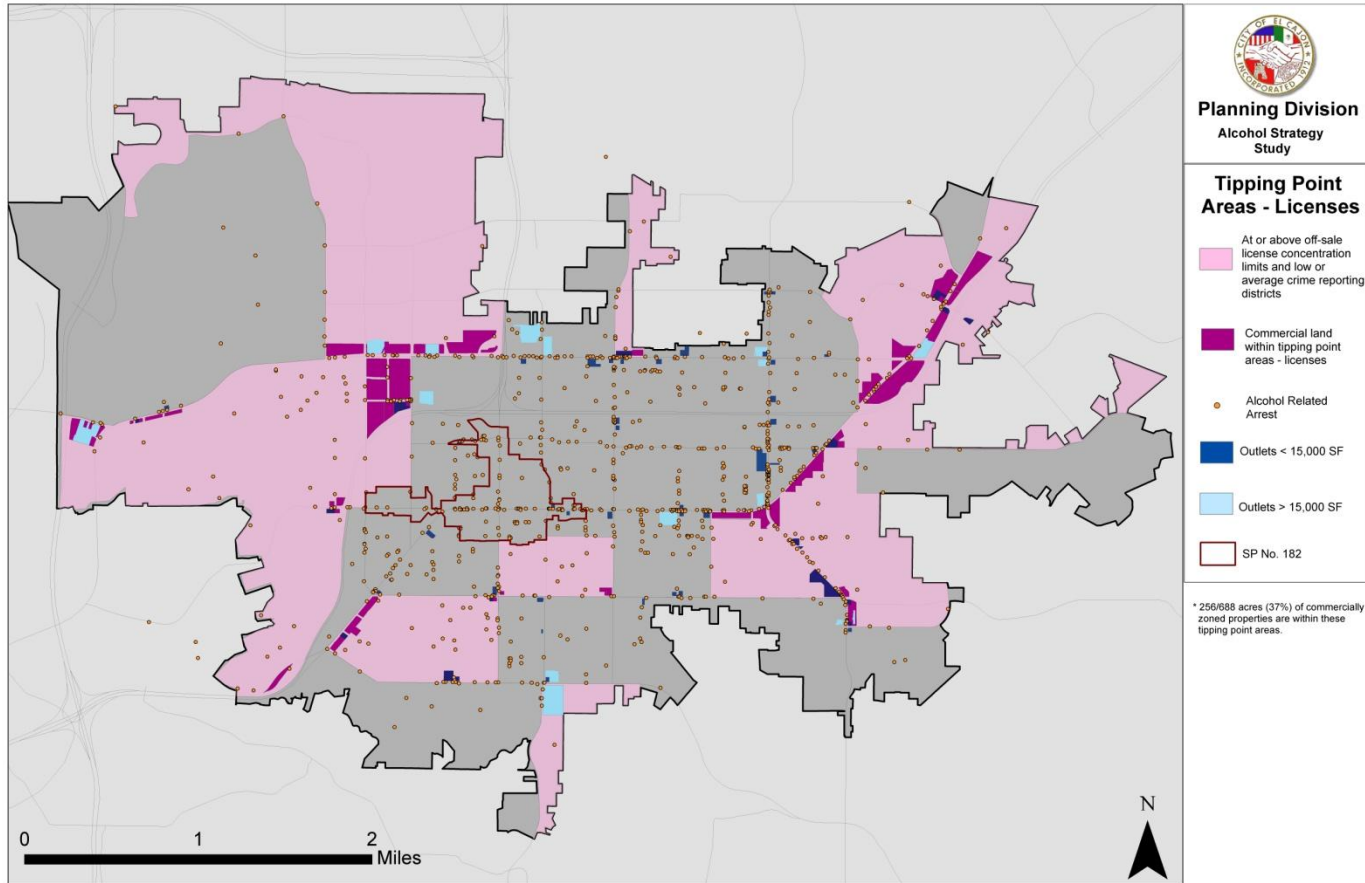


# Alternatives – Tipping Point: Crime





# Alternatives – Tipping Point: Licenses





# Legal Considerations

- Deemed approved concept
- Terminating legally nonconforming outlets
- State versus local authority
  - Ban versus land use limitations
  - Prohibiting certain products
  - Do-not-sell-list: serial inebriates



# Concluding Remarks





# City Council Discussion and Direction

