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

<table>
<thead>
<tr>
<th>Percentage of arrests that are alcohol-related (excluding DUIs)</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8.3%</td>
<td>13.2%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Alcohol-related Arrests in 2012 by Type</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Drunk in public</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Drinking in public</td>
<td>88</td>
<td></td>
</tr>
<tr>
<td>Open container on premises</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>Total arrests</td>
<td>628</td>
<td></td>
</tr>
</tbody>
</table>
## Issue – Crime

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

<table>
<thead>
<tr>
<th></th>
<th>Outlet Under 15,000 square feet</th>
<th>Outlet 15,000 square feet and larger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type 20 license</td>
<td>35</td>
<td>6</td>
<td>41</td>
</tr>
<tr>
<td>(beer and wine sales)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type 21 license</td>
<td>24</td>
<td>14</td>
<td>38</td>
</tr>
<tr>
<td>(liquor)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total outlets</td>
<td>59</td>
<td>20</td>
<td>79</td>
</tr>
</tbody>
</table>

- 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
• CUP and separation requirements
  o All standalone Type 21 outlets
  o All small Type 20 outlets
  o 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
  o 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-policing 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
  o Ban versus land use limitations
  o Prohibiting certain products
  o Do-not-sell-list: serial inebriates
Concluding Remarks