

# City of Jurupa Valley

## STAFF REPORT

**DATE:** OCTOBER 21, 2021  
**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** ROD BUTLER, CITY MANAGER  
**BY:** JOE PEREZ, COMMUNITY DEVELOPMENT DIRECTOR  
**SUBJECT:** AGENDA ITEM NO. 16.B

**PUBLIC HEARING TO CONSIDER ZONING CODE AMENDMENT NO. 21006 (ZCA21006) REVISING REGULATIONS OF SECTION 9.240.490 (ALCOHOLIC BEVERAGE SALES) AND ADDING AN ANNUAL ALCOHOL SALE REGULATORY FEE TO THE CITY OF JURUPA VALLEY COMMUNITY DEVELOPMENT DEPARTMENT FEE SCHEDULE**

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### RECOMMENDATION

1. That the City Council conduct a first reading and introduce Ordinance No. 2021-21, entitled:

**AN ORDINANCE OF THE CITY OF JURUPA VALLEY REVISING THE JURUPA VALLEY MUNICIPAL CODE PERTAINING TO THE SALE OF ALCOHOLIC BEVERAGES AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTION 15061 (B) (3) OF THE CEQA GUIDELINES**

2. That the City Council adopt Resolution No. 2021-87, entitled:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING THE SCHEDULE OF PLANNING FEES TO ADD AN ALCOHOL SALES REGULATORY FEE TO THE CITY FEE SCHEDULE**

### BACKGROUND

At its meeting on November 19, 2020, the City Council initiated an action to revise the City's regulations pertaining to alcoholic beverage sales and provided direction to evaluate the applicability of the City of El Cajon's alcohol sales regulations.

On February 24, 2021, the Planning Commission conducted a study session and reviewed the significant features of the El Cajon ordinance. They recommended that the

City adopt a similar ordinance since it would strengthen the City's ability to regulate existing and proposed establishments and offer greater protection for the community from the potential negative effects of alcohol sales.

On September 22, 2021, the Planning Commission held a public hearing and received a presentation on the draft ordinance. After the public hearing closed, the Planning Commission made a recommendation on a 3-0-2 vote that the City Council approve the proposed ordinance and adopt an annual alcohol sale regulatory fee. The Planning Commission staff report and Resolution are attached to this report.

## **ANALYSIS**

### **“On-Premises” and “Off-Premises”**

There are two types of alcohol sales: “on-sale” and “off-sale.”

The “on-sale” type refers to establishments that sell alcoholic beverages for “on-site” or “on-premises” consumption and includes businesses such as restaurants, bars, nightclubs, taverns, billiard and pool halls, country clubs and sports arenas. The terms “on-site” or “on-premises” are often used interchangeably with “on-sale” businesses.

The “off-sale” type of alcohol sales refers to establishments that sell alcoholic beverages for “off-site” or “off-premises” consumption. “Off-sale” businesses include establishments such as liquor stores, grocery stores, and convenience markets. The terms “off-site” or “off-premises” consumption are often interchangeably with the term “off-sale.”

### **Existing Establishments in the City**

To determine the extent of alcohol beverage sales in the community, maps have been prepared and are included with this report as Attachment 4. The maps demonstrate the number, location and concentration of both types of alcohol sales establishments. In addition, the maps show whether a census tract is deemed “over-concentrated,” “at capacity” or “under capacity.”

These categories are established by State law and include criteria used to establish the status of each tract based on population and the size of an area. For example, if a census tract is deemed “over concentrated, it has exceeded the number of establishments deemed appropriate by the State. A Determination of Public Convenience or Necessity must be issued by the City in order for another license to be issued by ABC for an over concentrated tract. If a tract is deemed “at capacity,” the total recommended maximum number of allowed establishments has been met. If the tract is deemed “under capacity,” the recommended maximum number of allowed licenses has not been met nor exceeded. Additional establishments can be considered and issued for these census tracts.

The following is a summary of the data presented on the maps:

#### **1. On-sale Businesses (see Attachment 3 for Maps A-1, A-2, and A-3)**

There is a total of 55 existing businesses with “on-sale” alcohol sales licenses in 23 census tracts in Jurupa Valley. Out of the 23 census tracts, 6 census tracts are overconcentrated with businesses that sell alcoholic beverages for consumption on-premises. One census tract is considered “at capacity,” meaning no additional establishments should be allowed unless a Determination of Public Convenience

or Necessity (PCN) is made by the City. An additional 16 census tracts have a total remaining balance for 47 new on-sale licenses.

**2. Off-sale Businesses (see Attachment 4 for Maps B-1, B-2, and B-3)**

There is a total of 64 existing businesses with “off-sale” alcohol sales licenses in the 23 census tracts in Jurupa Valley. Out of the 23 census tracts, 13 are over-concentrated with businesses that sell alcoholic beverages for consumption off-premises. Five census tracts are considered at capacity, thereby, these five census tracts cannot have any more licenses unless a Determination of Public Convenience or Necessity is issued by the City. Another five census tracts are under capacity, which would allow for a total of 14 additional new off-sale licenses.

Importantly, it should be noted that more than half of the City’s census tracts are deemed “over-saturated” with establishments that sell alcohol for off-premises consumption.

Given the effectiveness of the City of El Cajon’s ordinance and the City Council’s desire to implement similar, if not stronger regulations, a draft ordinance has been prepared that includes 6 of the major components of El Cajon’s ordinance. The following is a summary of each major component:

1. Regulation of ALL Establishments that Sell Alcoholic Beverages. Jurupa Valley currently only regulates proposed/new establishments that sell alcoholic beverages for off-premises (off-sale) consumption. The new ordinance, however, will require a Conditional Use Permit (CUP) for any new business that sells alcoholic beverages (either for on-premises or off-premises consumption) in Jurupa Valley.

The existing and proposed regulations allow for certain exemptions from the CUP requirement. For example, large-scale grocery stores that exceed 12,000 square-feet of floor area would still be allowed to sell alcoholic beverages without obtaining a CUP. This exemption is included in the proposed Ordinance.

2. “Deemed Approved” Alcoholic Beverage Sales Regulations (Off-Sale). The new Ordinance includes a “Deemed Approved” process which has been replicated, in most part, from regulations adopted by the City of El Cajon. The “deemed approved” process will apply to existing, legally established off-sale businesses selling alcoholic beverages. With the “deemed approved” process, new regulations and performance standards will apply to existing establishments.

The “Deemed Approved” process establishes performance standards to ensure that legal nonconforming establishments, most of which do not have a CUP, do not adversely impact on the community. These standards will improve overall site conditions, alleviate blight, and increase protection to the community from problems associated with the sale of alcoholic beverages. The following bullet points highlight the major component of the “deemed approved” process:

- The “Deemed Approved Status” applies to the following establishments:

- Any permitted or conditionally permitted and legal nonconforming off-premises alcoholic beverage establishment lawfully operating on or before the effective date of the proposed Ordinance; or
  - Any alcoholic beverage establishments that were exempt from obtaining a CUP and that lawfully commences operations prior to, on, or after the adoption of the Ordinance.
- “Deemed approved” establishments will receive notice of their status and the required performance standards.
- The “deemed approved” enforcement process is initiated when Code Enforcement receives a complaint or when an application is submitted for a business registration.
- Each year when a business submits a business registration form (that includes the sale of alcoholic beverages for off-sale consumption), an annual inspection will be scheduled and performed to determine compliance with provisions of the ordinance.
- Code Enforcement investigates nature of a complaint (or when a business registration application is submitted and conducts an on-site inspection to determine compliance with performance standards. If the establishment is not in compliance, the Code Enforcement initiates the enforcement process (inclusive of violation notices and citations).
- If compliance is not achieved, or if the business owner contests the citation, a hearing will be conducted on the violation to determine whether the deemed approved use is in compliance with the performance standards. Based on this determination, the Planning Commission may suspend or revoke the “deemed approved” status or impose additional conditions on the establishment.
- If the “deemed approved” status is suspended or revoked, the establishment must obtain a CUP, and comply with operating and performance standards for “new” establishments, in order to continue to lawfully sell alcoholic beverages in the City. It will be considered a new, proposed establishment.
- If compliance is achieved through the Code Enforcement process, the establishment will be allowed to continue only if it remains in compliance with performance standards and pays the annual fee.
- The proposed Ordinance provides for investigative procedures for potential violations of performance standards by establishments with “deemed approved” status.
- If a notice of violation is provided to the operator / owner of the violation, and the City Manager has determined that the violation is not able to be corrected, presents a serious threat to public health or safety, or otherwise, warrants expedited action, the City Manager has authority to refer the matter to the Planning Commission. The Planning Commission would hold a hearing at which the deemed approved use’s status may be suspended, modified, or revoked.

3. Operational, Development and Performance Standards. Although the City currently has development standards for establishments that sell alcoholic beverages for off-premises consumption and for businesses that sell such beverages with motor vehicle fuel, it has been determined that additional and specific operating and performance standards are necessary to ensure consistent levels of public safety, aesthetics, and levels of service. The proposed operating and performance standards included in the Jurupa Valley code have been replicated, almost in their entirety, from the City of El Cajon Ordinance.

Importantly, operational standards will establish the following specific standards for new establishments:

- Limitation on Alcohol Beverage Containers: bottle/can size;
- Requirements of product display location(s);
- Provide adequate exterior lighting;
- Provide adequate training for all employees;
- Prohibition of advertising display on gasoline islands, drive-thrus, exterior of buildings, or within window areas;
- Required signage to inform customers (e.g. minimum age to purchase alcoholic beverages; no loitering or public drinking; and no open container of alcohol) and prohibits exterior advertising of alcoholic products, tobacco and paraphernalia, or similarly controlled products, as defined in Section 5.68.020 of this Code.
- Window Obstructions. Implement a limitation on window displays and entry doors. Allow a maximum of 15% of the window area or entry doors to be covered by signs, vending machines, or other objects of obstructions.

Other standards pertain to nuisance activities on-premises (or in close proximity to the site), on-going obligations to mitigate alcohol-related problems, procedures to address complaints, and the upkeep and operating requirements that promote the livability or appropriate development of abutting properties and the surrounding neighborhood.

New establishments will be subject to “Operating Standards” and “Development Standards.” Deemed approved uses, on the other hand, are subject to “Performance Standards” since they are legal nonconforming. Examples are presented in an Alcoholic Beverage Sales Process table on page 7.

4. Separation Requirements (On- & Off-Sale). The El Cajon Ordinance includes a separation requirement of 600 feet for new off-sale establishments from a residentially-zoned property and other sensitive uses. Since Jurupa Valley has identified an excess of “over concentrated” or census tracts, a one thousand (1,000) foot separation distance is recommended from residentially-zoned property and other sensitive uses. These separation requirements would apply to both on-sale and off-sale establishments. However, there are some recommended exceptions to the separation requirements for certain projects. For

instance, it may be desirable to concentrate certain uses together or at least allow some flexibility for certain types of development such as downtown areas, mixed-use projects, or entertainment and dining venues. The following are recommended exceptions to the separation distance requirement:

- a. A restaurant with an ancillary bar with less total square footage than the restaurant eating area;
  - b. An alcoholic beverage manufacturer, such as a craft brewery, with an ancillary tasting room or craft brewery with a full-service restaurant;
  - c. An alcoholic beverage sale establishment (both on-sale and off-sale) are proposed as part of a “Mixed-use Development”;
  - d. An alcoholic beverage sale establishment (both on-sale and off-sale) are proposed as part of a new commercial project consisting of four (4) or more tenant spaces;
  - e. An alcoholic beverage sale establishment (both on-sale and off-sale) located within the boundaries of the “Pedley Town Center,” “Glen Avon Town Center” or “Rubidoux Town Center” as delineated in the City of Jurupa Valley General Plan;
  - f. An alcohol beverage sales establishment for on-site consumption operating in conjunction with one of the following uses:
    - (i) sports arena or entertainment venue
    - (ii) veterans club, lodge halls, or other non-profit organization clubs
    - (iii) hotel or resort hotels
    - (iv) golf courses with standard length fairways
    - (v) country clubs
5. Conditional Use Permit Findings (On- & Off-Sale). The City of Jurupa Valley currently has conditional use permit findings in its Municipal Code, but the findings are not specific to establishments that sell alcoholic beverages. The existing findings are for the general welfare of the community and relating to minimizing impacts of a use. The City of El Cajon’s established findings apply specifically to establishments that sell alcoholic beverages. It is recommended that the following findings be adopted and applied to both on-sale and off-sale establishments in addition to existing general CUP findings:
- i. The proposed alcoholic beverage sales activity will not exacerbate existing problems in the neighborhood created by the sale of alcohol such as loitering, public drunkenness, sale of alcoholic beverages to minors, noise and littering.*
  - ii. The proposed alcoholic beverage sales 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, county social service offices, or other alcoholic beverage sales activity establishments.*
  - iii. The proposed establishment meets the locational requirements of Section 9.240.490(C)(4).*

- iv. *The location of the proposed establishment is not within a high crime area, which is determined by the Riverside County Sheriff's Department.*
  - v. *The proposed establishment is located in a census tract with capacity for additional licenses unless a Determination of a Public Convenience or Necessity (PCN) will be issued with this Conditional Use Permit.*
6. **Enforcement and Annual Fee.** Currently, when the City receives a complaint from the general public of a potential code or condition of approval violation, the City's Code Enforcement Department is required to investigate the complaint. Upon confirmation of a violation, there is additional staff time and resources required to work with the operator/owner to resolve the matter. Staff time and resources are not presently covered by any deposit by the operator/owner. Furthermore, when circumstances involve a revocation process of an entitlement such as a CUP, additional City staff time and resources are impacted.

To adequately ensure that provisions of the Ordinance are enforced and our resources are covered, it is recommended that the City require an annual inspection for all off-site establishments (new per the ordinance and deemed approved status) that sell alcoholic beverages. To cover costs associated with the inspection, the City Council should adopt an annual fee. By approving the recommended actions in this report, the City will adopt an "annual alcohol sale regulatory fee" to cover the cost associated with the enforcement of conditions and applicable regulations for all off-sale establishments. Collection of the fee will occur when applications are submitted for annual business registrations.

The law requires a City to demonstrate that it will not be financially enriched (or profit) by collecting a fee. As such, a fee study is included with a separate Resolution attached to this report. The recommended annual fee will be \$251.52.

### **Determination of Public Convenience or Necessity (PCN)**

The City has a process to make a Determination of PCN when there is a request to sell alcoholic beverages in an over concentrated census tract. As part of this Ordinance, it is recommended that one of the PCN development standards is updated to be consistent with the new recommended CUP finding. The following is the recommended revisions to the existing standard:

*"If the location of the proposed **business-establishment** is within a high crime **rate area**, which is **determined as Police Department by the Riverside County Sheriff's Department** calls for service to alcohol-related incidences for twenty (20) percent or greater as compared to the average number reported for the city as a whole."*

### **Alcoholic Beverage Sales Process**

A comparison between "deemed approved" establishments and the "new on-sale and off-sale" establishments is provided in the table below.

<b>ALCOHOLIC BEVERAGE SALES PROCESS: COMPARISON OF NEW USES &amp; DEEMED APPROVED USES</b>			
	<b>New “On-Sale” establishments</b>	<b>New “Off-Sale” establishments</b>	<b>Existing “Off-Sale” “Deemed Approved” establishments</b>
<b>Conditional Use Permit (CUP)</b>	Required.	Required. CUP is required except when it is a (1) grocery store greater than 12,000 sf or (2) retailer with at least 10% minimum floor area dedicated to non-alcoholic sales and greater than 10,000 sf in size.	Not Required.
<b>Business Registration</b>	Required.	Required.	Required.
<b>Annual Inspection</b>	Not required.	Required. Inspections start upon business registration or renewal.	Required. Inspections start upon business registration or renewal.
<b>Annual Alcohol Sale Regulatory Fee</b>	None.	Yes (\$251.52 per year).	Yes (\$251.52 per year).
<b>Separation Requirements</b> (Modeled from EI Cajon’s Ord.)	Required but there are several exceptions such as restaurants with ancillary bars, breweries/wineries, mixed-use or mid- to large commercial projects, located in Town Centers, or other listed uses.	Required but there are several exceptions such as restaurants with ancillary bars, breweries/wineries, mixed-use or mid- to large commercial projects, located in Town Centers, or other listed uses.	Not applicable. These are previously approved existing establishments.
<b>Development Standards</b>	Required. Section (C) Development Standards include CUP requirement, no traffic impacts, separation requirements, hearing notices.	Required. Section (C) Development Standards include CUP requirement, no traffic impacts, separation requirements, hearing notices.	Not applicable as these establishments are existing.
<b>Operational Standards</b> (Modeled from EI Cajon’s Ord.)	Required. Section (E) includes standards that regulate nuisance, health, safety, display areas, signage window coverage.	Required. Section (E) includes standards that regulate nuisance, health, safety, display areas, signage window coverage.	Not applicable as these establishments are existing.

<b>ALCOHOLIC BEVERAGE SALES PROCESS: COMPARISON OF NEW USES &amp; DEEMED APPROVED USES</b>			
	<b>New “On-Sale” establishments</b>	<b>New “Off-Sale” establishments</b>	<b>Existing “Off-Sale” “Deemed Approved” establishments</b>
<b>Performance Standards</b> (Modeled from El Cajon’s Ord.)	Not applicable as Performance Standards are for Deemed approved status use.	Not applicable as Performance Standards are for Deemed approved status use.	Required. Section (F)(2) standards address adverse impacts to persons residing or working in the surrounding area.
<b>CUP Findings</b> (Modeled from El Cajon’s Ord.)	Required. Section C (7) includes findings that prevent issues such as loitering, public drunkenness, noise, and littering. Project must not be in high crime area or over concentrated census tract.	Required. Section C (7) includes findings that prevent issues such as loitering, public drunkenness, noise, and littering. Project must not be in high crime area or over concentrated census tract.	Not applicable since a CUP is not required for “deemed approved status” establishment.
<b>Subject to Revocation</b>	Yes. See Section C (8) for Revocation of CUP.	Yes. See Section C (8) for Revocation of CUP.	Yes. See Section F(3) for Revocation of Deemed Approved Status.
<b>Determination of Public Convenience or Necessity (PCN)</b>	Required if establishment is located in an over-concentrated census tract.	Required if establishment is located in an over-concentrated census tract.	Not applicable. These are previously approved establishments.
<b>Signage Standards</b> (Modeled from El Cajon’s Ord.)	Required. No exterior advertising of alcoholic products, tobacco and paraphernalia. No more than 15% of windows can be obscured by signs, vending machines, or other items.	Required. No exterior advertising of alcoholic products, tobacco and paraphernalia. No more than 15% of windows can be obscured by signs, vending machines or other items.	Required. No exterior advertising of alcoholic products, tobacco and paraphernalia. No more than 15% of windows can be obscured by signs, vending machines, or other items.

Since the Planning Commission public hearing on September 22, 2021, further review of the Ordinance has resulted in the following summary of additional changes:

- **Breweries, Wineries, & Distilleries.** In the original Ordinance that was presented on September 22, 2021, the staff recommended the elimination of the breweries, wineries, and distilleries from the Manufacturing-Medium (M-M) zone and Manufacturing–Heavy (M-H) zone. After further review, it is recommended that a comprehensive analysis should be completed in order to determine appropriate

zones to permit breweries, wineries, and distilleries and, if needed, development standards. The changes are reflected in the revised Ordinance (Attachment 1).

- Clarification for Annual Inspections and Standards. Slightly modified the language for standards to clarify the process.
- CUP Findings. Modified the CUP findings to allow approval of a CUP in an overconcentrated census tract if the City issues a Determination of PCN. With this modification, the City would be able to approve a CUP for a retailer or restaurant operator that may be appropriate in an overconcentrated census tract.
- Separation Requirements. Added exemptions for entertainment venues, non-profit organizations clubs, lodge halls, hotels, resort hotels, golf courses, and country clubs.
- Deemed Approved Status. As presented to Planning Commission, uses that were permitted or conditionally permitted off-premises alcoholic beverage establishments exempt from a CUP and operating prior to this Ordinance would have a deemed approved status and be subject to the annual inspection and standards. Since the public hearing in September 2021, it is recommended to include uses that were exempt from a CUP prior to the effective date of the Ordinance as well.
- CUP Exemption. It is recommended that the provisions for exemption for a CUP would allow for (a) smaller, neighborhood-scale grocery stores (examples: Trader Joe's, Sprouts, Aldi's, or Grocery Outlet) and (b) specialty stores that sells alcoholic beverages (examples: Total Wine & More, BevMo! or others).

The existing code and original Ordinance to Planning Commission allows for an exemption of 20,000 square-foot or greater grocery stores. Additional research has resulted in the recommendation that the minimum threshold for exempting grocery stores be reduced to 12,000 square feet to allow neighborhood-scale grocery stores to be exempt. In order to allow for the larger-scale stores that primarily sell alcoholic beverage sale, the exemption requires a minimum of 10,000 square-feet in size and dedication of at least 10% of floor area for non-alcoholic beverage sales.

The attached Ordinance has been revised to reflect these recommendations.

In summary, the proposed ordinance:

1. Require a Conditional Use Permit for new on- and off-sale establishments that includes the sale of alcoholic beverages;
2. Establishes new regulations, a "deemed" approved process, and performance standards for all approvals including legal, non-conforming businesses;
3. Requires minimum separation distances for most new alcoholic beverage sale establishments from sensitive uses and other existing off-sale establishments; and
4. Includes expanded enforcement processed for these regulations with an annual fee for cost recovery.

## NOTICING REQUIREMENTS

An advertisement for this public hearing was published in the Press Enterprise on October 11, 2021.

## ENVIRONMENTAL REVIEW

The proposed zoning code amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b) (3) (Common Sense Exemption) of Title 14 of the California Code of Regulations (State CEQA Guidelines), as it can be seen with certainty that there is no possibility the amendment will have a significant effect on the environment.

## FINANCIAL IMPACT

Costs associated with this code amendment are covered by the General Fund. The costs associated with enforcement of the Ordinance's standards and revocation process will be covered by the annual alcohol sales regulatory fee.

## ALTERNATIVES

1. Recommended Action: That the City Council conduct a first reading and introduce Ordinance No. 2021-21, approving Zoning Code Amendment No. 21006, pertaining to Alcoholic Beverage Sales and approve Resolution No. 2021-87, adopting an Annual Alcohol Sales Regulatory Fee.
2. Provide alternative direction to staff.
3. Council may elect not to introduce Ordinance No. 2021-21 or adopt Resolution No. 2021-87.

Prepared by:



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Submitted by:



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Reviewed by:



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Reviewed by:



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## ATTACHMENTS

1. Ordinance No. 2021-21
2. Resolution to Adopt Fee (includes fee study)
3. Adopted Planning Commission Resolution No. 2021-9-22-01
4. Maps of Existing On-Sale Establishments (Maps A-1 to A-3)
5. Maps of Existing Off-Sale Establishments (Maps B-1 to B-3)
6. Planning Commission Staff Report for meeting on September 22, 2021 (without attachments)

**ATTACHMENT 1 –  
Proposed Ordinance**

## ORDINANCE NO. 2021-21

### AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING THE JURUPA VALLEY MUNICIPAL CODE CONCERNING ALCOHOLIC BEVERAGE SALES REGULATIONS, AND FINDING AN EXEMPTION FROM CEQA UNDER SECTION 15061(B)(3) OF THE CEQA GUIDELINES

**THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS FOLLOWS:**

**Section 1. Project Procedural Findings.** The City Council of the City of Jurupa Valley does hereby find, determine and declare that:

(a) At the November 19, 2020 regular City Council meeting, the City Council initiated an amendment to Section 9.240.490 of Chapter 9.240 (“General Provisions”) of Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code, to amend the City’s regulations pertaining to the sale of alcohol, and requested that the Planning Commission study and report on the proposed Code Amendment, as set forth in this Ordinance.

(b) On September 22, 2021, the Planning Commission of the City of Jurupa Valley held a public hearing on the proposed Code Amendment set forth in this Ordinance, at which time all persons interested in the proposed Code Amendment had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony, the Planning Commission closed the public hearing. At the conclusion of the Planning Commission hearings and after due consideration of the testimony, the Planning Commission adopted Resolution No. 2021-09-22-01 recommending that the City Council approve the proposed Code Amendment.

(c) On October 21, 2021, the City Council of the City of Jurupa Valley held a duly noticed public hearing on the proposed Code Amendment, at which time all persons interested in the Project had the opportunity and did address the City Council on these matters. Following the receipt of public testimony, the City Council closed the public hearing and duly considered the written and oral testimony received.

(d) All legal preconditions to the adoption of this Ordinance have occurred.

**Section 2. California Environmental Quality Act Findings.** The proposed Code Amendment is exempt from the requirements of the California Environmental Quality Act (“CEQA”) and the City’s local CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed Code Amendment, amending certain regulations pertaining to the sale of alcohol, including requiring conditional use permits for all establishments that sell alcoholic beverages, adopting additional findings to address potential impacts of the sale of alcoholic beverages, requiring past and newly approved establishments to be subject to the same requirements as current applicants, imposing separation requirements between establishments on new applicants, and requiring an annual regulatory fee to cover the cost of enforcement, will have a significant effect on the environment.

The proposed Code Amendment is an administrative process of the City that will not result in direct or indirect physical changes in the environment. The City Council has reviewed the administrative record concerning the proposed Code Amendment and the proposed CEQA determinations, and based on its own independent judgment, finds that the Code Amendment set forth in this Ordinance is not subject to, or exempt from, the requirements of the CEQA and the State CEQA Guidelines pursuant to CEQA Section 21080.17 and CEQA Guidelines Section 15061(b)(3).

**Section 3. Project Findings.** The City Council hereby finds, as required by the Jurupa Valley Ordinances and applicable state law, that the proposed Code Amendment should be adopted because the proposed Code Amendment is consistent with the City of Jurupa Valley 2017 General Plan in that:

(a) LUE 3.5 Residential Compatibility. Commercial uses abutting residential properties shall be designed to protect the residential use from the impacts of noise, vibration, light, fumes, odors, vehicular traffic, parking, and safety hazards;

(b) LUE 6.2 Achieving Conformance. Encourage existing nonconforming uses to transition into conformance with the new land use designations and/or policies by enacting incentives, facilitating entitlement processing for new conforming land uses and, where necessary, establishing a fair abatement program;

(c) LUE 11.19 Property Maintenance. Property owners shall maintain their site, structures and landscaping in a safe, healthy, and attractive condition through the following: 1. Provide proactive code enforcement activities.

**Section 4. Amendment to Section 9.10.165.** A new Section 9.10.165 is hereby added to Chapter 9.10, Definitions, of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

**“Sec. 9.10.165. - Brewery.**

A brewery or brewing company is a business that makes and sells beer. The place at which beer is commercially made is either called a brewery or a beerhouse, where distinct sets of brewing equipment are called plant.”

**Section 5. Amendment to Section 9.10.823.** A new Section 9.10.823 is hereby added to Chapter 9.10, Definitions, of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

**“Sec. 9.10.823. - Microbrewery.**

A microbrewery (craft brewery) is a brewery that produces less than fifteen thousand (15,000) barrels of beer per year and sells seventy-five (75) percent or more of its beer off-premises.”

**Section 6. Amendments to Section 9.45.010.** Subsections D. (11), (12), and (20) of Section 9.240.010, Uses Permitted, of Chapter 9.45, R-R zone (Rural Residential), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code are hereby revised to read as follows:

“(11) Bars and cocktail lounges **pursuant to Section 9.240.490.**”

“(12) Billiard and pool halls **pursuant to Section 9.240.490.**”

“(20) Liquid petroleum service stations, with or without the concurrent sale of beer and wine for off-premises consumption **pursuant to Section 9.240.490**, provided, that if storage tanks are above-ground, the total capacity of all tanks shall not exceed ten thousand (10,000) gallons. Storage tanks shall be painted a neutral color and shall not have any advertising painted or placed on their surface.”

**Section 7. Amendments to Section 9.45.010.** A new Subsection D. (61) and 62 is hereby added to Section 9.45.010, Uses Permitted, of Chapter 9.45, R-R Zone (Rural Residential), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

“(61) **Alcoholic beverage sales for on-premises consumption in conjunction with a) wineries and appurtenant and incidental uses with established on-site vineyards, b) golf courses with standard length fairways, c) golf, tennis, polo, and archery country clubs, d) airports or landing fields, e) commercial fairgrounds, f) guest ranches, and g) fraternal lodges, including grange halls.**

“(62). **Alcoholic beverage sales for off-premises consumption in conjunction with automobile service stations pursuant to the provisions of Section 9.240.490.**”

**Section 8. Amendment to Section 9.65.020.** A new Subsection C. (2) is hereby added to Section 9.65.020, Uses Permitted, of Chapter 9.65, R-A (Residential Agricultural) of Title 9, Planning and Zoning of the Jurupa Valley Municipal Code to read as follows:

“(2) **Alcoholic Beverage sales for on-premises consumption operating in conjunction with a golf course with standard length fairways and country clubs subject to the provisions of Section 9.240.490.**”

**Section 9. Amendment to Section 9.70.020.** A new Subsection C. (3) is hereby added to Section 9.70.020, Uses Permitted, of Chapter 9.70, R-2 Zone (Multiple Family Dwellings), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

“(3) **Alcoholic Beverage sales for on-premises consumption operating in conjunction with a golf course with standard length fairways and country clubs subject to the provisions of Section 9.240.490.**”

**Section 10. Amendment to Section 9.75.020.** Subsection C. of Section 9.75.020, Uses Permitted, of Chapter 9.75, R-2A Zone (Limited Multiple Family Dwellings) of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“C. The following uses are permitted, provided a conditional use permit is granted pursuant to Section 9.240.280:

(1) Mobilehome parks, developed pursuant to Section 9.260.030.

- (2) Alcoholic Beverage sales for on-premises consumption in conjunction with a golf course with standard length fairways and country clubs subject to the provisions of Section 9.240.490.”**

**Section 11. Amendment to Section 9.80.020.** A new Subsection B. (4) is hereby added to Section 9.80.020, Uses Permitted, of Chapter 9.80, R-3 Zone (Multiple Family Dwellings) of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

- “(4) Alcoholic Beverage sales for on-premises consumption in conjunction with non-profit clubs and lodge halls, hotels, resort hotels and golf courses with standard length fairways and country clubs subject to the provisions of Section 9.240.490.”**

**Section 12. Amendment to Section 9.85.020.** A new Subsection D. (12) is hereby added to Section 9.85.020, Uses Permitted, of Chapter 9.85, R-3A (Village Tourist Commercial) of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

- “(12) Alcoholic Beverage sales for on-premises consumption in conjunction with golf courses with standard length fairways and country clubs, sports and recreational facilities (not including video arcades, motor driven vehicles and riding academies; but including, golf driving ranges, skating rinks, hotels and resort hotels) pursuant to the provisions of Section 9.240.490.”**

**Section 13. Amendment to Section 9.100.020.** Subsection F. of Section 9.100.020, Uses Permitted, of Chapter 9.100, R-4 (Planned Residential) of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“F. The following uses shall be permitted, provided a conditional use permit is granted pursuant to Section 9.240.280(5):

**(1) Mobilehome parks, developed pursuant to Section 9.260.020.**

**(2) Alcoholic Beverage sales for on-premises consumption in conjunction with golf courses with standard length fairways and country clubs pursuant to the provisions of Section 9.240.490.”**

**Section 14. Amendment to Section 9.105.020.** A new Subsection B. (2) is hereby added to Section 9.105.020, Uses Permitted, of Chapter 9.105, R-5 (Open Area Combining Zone – Residential Development) of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

**“(2) Alcoholic Beverage sales for on-premises consumption in conjunction with golf courses, including club houses and restaurant facilities pursuant to Section 9.240.490.”**

**Section 15. Amendment to Section 9.112.020.** Subsection B. (11) of Section 9.112.020, Uses Permitted, of Chapter 9.112, B-P Zone (Business Park), of Title 9, Planning and

Zoning, of the Jurupa Valley Municipal Code is hereby deleted in its entirety and Subsections B. (12) through B. (19) are hereby renumbered B (11) through B (18):

~~“(11) Microbrewery—Brewpub, craft brewery.”~~

**Section 16. Amendment to Section 9.112.020.** Subsection C. (2) of Section 9.112.020, Uses Permitted, of Chapter 9.112, B-P Zone (Business Park), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(2) Bar/tavern pursuant to **Section 9.240.490.**”

**Section 17. Amendment to Section 9.112.020.** A new Subsection C. (10) is hereby added to Section 9.112.020, Uses Permitted, of Chapter 9.112, B-P Zone (Business Park), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

“(10) **Alcoholic beverage sales for off-premise consumption with convenience stores and automobile service stations and hotels, extended stay hotels, and conference facilities with alcohol beverage sales for on-premises consumption pursuant to Section 9.240.490.**”

**Section 18. Amendment to Section 9.112.020.** A new Subsection C. (11) is hereby added to Section 9.112.020, Uses Permitted, of Chapter 9.112, B-P Zone (Business Park), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

“(11) **Microbrewery, brew pub, craft brewery pursuant to Section 9.240.490.**”

**Section 19. Amendment to Section 9.115.020.** Subsection A. (13) of Section 9.115.020, Uses Permitted, of Chapter 9.115, C-1 Zone/C-P Zone (General Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby deleted in its entirety and Subsections A. (14) through A.(95) are renumbered A.(13) through A.(94):

~~“(13) Bars and cocktail lounges.”~~

**Section 20. Amendment to Section 9.115.020.** Subsection C.(14) of Section 9.115.020, Uses Permitted, of Chapter 9.115, C-1 Zone/C-P Zone (General Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(14) Convenience stores, including the sale of motor vehicle fuel **pursuant to Section 9.240.490.**”

**Section 21. Amendment to Section 9.115.020.** Subsection C.(15) of Section 9.115.020, Uses Permitted, of Chapter 9.115, C-1 Zone/C-P Zone (General Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(15) Gasoline service stations with the concurrent sale of beer and wine for off-premise consumption **pursuant to Section 9.240.490.**”

**Section 22. Amendment to Section 9.115.020.** A new Subsection C.(19) is hereby added to Section 9.115.020, Uses Permitted, of Chapter 9.115, C-1 Zone/C-P Zone (General Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

**“(19) Alcoholic beverage sales for on-premises or off-premises consumption in conjunction with a) billiard and pool halls, bowling alleys, dance halls, hotels, resort hotels, markets, convenience stores, restaurants, theaters (not drive-ins, liquid petroleum service stations, and sports and recreational facilities (including motor driven vehicles, archery ranges, sports arenas, skating rinks, and stadiums pursuant to the provisions of Section 9.240.490.”**

**Section 23. Amendment to Section 9.120.010.** Subsection C. of Section 9.240.010, Uses Permitted, of Chapter 9.120, C-T Zone (Tourist Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

**“C. The following uses are permitted, provided a conditional use permit has been granted pursuant to the provisions of Section 9.240.280:**

- (1) Motor sports raceways and motor sports raceways with the sale of alcoholic beverages pursuant to Section 9.240.490.**
- (2) Alcoholic Beverage Sales with automobile service stations, truck service stations, restaurants, bars, taverns, cocktail lounges, hotels, resort hotels, and extended stay hotels pursuant to the provisions of Section 9.240.490.”**

**Section 24. Amendment to Section 9.125.020.** Section A.(11) of Section 9.125.020, Uses Permitted, of Chapter 9.125, C-P-S Zone (Scenic Highway Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby deleted in its entirety and Subsections A.(12) through A.(100) are renumbered A.(11) through A.(99):

**“(11) ~~Bars and cocktail lounges.~~”**

**Section 25. Amendment to Section 9.125.020.** A new Subsection B.(24) is hereby added to Section 9.125.020, Uses Permitted, of Chapter 9.125, C-P-S Zone (Scenic Highway Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

**“(24) Billiard and pool halls, bowling alleys, dance halls, restaurants, theaters (not including drive-ins) hotels, resort hotels, sports and recreational facilities (including motor vehicle races) archery ranges, golf driving ranges, sports arenas, skating rinks, and stadiums with alcoholic beverage sales for on-premises consumption and markets, and convenience stores with the sale of alcoholic beverages for off-premises consumption pursuant to or off-premises consumption pursuant to the provisions of Section 9.240.490.”**

**Section 26. Amendment to Section 9.125.020.** Subsection B.(8) of Section 9.125.020, Uses Permitted, of Chapter 9.125, C-P-S Zone (Scenic Highway Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(8) Liquid petroleum service stations, with or without the concurrent sale of beer and wine, provided the total capacity of all tanks shall not exceed ten thousand (10,000) gallons **pursuant to Section 9.240.490.**”

**Section 27. Amendment to Section 9.130.020.** Subsection A.(4) of Section 9.130.020, Uses Permitted, of Chapter 9.130, C-R Zone (Rural Commercial), of Title 9, Planning and Zoning, or the Jurupa Valley Municipal Code is hereby deleted in its entirety and Subsections A.(5) through A.(38) are renumbered A.(4) through A.(37):

~~“(4) Bars and cocktail lounges.”~~

**Section 28. Amendment to Section 9.130.020.** Subsection B.(4) of Section 9.130.020, Uses Permitted, of Chapter 9.130, C-R Zone (Rural Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code, is hereby amended to read as follows:

“(4) Liquid petroleum service stations with or without the concurrent sale of beer and wine, provided the total capacity of all tanks shall not exceed ten thousand (10,000) gallons **pursuant to Section 9.240.490.**”

**Section 29. Amendment to Section 9.130.020.** Subsection B.(5) of Section 9.130.020, Uses Permitted, of Chapter 9.130, C-R Zone (Rural Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(5) Automobile service stations, with the concurrent sale of beer and wine for off-premise consumption **pursuant to Section 9.240.490.**”

**Section 30. Amendment to Section 9.130.020.** A new Subsection B.(8) is hereby added to Section 9.130.020, Uses Permitted, of Chapter 9.130, C-R Zone (Rural Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

“(8) **Automobile service stations, grocery stores, convenience stores, and restaurants with the sale of alcoholic beverages for off-premise consumption and bars, cocktail lounges, restaurants and hotels with alcoholic beverage sales for on-premises consumption pursuant to the provisions of Section 9.240.490.**”

**Section 31. Amendment to Section 9.132.020.** Subsection A.(9) of Section 9.132.020, Uses Permitted, of Chapter 9.132, C-N Zone (Neighborhood Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(9) Groceries, ~~liquor, and/or~~ specialty foods ~~(see Section [9.240.490]).~~”

**Section 32. Amendment to Section 9.132.020.** Subsection B.(7) of Section 9.132.020, Uses Permitted, of Chapter 9.132, C-N Zone (Neighborhood Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(7) Grocery, ~~liquor~~ and/or specialty foods retail—Three thousand (3,000) square feet to five thousand (5,000) square feet of gross floor area.”

**Section 33. Amendment to Section 9.132.020.** Subsection C.(1) of Section 9.132.020, Uses Permitted, of Chapter 9.132, C-N Zone (Neighborhood Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(1) Bar/tavern pursuant to Section 9.240.490.”

**Section 34. Amendment to Section 9.132.020.** A new Subsection C.(9) is hereby added to Section 9.132.020, Uses Permitted, of Chapter 9.132, C-N Zone (Neighborhood Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

“(9) Clubs, lodges, private meeting halls and restaurants with on-premises consumption, and convenience stores with alcoholic beverages sales with off-premises consumption pursuant to Section 9.240.490.”

**Section 35. Amendment to Section 9.135.020.** A new Subsection B.(7) is hereby added to Section 9.135.020, Uses Permitted, of Chapter 9.132, C-O (Commercial Office Zone), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

“(7) Hotels, resort hotels, and restaurants with the sale of alcoholic beverages for on-premises consumption pursuant to Section 9.240.490.”

**Section 36. Amendment to Section 9.140.020.** Subsection A.(14) of Section 9.140.020, Uses Permitted, of Chapter 9.140, R-VC Zone (Rubidoux-Village Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby deleted in its entirety and Subsections A.(15) through A.(101) are hereby renumbered A.(14) through A.(100):

<i>West Village</i>	<i>Village Center</i>	<i>East Village</i>	<i>No.</i>	<i>Uses Permitted</i>
X	X	X	14	<del>Bars and cocktail lounges</del>

**Section 37. Amendment to Section 9.140.020.** Subsection C., Use Permitted By Conditional Use Permit, of Section 9.140.020, Uses Permitted, of Chapter 9.140, R-VC Zone (Rubidoux-Village Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“C. Use permitted by conditional use permit. The following uses are permitted provided that a conditional use permit has been granted pursuant to the provisions of Section 9.240.280:

USES PERMITTED WITH A CONDITIONAL USE PERMIT

<i>West Village</i>	<i>Village Center</i>	<i>East Village</i>	<i>No.</i>	<i>Uses Permitted</i>
X		X	1	All uses in subsection (A) of this section that have more than 200 square feet of outside storage or display of materials.
X	X	X	2	Animal hospitals.
X		X	3	Body and fender shops and spray painting.
X		X	4	Building materials sales yards.
X	X	X	5	Clinics, including, but not limited to, medical, dental and chiropractic.
X		X	6	Convenience stores, including the sale of motor vehicle fuel.
X		X	7	Gasoline service stations with the concurrent sale of beer and wine for off-premises consumption <b>pursuant to Section 9.240.490.</b>
X	X	X	8	Heliports.
X		X	9	Liquid petroleum service stations with the concurrent sale of beer and wine for off-premises consumption, provided the total capacity of all tanks shall not exceed 10,000 gallons <b>pursuant to Section 9.240.490.</b>
X	X	X	10	Liquor stores pursuant to the provisions of Section 9.240.490 (Alcoholic Beverage Sales).
X		X	11	Lumber yards, including only incidental millwork.
X		X	12	Mini-warehouse structures.

<i>West Village</i>	<i>Village Center</i>	<i>East Village</i>	<i>No.</i>	<i>Uses Permitted</i>
X		X	13	Sale, rental, repair or demonstration of motorcycles, scooters, and motorbikes.
X		X	14	Tire recapping.
X		X	15	Automobile sales and rental agencies.
X	X	X	<b>16</b>	<b>Billiard and pool halls, bars and cocktail lounges, dance halls, union halls, sports arenas, archery ranges, stadiums, skating rinks and restaurants with the sale of alcoholic beverages for on-premises consumption pursuant to Section 9.240.490.</b>
X	X	X	<b>17</b>	<b>Alcoholic beverage sales for off-premises consumption pursuant to the provisions of Section 9.240.490.”</b>

**Section 38. Amendment to Section 9.145.020.** A new Subsection B.(11) is hereby added to Section 9.145.020, Uses Permitted, of Chapter 9.145, I-P Zone (Industrial Park), of Title 9, Planning and Zoning, of the Jurupa valley Municipal Code to read as follows:

**“(11) Automobile service stations with the concurrent sale of beer and wine for off-premises consumption and airports with the sale of alcoholic beverages for on-premises and off-premises consumption pursuant to Section 9.240.490.”**

**Section 39. Amendment to Section 9.148.020.** Subsection (3)(c) of Section 9.148.020, Uses Permitted, of Chapter 9.148, M-SC Zone (Manufacturing-Service Commercial) of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

**“(c) Brewery, distillery, or winery with alcoholic beverage sales for on-premises and off-premises consumption pursuant to Section 9.240.490.”**

**Section 40. Amendment to Section 9.148.020.** A new Subsection (3)(jj) is hereby added to Section 9.148.020, Uses Permitted, of Chapter 9.148, M-SC Zone (Manufacturing-Service Commercial) of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Plan to read as follows:

**“(jj) Gasoline and diesel service stations with the concurrent sale of beer and wine for off-premises consumption, restaurants with the sale of**

**alcoholic beverages for on-premises consumption, and airports with the sale of alcoholic beverages for on-premises and off-premises consumption pursuant to Section 9.240.490.”**

**Section 41. Amendment to Section 9.150.020.** A new Subsection (3)(pp) is hereby added to Section 9.150.020, Uses Permitted, of Chapter 9.150, M-M Zone (Manufacturing-Medium), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Plan, to read as follows:

**“(pp) Gasoline and diesel service stations with the concurrent sale of beer and wine for off-premise consumption, restaurants with alcoholic beverages sales for on-premises consumption and airports with the sale of alcoholic beverages for on-premises or off-premises consumption pursuant to Section 9.20.490.”**

**Section 42. Amendment to Section 9.155.020.** A new Subsection (3)(oo) is hereby added to Section 9.155.020, Uses Permitted, of Chapter 9.155, M-H Zone (Manufacturing Heavy), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

**“(oo) Gasolines and diesel service stations, with the concurrent sale of beer and wine for off-premises consumption, restaurants with alcoholic beverage sales for on-premises consumption and, wineries, distilleries, and breweries, with the sale of alcoholic beverages for on-premises and off-premises consumption.”**

**Section 43. Amendment to Section 9.175.020.** A new Subsection C.(11) is hereby added to Section 9.175.020, Uses Permitted, of Chapter 9.175, A-1 Zone (Light Agriculture), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

**“(11) Golf courses with standard length fairways and country clubs, fraternal lodges and wineries (including appurtenant and incidental uses with an established on-site winery) with the sale of alcoholic beverage sales for on-premises consumption, and wineries with the sale of alcoholic beverages for off-premises consumption pursuant to the provisions of Section 9.240.490.”**

**Section 44. Amendment to Section 9.205.020.** A new Subsection D.(32) is hereby added to Section 9.205.020, Uses Permitted in W-2 Zone, of Chapter 9.205, W-2 Zone (Controlled Development Areas) of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

**“(32) Guest ranches, tennis and polo clubs, golf courses with standard length fairways and country clubs, airports, automobile and motorcycle race tracks, horse race tracks, rodeo arenas, commercial fairgrounds and exhibitions with the sale of alcoholic beverages for on-premises consumption pursuant to Section 9.240.490.”**

**Section 45. Amendment to Section 9.210.020.** A new Subsection C.(3) is hereby added to Section 9.210.020, Uses Permitted, of Chapter 9.210, R-D Zone (Regulated Development Areas) of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

**“(3) Golf courses with standard length fairways and country clubs, non-profit clubs, lodge halls, hotels, and resort hotels with the sale of alcoholic beverages for on-premises consumption pursuant to Section 9.240.490.”**

**Section 46. Amendment to Section 9.215.020.** A new Subsection C.(14) is hereby added to Section 9.215.020, Uses Permitted, of Chapter 9.215, N-A Zone (Natural Assets), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

**“(14) Resort hotels, golf courses with standard length fairways and country clubs, airports, and guest ranches with the sale of alcoholic beverages for on-premises consumption pursuant to Section 9.240.490.”**

**Section 47. Amendment to Section 9.240.490.** Section 9.240.490, Alcoholic Beverage Sales, of Chapter 9.240, General Provisions, of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

**“Sec. 9.240.490. - Alcoholic beverage sales.**

A. *Intent.* The City Council has enacted the following provisions to provide minimum development standards for alcoholic beverage sales in the City. These standards are designed to provide for the appropriate development of alcoholic beverage sales and to protect the health, safety and welfare of City residents by furthering awareness of laws relative to drinking.

B. *Permitted zoning for sale of alcoholic beverages for on-premises and off-premises consumption.* ~~(1) The sale of alcoholic beverages for on-premises and off-premises consumption shall only be allowed in the following zones provided a conditional use permit has been approved pursuant to Section 9.240.280: R-A, A-1, R-R, R-2, R-2A, R-3, R-3A, R-4, R-5, R-D, C-1/C-P, C-P-S, C-R, C-T, C-N, C-O, I-P, B-P, M-SC, M-M, M-H, and R-VC.~~

~~(2) The sale of alcoholic beverages for off-premises consumption shall only be allowed in the following zone provided a site development permit has been approved pursuant to this Section 9.240.330: A-1.~~

C. *Development standards.*

(1) *Applicability.* **Except as provided in subsection (2) of this section, a conditional use permit shall be required for all proposed alcoholic beverage sale establishments located in the City that sell alcoholic beverages for on- or off- premises consumption.**~~A conditional use permit shall be required for the concurrent sale of motor vehicle fuels and beer and wine for off premises consumption.~~

- (2) **Exemptions.** A conditional use permit shall **not** be required for the sale of alcoholic beverages ~~at for off premises consumption in all zoning classifications, where such zoning would permit the sale with site development permit approval or conditional use permit approval, however, that the provisions of subsection (B)(1) of this section shall not apply to a retail commercial establishment which:~~
- (a) Contains at least ~~twenty thousand (20,000)~~ twelve thousand (12,000) square feet of interior floor space and is primarily engaged in the sale of **groceries or at least ten thousand (10,000) square-feet of interior floor space and dedicates at least 10% of the floor area for non-alcoholic beverage sales;** and
  - (b) Does not sell motor vehicle fuels.
- (3) **Traffic Impacts.** ~~Such facilities~~**Alcoholic beverage sale establishments** shall not be situated in such a manner that vehicle traffic from the ~~facility~~**establishment** may reasonably be believed to be a potential hazard to a school, church, public park, or playground.
- (4) **Separation Requirements.** No new on-sale or off-sale alcoholic beverage establishment shall be located within one thousand (1,000) feet of an existing on-sale or off-sale alcoholic beverage establishment and/or within one thousand (1,000) feet of residentially zoned property, public or private schools, day care facilities, home day care facilities, health care facilities, religious facilities, parks or playgrounds, and off-sale alcoholic beverage establishments, except:
- (a) A restaurant with alcohol sales for on-site consumption without a bar or a restaurant with an ancillary bar with less total square footage than the restaurant eating area;
  - (b) An alcoholic beverage manufacturer, such as a craft brewery, with an ancillary tasting room or craft brewery with a full-service restaurant;
  - (c) An alcoholic beverage sale establishment (both on-sale and off-sale) are proposed as part of a “Mixed-use Development;”
  - (d) An alcoholic beverage sale establishment (both on-sale and off-sale) are proposed as part of a new commercial project consisting of four (4) or more buildings;
  - (e) An alcoholic beverage sale establishment (both on-sale and off-sale) located within the boundaries of the “Pedley Town Center,” “Glen Avon Town Center” or “Rubidoux Town Center” as delineated in the City of Jurupa Valley General Plan;
  - (f) An alcohol beverage sales establishment for on-site consumption operating in conjunction with one of the following uses:

- sports arena or entertainment venue
  - veterans club, lodge halls, or other non-profit organization clubs
  - hotel or resort hotels
  - golf courses with standard length fairways
  - country clubs
- (5) *Hearing Notice.* ~~(4)~~ Notice of **public** hearings shall be ~~given~~ **mailed or delivered at least ten (10) days prior to the hearing** to **(a) all property owners of properties shown on the latest equalized assessment roll within one thousand (1,000) feet of the subject facility subject project boundaries, to any (b) any operators of elementary school and secondary schools district whose boundaries the facility is located and to any public entity operating a park or playground within one thousand (1,000) feet of the subject facility real property that is the subject of the hearing, and (c) any entity operating a public park or playground within one thousand (1,000) feet of the project boundaries.** The Community Development Director may require that additional notice be given, in a manner the Director deems necessary or desirable, to other persons or public entities. **The contents of the notice shall include the information specified in Section 9.05.080. For purposes of this subsection, distances shall be measured between the closest property lines of the affected locations.**
- (6) *Concurrent Sale of Motor Vehicle Fuels and Beer and Wine.* ~~(5)~~ The following additional development standards shall apply to the concurrent sale of motor vehicle fuels and beer and wine for off-premises consumption:
- (a) Only beer and wine may be sold.
  - (b) The owner of each location and the management at each location shall educate the public regarding driving under the influence of intoxicating beverages, minimum age for purchase and consumption of alcoholic beverages, driving with open containers and the penalty associated with violation of these laws. In addition, the owner and management shall provide health warnings about the consumption of alcoholic beverages. This educational requirement may be met by posting prominent signs, decals or brochures at points of purchase. In addition, the owner and management shall provide adequate training for all employees at the location as to these matters.
  - (c) No displays of beer, wine or other alcoholic beverages shall be located within five (5) feet of any building entrance or checkout counter.
  - (d) Cold beer or wine shall be sold from, or displayed in, the main, permanently affixed electrical coolers only.

- (e) No beer, wine or other alcoholic beverages advertising shall be located on gasoline islands; and no lighted advertising for beer, wine, or other alcoholic beverages shall be located on the exterior of buildings or within window areas.
  - (f) Employees selling beer and wine between the hours of ten (10:00) p.m. and two (2:00) a.m. shall be at least twenty-one (21) years of age.
  - (g) No sale of alcoholic beverages shall be made from a drive-in window.
  - (h) No single can or bottle of alcoholic beverage less than or equal to forty (40) ounces shall be sold for off-premises consumption.**
  - (i) No alcoholic beverage packages containing less than six (6) cans or bottles to a case may be sold.**
  - (j) The individual managing the alcoholic beverage establishment is responsible for the immediate removal of any person(s) found to be loitering as defined by State law.**
  - (k) All exterior access points to the building shall be secured and illuminated to identify any person and/or activity during late night hours. Employees shall limit trash removal and any unnecessary opening of exterior access points during late night hours.**
- (7) Findings. In addition to the required findings for conditional use permits as set forth in Section 9.240.280, the Planning Commission shall make the following findings in approving a conditional use permit for the operation of an on- or off- premises alcoholic beverage sale establishment:**
- (a) *Required findings for proposed establishments with the sale of alcoholic beverages for on-premises or off-premises consumption.***
    - (i) The proposed alcoholic beverage sales activity will not exacerbate existing problems in the neighborhood created by the sale of alcohol such as loitering, public drunkenness, sale of alcoholic beverages to minors, noise and littering.**
    - (ii) The proposed alcoholic beverage sales 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, county social service offices, or other alcoholic beverage sales activity establishments.**
    - (iii) The proposed establishment meets the locational requirements of Section 9.240.490(C)(4).**

- (iv) **The location of the proposed establishment is not within a high crime area, which is determined by the Riverside County Sheriff's Department.**
- (v) **The proposed establishment is located in a census tract with capacity for additional licenses unless a Determination of a Public Convenience or Necessity will be issued with this Conditional Use Permit.**

**(8) *Findings for conditional use permit suspension or revocation.***

- (a) **In addition to the grounds for revocation of a conditional use permit contained in Subsection A of Section 9.240.340 (Findings and Procedure for Revocation of Variances and Permits), an alcoholic beverage sales establishment's conditional use permit may be suspended for up to one (1) year or revoked in accordance with the procedures in Section 9.240.340 for failure to comply with one (1) or more of the following requirements:**

- (i) **Operational standards.**

- (ii) **Development standards.**

- (iii) **Condition(s) of approval imposed through their conditional use permit.**

- (b) **Any conditional use permit issued pursuant to the provisions of this section shall expire, be terminated and cease to apply to a property when the following occurs:**

- (i) **The use has ceased its operation for a period of one hundred eighty (180) or more calendar days; and**

- (A) **If there is thereafter filed any application or requested transaction with the State of California Department of Alcoholic Beverage Control ("ABC"), whereby the laws of the state of California require notice thereof to be filed with the City, and allow the filing of a protest thereon by the City (including person-to-person transfer of existing licenses); or**

- (B) **Where after such one hundred eighty (180)-calendar-day period, the existing license shall have ceased to apply to such establishment; or**

- (ii) **Where the existing license shall have been surrendered to ABC for a period exceeding one hundred eighty (180) calendar days.**

- (9) ***Investigative procedures of potential violation of conditions of approval, operational standards, and development standards.* Upon the City's receipt of a complaint from the public, Riverside County Sheriff, City official or any other interested person that an activity is in violation of the operational standards**

and/or conditions of approval set forth in this section, the following procedure shall be followed:

- (a) An enforcement officer shall assess the nature of the complaint and its validity by conducting an on-premises observation and inspection of the premises to assess the use's compliance with operational standards and/or conditions of approval.
- (b) If the enforcement officer determines that the use is in violation of the operational standards, development standards and/or conditions of approval, the enforcement officer shall give written notice of the violation to the owner and/or operator of the establishment and seek to remedy the violation under the City's administrative citation procedures contained in Chapter 1.16 (Procedures and Penalties for Violations of City Ordinances) and 1.20 (Administrative Penalties) of this Code. The first notice of violation shall be given in accordance with Section 1.16.090 of this Code. If, however, the enforcement officer, in his or her sole discretion, determines that the violation is not capable of correction, presents a serious threat to public health or safety, or otherwise warrants expedited action, he or she may, in lieu of following the administrative citation procedure, refer the matter directly to the Planning Commission for a hearing at which the establishment's conditional use permit may be suspended, modified, or revoked.
- (c) Any administrative citation issued under this section shall be issued, processed, and enforced in compliance with all of the provisions of Chapters 1.16 (Procedures and Penalties for Violation of City Ordinances) and 1.20 (Administrative Penalties) of this Code, unless otherwise expressly provided by this section. If the owner or operator receiving an administrative citation contests the citation and a hearing is held pursuant to Chapters 1.16 and 1.20, the hearing officer may, in addition to exercising all powers designated in Chapters 1.16 and 1.20, make a recommendation to the Planning Commission to suspend, modify, or revoke the establishment's conditional use permit if in the judgment of the hearing officer, based upon information then before the hearing officer, such action is necessary to ensure compliance with this section. Such recommendation may include the suggestion of additional or amended reasonable conditions on the use, including, without limitation, the operational standards listed in subsection (E) of this section and the development standards listed in subsection (C) of this section.
- (d) If a hearing before the Planning Commission is conducted on a potential violation in the manner prescribed in Section 9.240.340, it shall determine whether the use is in compliance with the operational standards and/or conditions of approval and/or Performance Standards if applicable. Based on this determination, the Planning

**Commission may suspend or revoke the use's conditional use permit or impose additional or amended conditions on the use, including, without limitation, the operational standards listed in subsection (E) of this section and the development standards listed in subsection (C) of this section, based upon the information then before it. In reaching a determination as to whether a use has violated the operational standards or conditions of approval, or as to the appropriateness of suspending or revoking of a conditional use permit, or the imposition of additional or amended conditions on a use, the Planning Commission may consider the following:**

- (i) The length of time the use has been out of compliance with the operation standards, development standards, and/or conditions of approval.**
- (ii) The impact of the violation of the operation standards, development standards, and/or conditions of approval on the community.**
- (iii) Any information regarding the owner of the use's efforts to remedy the violation of the operational standards, development standards, and/or conditions of approval. "Efforts to Remedy" shall include, without limitation:
  - (A) Timely calls to the Riverside County Sheriff's that are placed by the owner and/or operator of the establishment, his or her employees, or agents.**
  - (B) Requesting that those persons engaging in activities causing violations of the operational standards, development standards, and/or conditions of approval cease those activities, unless the owner or operator of the use, or his or her employees or agents feels that their personal safety would be threatened in making that request.**
  - (C) Making improvements to the establishment's property or operations, including, without limitation, the installation of lighting sufficient to illuminate the area within the use's property line, the installation of security cameras, the clearing of window obstructions, the cleaning of sidewalks, and the abatement of graffiti within three (3) days.****
- (e) If in the judgement of the Planning Commission, the operations of the owner or operator of the establishment constitute a nuisance, the owner or operator is unable or unwilling to abate the nuisance and the nuisance is shown to be a threat to the public health and safety of the surrounding neighborhood, the Planning Commission may suspend, modify, or revoke the use's conditional use permit. All determinations, decisions, and conditions made or imposed regarding the use shall run with the land.**

(f) The decision of the Planning Commission shall be final and conclusive, unless appealed in writing to the City Council within ten (10) days of the Planning Commission's action.

(10) *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 pursuant to this section may appeal the decision to the City Council pursuant to Section 9.05.100 of this Code.

D. *Additional development requirements.* Additional development standards may be required as conditions of approval.

E. *Operational standards applicable to proposed establishments with the on-premises or off-premises consumption alcoholic beverages and proposed modifications to such establishments with conditional use permits.*

(1) All proposed establishments (and modifications to existing establishments approved with conditional use permits) with the sale of alcoholic beverages for on-premises and off-premises consumption shall be designed, constructed, and operated to conform to all of the following operational standards:

(a) That it does not result in adverse effects to the health, peace, or safety of persons residing or working in the surrounding area.

(b) That it does not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.

(c) That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including, without limitation, 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 law enforcement detentions and arrests.

(d) That an off-sale consumption establishment complies with the following alcohol sale limitations:

(i) No wine shall be displayed, sold, or given away in containers of less than seven hundred fifty (750) milliliters, except multipack containers of wine, and multipack wine coolers containing no more than six (6) percent alcohol by volume.

- (ii) No wine shall be displayed, sold, or given away with an alcoholic content greater than fifteen (15) percent by volume unless in corked bottles and aged at least two (two) years.
  - (iii) No distilled spirits shall be displayed, sold, or given away in containers of less than three hundred seventy-five (375) milliliters, including, without limitation, airline bottles, except pre-mixed cocktails.
  - (iv) No distilled spirits shall be displayed, sold or distributed in three hundred seventy-five (375) milliliters hip flask containers.
  - (v) No beer, ale, or malt liquor shall be offered for sale in a container with a volume greater than thirty-two (32) ounces. This restriction is not intended to prohibit the sale of such beverages in kegs or other types of containers, with a volume of two (2) or more gallons, which are clearly designed to dispense multiple servings.
  - (vi) No sale, distribution or giving away of alcoholic beverages shall be made from a drive-thru or walk-up window.
  - (vii) No display, sale, distribution or giving away of beer or wine, wine coolers or similar alcoholic beverages shall be made from an ice tub, barrel, or similar container.
  - (viii) All display of alcoholic beverages shall be at least five (5) feet from the store entrance.
- (e) That it complies with the following public nuisance prevention measures:
- (i) *Adequate lighting.* The exterior areas of the premises, including on-site parking area and pedestrian paths, shall be provided with sufficient lighting in a manner that provides adequate illumination for alcohol establishment patrons while not spilling onto surrounding properties or streets. A photometric study may be required to demonstrate compliance.
  - (ii) *Waste management.* Adequate waste receptacles shall be provided on-site and in the building. The premises shall be kept free of the accumulation of litter or waste. Removal of waste or litter from the waste receptacles shall occur at a minimum of once each day the business is open.
  - (iii) *Loitering.* The following measures shall be required:
    - (A) No fixtures or furnishings that encourage loitering and nuisance behavior shall be permitted on the exterior of the building where alcoholic beverage sales occur. This

includes, without limitation, chairs, seats, stools, benches, tables, and crates, etc. located outside of the building.

- (B) Except for on-sale establishments, no video or other electronic games shall be located in an alcoholic beverage establishment.
  - (C) No pay phones shall be permitted on the exterior of the building where alcoholic beverage sales occur.
- (iv) *Prohibited advertising display or signage.* Exterior advertising of alcoholic products, tobacco and paraphernalia, or similarly controlled products, as defined in Section 5.68.020 of this Code, are prohibited.
- (v) *Required signage.* The following signs shall be required to be prominently posted in a readily visible manner on an interior wall or fixture, and not on windows, in English and Spanish:
- (A) “California State Law prohibits the sale of alcoholic beverages to persons younger than 21 years of age;”
  - (B) “No Loitering or Public Drinking;”
  - (C) “It is illegal to possess an open container of alcohol in the vicinity of this establishment (not required for on-sale establishment).”
- (vi) *Presentation of documents.* A copy of any applicable conditions of approval and the ABC license shall be required to be kept on the premises and presented to any enforcement officer or authorized state or county official upon request.
- (vii) *Mitigating alcohol related problems.* The establishment shall 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, without limitation, sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, drug use, loud noise and litter.
- (viii) *Drug paraphernalia.* An off-sale alcohol establishment shall be prohibited from selling drug/tobacco paraphernalia products as defined in California 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 California Health and Safety Code Section 11000.

- (ix) *Prohibited vegetation.* Exterior vegetation shall not be planted or maintained to create a hiding place for persons on the premises.
- (x) *Window obstructions.* To ensure a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance, no more than fifteen (15) percent of windows and entry doors shall be blocked by signs, vending machines, shelves, racks, storage, etc.
- (xi) *Posting of documents.* A copy of these operational standards, any applicable Alcohol Beverage Control agency regulations or City operating conditions, and any training requirements shall be posted in at least one (1) prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.

- (2) Failure to comply with these requirements shall constitute grounds for revocation of a conditional use permit.

**F. *Deemed approved alcoholic beverage sales regulations.***

- (1) *Deemed Approved Status.* Except as otherwise provided in this section, any permitted or conditionally permitted off-premises alcoholic beverage establishments, and any legal nonconforming off-premises alcoholic beverage establishments lawfully operating prior to [EFFECTIVE DATE OF ORDINANCE] pursuant to an ABC license that authorizes the retail sale of alcoholic beverages for off-premises consumption shall thereafter be an establishment with deemed approved status in accordance with this subsection (F)(1). In addition, any alcoholic beverage establishment exempt from the requirement to obtain a conditional use permit pursuant to subsection (C)(2) of this section that lawfully commences operations prior to, on, or after [EFFECTIVE DATE OF ORDINANCE] shall be an establishment with deemed approved status for purposes of this section.
- (2) *Deemed approved performance standards.* The provisions of this subsection (F)(2) shall be known as the deemed approved performance standards. The purpose of these standards is to control dangerous or objectionable environmental effects of alcoholic beverage sales activities. These standards shall apply to all deemed approved alcoholic beverage sales activities that hold deemed approved status pursuant to this section. An off-premises alcoholic beverage sales activity shall retain its deemed approved status only

if it conforms to all of the following deemed approved performance standards:

- (a) All public nuisance provisions as established in Subsection (E) (e).
  - (b) The alcoholic beverage sales establishment shall not cause adverse effects to the health, peace, or safety of persons residing or working in the surrounding area.
  - (c) The alcoholic beverage sale establishment shall not jeopardize or endanger the public health, or safety of persons residing or working in the surrounding area.
  - (d) The alcoholic beverage sale establishment shall not allow repeated nuisance activities within the premises or in close proximity of the premises, including, without limitation, 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, excessive littering, loitering, graffiti, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations, curfew violations, or lewd conduct.
- (3) *Grounds for deemed approved status suspension, revocation, or termination.*
- (a) An alcoholic beverage sales establishment's deemed approved status may be suspended for up to one (1) year, modified or revoked by the Planning Commission after holding a public hearing in the manner prescribed in Section 9.240.340, for failure to comply with the performance standards set forth in subsection (F)(2) of this section. Notice of such hearing by the Planning Commission at which it will consider the modification, suspension, or revocation of an establishment's deemed approved status shall be in writing and shall state the grounds therefore. Notice shall be mailed by first-class mail and certified mail return receipt requested at least ten (10) days before the date of the hearing.
  - (b) The occurrence of any of the following shall terminate the deemed approved status of the alcoholic beverage sales activity after notice and a hearing by Planning Commission in accordance with Section 9.240.340, and require the issuance of a conditional use permit in order to continue the alcoholic beverage sales activity:
    - (i) An existing alcoholic beverage sales activity changes its activity so that ABC requires a different type of license.
    - (ii) There is a substantial change in the mode or character of the operation.

- (iii) As used herein, the phrase “substantial modification to the mode or character of operation” includes, without limitation, the following:

  - (A) The off-sale alcoholic beverage sales activity establishment increases the floor or land area or shelf space devoted to the display or sales of any alcoholic beverage.
  - (B) The off-sale alcoholic beverage sales activity establishment extends the hours for the sales of alcoholic beverages.
  - (C) The off-sale alcoholic beverage sales activity establishment proposes to reinstate alcohol sales after the ABC license has either revoked or suspended for a period of one hundred eighty (180) days or greater by ABC.
  - (D) The off-sale alcoholic beverage sales activity voluntarily discontinues active operation for more than one hundred eighty (180) consecutive days or ceases to be licensed by ABC.
- (iv) A “substantial change in the mode of character of operation” shall not include:

  - (A) Re-establishment, restoration or repair of an existing off-sale alcoholic beverage sales activity 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 extend the hours of operation of the sale of alcoholic beverages, or adds to the capacity, floor or land area, or shelf space devoted to alcoholic beverages of any establishment that sells any alcoholic beverages for off-premises consumption.
  - (B) Temporary closure for not more than one hundred eighty (180) 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 extend the hours of operation of any establishment, or add to the capacity, floor or land area, or shelf space devoted to alcoholic beverages of any establishment that sells any alcoholic beverages for off-premises consumption, provided notice is provided to the City. The Planning Commission may, upon request of an owner of an alcoholic beverage sales establishment that is made prior to the expiration of one hundred eighty (180) days, grant one (1) or more extensions to the period of temporary closure, none of which may exceed sixty (60)

days, and together not to exceed one hundred eighty (180) days.

- (v) **Once it is determined by the City that there has been a discontinuance of active operation for one hundred eighty (180) consecutive days or a cessation of the ABC licensing, it may be resumed only upon the granting of a conditional use permit as provided in subsections (C) to (E) of this section. In the event that any active operation is discontinued on a property for a period of one hundred eighty (180) consecutive days, such discontinuance shall be presumed to be abandonment of the use by the property owner. At any time after any active operation is discontinued for a period of one hundred eighty (180) consecutive days or more, the City Manager, or his or her designee, shall notify the property owner in writing of the determination of presumed abandonment of the active operation. 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 Planning Commission. Pursuant to Section 9.240.080, the property owner may appeal the determination to the Planning Commission, which may overturn the determination only upon making a finding that the evidence supports the property owner's position that the nonconforming use was not discontinued for a period of one hundred eighty (180) consecutive days or more.**

**(4) *Investigative procedures of potential violation of performance standards by establishment with deemed approved status.* Upon the City's receipt of a complaint from the public, Riverside County Sheriff's, City official, or any other interested person that a deemed approved use is in violation of the performance standards set forth in this section, the following procedure shall be followed:**

- (a) An enforcement officer shall assess the nature of the complaint and its validity by conducting an on-premises observation and inspection of the premises to assess the use's compliance with performance standards.**
- (b) If the enforcement officer determines that the deemed approved use is in violation of the performance standards, the enforcement officer shall give written notice of the violation to the owner and/or operator of the establishment and seek to remedy the violation under the City's administrative citation procedures contained in Chapters 1.16 and 1.20 of this Code. The first notice of violation shall be given in accordance with Section 1.16.090 of this Code. If, however, the City Manager, in his or her sole discretion, determines that the violation is not capable of correction, presents a serious threat to public health or safety, or**

otherwise warrants expedited action, he or she may in lieu of following the administrative citation procedure, refer the matter directly to the Planning Commission for a hearing at which the deemed approved use's deemed approved status may be suspended, modified, or revoked.

- (c) Any administrative citation issued under this section shall be issued, processed, and enforced in compliance with all of the provisions of Chapters 1.16 and 1.20 of this Code, unless otherwise expressly provided by this section. If the owner or operator receiving an administrative citation contests the citation and a hearing is held pursuant to Chapters 1.16 and 1.20, the hearing officer may, in addition to exercising all powers designated in Chapters 1.16 and 1.20, make a recommendation to the Planning Commission to suspend, modify, or revoke the deemed approved use's deemed approved status if in the judgment of the hearing officer, based upon information then before the hearing officer, such action is necessary to ensure compliance with this section. Such recommendation may include the suggestion of additional or amended reasonable conditions on the use, including, without limitation, the operational standards listed in subsection (E) of this section and the development standards listed in subsection (C) of this section.
- (d) If a hearing is conducted on a potential violation in the manner prescribed in Section 9.240.340, the Planning Commission shall determine whether the deemed approved use is in compliance with the performance standards. Based on this determination, the Planning Commission may suspend or revoke the deemed approved use's deemed approved status or impose additional or amended conditions on the use, including, without limitation, the conditions listed in the operational standards listed in subsection (E) of this section and the development standards listed in subsection (C) of this section, based on information then before it. In reaching a determination as to whether a use has violated the performance standards, or as to the appropriateness of suspending or revoking a deemed approved use's deemed approved status, or imposing additional or amended conditions on the use, the Planning Commission may consider:
  - (i) The length of time the deemed approved use has been out of compliance with the performance standards.
  - (ii) The impact of the violation of the performance standard(s) on the community.
  - (iii) Any information regarding the owner of the deemed approved use's efforts to remedy the violation of the performance standard(s).

(e) **“Efforts to Remedy” shall include, without limitation:**

- (i) **Timely calls to the Riverside County Sheriff’s that are placed by the owner and/or operator of the deemed approved use, his or her employees, or agents.**
- (ii) **Requesting that those persons engaging in activities causing violations of the performance standard(s) cease those activities, unless the owner of the deemed approved use, or his or her employees or agents feels that their personal safety would be threatened in making that request.**
- (iii) **Making improvements to the deemed approved use’s property or operations, including, without limitation, 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 (3) days.**

(f) **If in the judgment of the Planning Commission, the operations of the owner or operator of the deemed approved use constitute a nuisance, the owner is unable or unwilling to abate the nuisance and the nuisance is shown to be a threat to the public health and safety of the surrounding neighborhood, the Planning Commission may suspend, modify, or revoke the use’s deemed approved status. If suspended, any continued sale of alcoholic beverages sales for on-premises or off-premises consumption shall require a conditional use permit approved by the Planning Commission.**

(g) **The decision of the Planning Commission shall be final and conclusive, unless appealed in accordance with the provisions of Sections 9.05.100 and 9.05.110 of this title.**

(5) ***Appeal from suspension, modification, or revocation of deemed approved status.* Any applicant or other person aggrieved by a decision of the Planning Commission from a suspension, modification, or revocation of an establishment’s deemed approved status pursuant to this section may appeal the decision to the City Council pursuant to Sections 9.05.100 and 9.05.110 of this title.**

**G. ~~E.~~*Determination of public convenience or necessity.***

(1) ***Statement of policy.* Pursuant to Article 1 of Chapter 6 of Division 9 of the California Business and Professions Code (commencing with Section 23950), the State of California Department of Alcoholic Beverage Control (“ABC”) is charged with the responsibility under state statute to review and issue licenses for the sale and/or manufacture of alcoholic beverages. If issuance of a proposed license, excluding licenses for non-retail, hotel, motel, restaurant and**

manufacturing establishments, would result in or add to an undue concentration of licenses, the City of Jurupa Valley may make a determination of public convenience or necessity for the license within ninety (90) days of receipt of an application. It is the responsibility of the applicant to justify the public convenience or necessity for alcohol sales. Issuance of a Letter of Determination of Public Convenience or Necessity is a discretionary action to be decided by the Planning Commission after reviewing the submittal of an application for a Determination of Public Convenience or Necessity.

- (2) *Determination of public convenience or necessity.* The City Council has established procedures for the determination of public convenience or necessity and has delegated the responsibility for making such determinations to the City of Jurupa Valley Planning Commission. The Planning Commission will consider a request from an applicant to make a determination whether or not a case for public convenience or necessity exists.
- (3) *Applications.* Applications for Issuance of a Letter of Determination of Public Convenience or Necessity shall be made in writing to the Community Development Department. To assist the city in making the determination, the applicant must provide a typed and detailed letter stating how public convenience or necessity would be served by issuance of the applied for license. The letter should include the following information:
  - (a) The type of license requested from ABC;
  - (b) Whether the requested license is an existing license;
  - (c) Name, address and telephone number of applicant;
  - (d) Name, address and telephone number of proposed business;
  - (e) A written statement of justification, including:
    - (i) The primary purpose of the business;
    - (ii) Whether the sale of alcohol an essential part of the primary purpose of the business;
    - (iii) Days and hours of operation;
    - (iv) The percentage of the business anticipated being alcohol sales;
    - (v) Whether there be concurrent sales of motor vehicle fuels and alcoholic beverages for off-premises consumption; and
    - (vi) The reasons or justifications for approving a determination of public convenience or necessity for an additional license;

- (f) A floor plan indicating the location and dimensions of space allocated for alcohol, the type and dimensions of storage areas and units, and the location for the sale of alcohol;
  - (g) Any safety measures or mitigations that may benefit the health, safety and welfare of the community;
  - (h) Any documentation on over-concentration and/or crime rates or conditions received from ABC;
  - (i) If the applicant operated at other locations, the name and address of each location;
  - (j) Any letters of support from the community for the sale of alcohol; and
  - (k) Any additional information as determined by the Community Development Department.
- (4) *Public hearing.* A public hearing shall be held on the application in accordance with the provisions of Section 9.240.250 and all the procedural requirements and rights of appeal as set forth therein shall govern the hearing.
- (a) The Planning Commission shall serve as the approving body subject to a public hearing, as required by Section 9.240.250.
  - (b) The Community Development Department shall route the application to the appropriate departments, including the Crime Prevention Unit of the Police Department, for input and recommendations.
  - (c) Once an application has been deemed complete, the Community Development Director shall consider and make a recommendation to approve, approve with conditions or deny the permit. The city wishes to balance the number of on -premises and off-premises establishments with the convenience of the local store consumers. The following criteria will be used when considering the approval of an off-premises consumption license:
    - (i) The retail location must consist of at least seven thousand (7,000) square feet of gross floor area.
    - (ii) No more than ten (10) percent of the floor area may be devoted to alcoholic beverage sales.
    - (iii) At least ten (10) percent of the floor area must be devoted to food sales.
    - (iv) If the location of the proposed ~~business~~**establishment** is within a high crime **rate area**, which is **determined as Police Department by the Riverside County Sheriff's Department** ~~calls for service to alcohol~~

~~related incidences for twenty (20) percent or greater as compared to the average number reported for the city as a whole.~~

- (v) The subject project and building and proposed use has no outstanding Building and Health Code violations or code enforcement activity.
  - (vi) The site is properly maintained including building improvements, landscaping and lighting.
  - (vii) The proposed business is located more than one thousand (1,000) feet from a public or private school (pre-school through twelfth grade), as measured from any point upon the outside walls of the building or building lease space containing the proposed business to the nearest property line of the school.
  - (viii) The proposed business is not located along a regular path of pedestrian travel by school children to a public or private school (pre-school through twelfth grade).
- (d) The recommendation shall be forwarded to the Planning Commission which shall act to approve, approve with conditions, or deny the application within ninety (90) days from submittal.
- (5) *Findings.* The Planning Commission shall make the following findings in making a determination of public convenience or necessity and approving or conditionally approving an application for Issuance of a Letter of Determination of Public Convenience or Necessity:
- (a) That the proposed use will not be detrimental to the health, safety and welfare of the community;
  - (b) That the proposed use would enhance the economic viability of the area in which it is proposed to be located;
  - (c) That the proposed use is compatible with the surrounding area;
  - (d) That the background of the proposed licensee and the history of the premises or any premises the applicant has operated in the past were not detrimental to the health, safety and welfare of the community; and
  - (e) That the applicant will agree, in writing, to the conditions placed upon the application.
- (6) *Conditions of approval.* The Planning Commission may impose such conditions as are necessary to protect the health, safety and welfare of the community and fulfill the findings required for the determination of public convenience or necessity.

**H. Annual alcohol sales regulatory fee.**

- (1) The intent and purpose of this section is to impose a regulatory fee upon all off-sale establishments that sell alcoholic beverages and that either hold deemed approved status pursuant to this section or obtained a conditional use permit after [EFFECTIVE DATE OF ORDINANCE]. This fee shall provide for the enforcement and regulation of the conditions of approval, operational standards, development standards, and other applicable regulations set forth in this section with regard to off-sale alcohol establishments.
- (2) The annual alcohol sales regulatory fee shall be established by resolution of the City Council. The fee shall be calculated so as to recover the total cost of both administration and enforcement of the performance standards and other applicable regulations set forth under this section upon all off-sale alcohol establishments that either hold deemed approved status pursuant to this section or obtained a conditional use permit after the [EFFECTIVE DATE OF ORDINANCE], including, for example, notifying establishments of their deemed approved status, administering the program, establishment inspection and compliance checks, documentation of violations, conducting hearings, and prosecution of violators, but shall not exceed the cost of the total program. All fees shall be used to fund the program. Fees are nonrefundable except as may be required by law.

**I. Annual off-sale alcoholic beverage sales establishment inspection.**

- (1) The Code Enforcement division of the City of Jurupa Valley shall have the power and authority to enter an off-sale alcoholic beverage establishment during regular business hours to inspect the premises to determine compliance with the provisions of this Chapter.
- (2) All off-sale alcoholic beverage sales establishments, including off-sale alcoholic beverage sales establishments with deemed-approved status, shall be subject to an annual inspection by a Jurupa Valley Code Enforcement Officer pursuant to the authority in subsection (I)(1).

**J. Alcoholic beverage sales activity penalties.**

- (1) Any person or establishment violating any of the provisions of this section or who causes or permits another person to violate any provision of this section may be charged with an infraction or a misdemeanor, and shall be subject to the provisions of the general penalty clause as set forth in Chapter 1.15 of this Code.
- (2) In addition to the penalties provided in this section, any use or condition caused or permitted to exist in violation of any of the provisions of these regulations shall be and is declared to be a public nuisance and may be abated as such by the City.

- (3) **Nothing in this section shall be construed to prevent the City from pursuing any and all other legal remedies that may be available, including, without limitation, civil actions filed by the City Attorney seeking any and all appropriate relief such as civil injunctions and penalties.**
- (4) **Notwithstanding Chapters 1.15, 1.16, 1.20, and 1.25 , or any other section of this Code to the contrary, any person, entity, or organization that violates the provisions of this section may be subject to civil penalties up to one thousand dollars (\$1,000) for each day said violation is in existence.**
- (5) **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 these regulations is committed, continued, permitted, or caused by such violator and shall be punishable accordingly.**
- (6) **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 may be charged against the owner of the establishment conducting the deemed approved use or owner of the property where the establishment is located. The enforcement officer 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 shall be places as a lien against the property.”**

**Section 48. Severability.** If any sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

**Section 49. Effect of Ordinance.** This Ordinance is intended to supersede any ordinance or resolution of the County of Riverside adopted by reference by the City of Jurupa Valley in conflict with the terms of this Ordinance.

**Section 50. Certification.** The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

**Section 51. Effective Date.** This Ordinance shall take effect on the date provided in Government Code Section 36937.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Jurupa Valley on this 4<sup>th</sup> day of November, 2021.

---

Lorena Barajas  
Mayor

ATTEST:

---

Victoria Wasko, CMC  
City Clerk

**CERTIFICATION**

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF JURUPA VALLEY        )

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2021-21 was introduced at a meeting of the City Council of the City of Jurupa Valley on the 21<sup>st</sup> day of October, 2021, and thereafter at a regular meeting held on the 4<sup>th</sup> day of November, 2021, it was duly passed and adopted by the following vote of the City Council:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 4<sup>th</sup> day of November, 2021

\_\_\_\_\_  
Victoria Wasko, City Clerk  
City of Jurupa Valley

ATTACHMENT 2  
(Resolution for Fee Adoption)

**RESOLUTION NO. 2021-87**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING THE SCHEDULE OF PLANNING FEES TO ADD AN ALCOHOL SALES REGULATORY FEE TO THE CITY FEE SCHEDULE**

**THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. Section 3.65.030 of the Jurupa Valley Municipal Code provides that fees paid under Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code shall be as set forth in Section 3.65.030 or until modified by resolution of the City Council.

Section 2. Notwithstanding any provisions contained in the Jurupa Valley Municipal Code, and pursuant to Section 3.65.030 of the Jurupa Valley Municipal Code, the fee schedule for fees paid under Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code as set forth in Section 3.65.030.A., is hereby amended to establish an Alcohol Sales Regulatory fee as follows:

<u>(46)</u>	<u>Alcohol Sales Regulatory Fee</u>	<u>Flat Fee</u>	
	<u>(a)</u> <u>General Fund</u>		
	<u>(i)</u> <u>Planning Department</u>		<u>\$251.52</u>

Section 3. The City Council finds that the fixed fee set forth in this Resolution is not more than the estimated actual costs to the City for processing the applications for Community Benefit Permits.

Section 4. The City Clerk shall certify the adoption of this Resolution.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Jurupa Valley on this 21<sup>st</sup> day of October, 2021.

---

Lorena Barajas  
Mayor

ATTEST:

---

Victoria Wasko, CMC  
City Clerk

**CERTIFICATION**

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF JURUPA VALLEY        )

I, Victoria Wasko, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2021-87 was duly passed and adopted at a meeting of the City Council of the City of Jurupa Valley on the 21st day of October, 2021 by the following vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 21st day of October, 2021.

\_\_\_\_\_  
Victoria Wasko, City Clerk  
City of Jurupa Valley

## ANNUAL ALCOHOL SALES REGULATORY FEE - COST ANALYSIS

---

The proposed Annual Alcohol Sales Regulatory Fee is intended to reimburse the City for costs associated with administering the Alcoholic Beverage Sales Ordinance. The annual fee considers the following factors:

1. Identification of the staff positions involved with the administration of provisions in the Alcoholic Beverage Sale Ordinance review and processing of the permit;
2. Identification of the hourly rate of the staff position assigned to administer the process;
3. Identification of the number of hours estimated to validate complaints, review business registration applications, conduct site inspections, and evaluate businesses that sell alcohol to determine compliance with the Operating and Performance Standards of the City's Alcoholic Beverage Sale Ordinance. The fee is intended to cover costs associated with the following; 1) review and analysis of proposed alcoholic beverage sales activity/business; 2) conduct a site inspection; 3) evaluate the proposed activity to determine compliance with Operating and Performance Standards; 4) prepare a report with a determination of either compliant or non-compliant; and 5) preparation of correspondence to business owner/applicant.

It is recommended that a Code Enforcement Officer II be assigned to handle the administration of the Annual Alcohol Sales Regulatory Fee program with a Code Enforcement Supervisor to assist. In addition, an Associate Planner and the Deputy City Attorney should also be included in the process.

With these recommendations, staff has identified the mid-range of each position's salary and calculated hourly rates. Table 1 provides the staff positions involved with administering the Annual Alcohol Sales Regulatory process, the mid-points of salary ranges for each position and corresponding hourly rates.

<b>Position</b>	<b>Middle of Salary Range</b>	<b>Hourly Rate</b>
Code Enforcement Officer II	\$70,890	\$34.08
Code Enforcement Supervisor	\$107,867	\$51.85

Given the above information and the following identification of tasks, the cost for administering the Annual Alcohol Sales Regulatory Fee is estimated in Table 2.

<b>Table 2 – Tasks and Estimated Costs</b>			
<b>Tasks</b>	<b>Rate</b>	<b>Hours</b>	<b>Total</b>
A. Code Enforcement Officer II			
i. Site Inspection	\$34.08	4.0	\$136.32
ii. Review of Operation and Performance Standards	\$34.08	2.0	\$68.16
iii. Prepare correspondence	\$34.08	1.0	\$34.08
B. Code Enforcement Supervisor – Final Approval Signature	\$40.51	.25	\$12.96
		7.25	<b>\$251.52</b>

As required by the Mitigation Fee Act, the above information is intended to provide evidence that the fee will not exceed the reasonable and actual cost of administering the Annual Alcohol Sales Regulatory Fee.

**ATTACHMENT 3**  
(Adopted Planning Commission Resolution No. 2021-9-2001)

RESOLUTION NO. 2021-09-22-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY AMEND THE JURUPA VALLEY MUNICIPAL CODE CONCERNING ALCOHOLIC BEVERAGE SALES REGULATIONS, AND MAKE A DETERMINATION OF EXEMPTION UNDER CEQA GUIDELINES SECTION 15061(B)(3)

THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. Zoning Code Amendment.

(a) At the February 24, 2021 regular City Council meeting, the City Council initiated an amendment to Section 9.240.490 of Chapter 9.240 (“General Provisions”) of Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code, to amend the City’s regulations pertaining to the sale of alcohol (ZCA No. 21006) (the “Code Amendment”), and requested that the Planning Commission study and report on the proposed Code Amendment, as set forth in the attached Ordinance.

(b) Section 9.285.010 of the Jurupa Valley Municipal Code provides that amendments to Title 9 may be initiated by either the Planning Commission or the City Council.

(c) Section 9.285.010 of the Jurupa Valley Municipal Code provides that amendments to Title 9 shall be made in accordance with the procedure set forth in Government Code Section 65800 *et seq.*, as now enacted and hereafter amended, and the requirements of Chapter 9.285.

(d) Section 9.285.030 of the Jurupa Valley Municipal Code provides that amendments to Title 9 that propose to regulate the use of buildings, structures, and land as between industry, business, residents, open space, and other purposes, and that propose to regulate the use of lots, yards, courts, and other open spaces, shall be adopted in the manner set forth in Section 9.285.040. Further, Government Code Section 65853 provides that an amendment to a zoning ordinance, which amendment proposes to impose any regulations listed in Government Code Section 65850 not theretofore imposed, must be adopted in the manner set forth in Government Code Sections 65854 to 65857, inclusive.

(e) Section 9.285.040 of the Jurupa Valley Municipal Code provides that the Planning Commission must hold a public hearing on the proposed amendment. After closing the public hearing the Planning Commission must render its decision within a reasonable time and transmit it to the City Council in the form of a written recommendation, which must contain the reasons for the recommendation. If the Planning Commission does not reach a decision due to a tie vote, that fact must be reported to the City Council and the failure to reach a decision shall be deemed a recommendation against the proposed amendment.

(f) Government Code Section 65853 provides that when the legislative body has requested the planning commission to study and report upon an amendment to the zoning ordinance and the planning commission fails to act upon such request within a reasonable time, the legislative body may, by written notice, require the planning commission to render its report within 40 days. Upon receipt of the written notice, the planning commission, if it has not done so, shall conduct the public hearing as required by Section 65854. Failure to so report to the legislative body within the above time period shall be deemed to be approval of the proposed amendment to the zoning ordinance.

(g) Government Code Section 65854 provides that the planning commission shall hold a public hearing on the proposed amendment to a zoning ordinance. Notice of the hearing shall be given pursuant to Government Code Section 65090.

(h) Government Code Section 65855 provides that after the hearing, the planning commission shall render its decision in the form of a written recommendation to the legislative body. Such recommendation shall include the reasons for the recommendation, the relationship of the proposed amendment to the general plan, and shall be transmitted to the legislative body in such form and manner as may be specified by the legislative body.

Section 2. **Procedural Findings.** The Planning Commission of the City of Jurupa Valley does hereby find, determine and declare that:

(a) ZCA No. 21006 (the "Project") was processed including, but not limited to, a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

(b) On August 11, 2021, the Planning Commission of the City of Jurupa Valley held a public hearing on ZCA No. 21006, at which time all persons interested in the Project had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission continued the item and the public hearing.

(c) On September 22, 2021, the Planning Commission of the City of Jurupa Valley held a public hearing on ZCA No. 21006, at which time all persons interested in the Project had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing.

(d) All legal preconditions to the adoption of this Resolution have occurred.

Section 3. **California Environmental Quality Act Findings.** The Planning Commission of the City of Jurupa Valley hereby recommends that the City Council of the City of Jurupa Valley make the following environmental findings and determinations in connection with the approval of ZCA No. 21006:

(a) The proposed Code Amendment is exempt from the requirements of the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed Code Amendment, amending certain regulations

pertaining to the sale of alcohol, including requiring conditional use permits for all establishments that sell alcoholic beverages, adopting additional findings to address potential impacts of the sale of alcoholic beverages, requiring past and newly approved establishments to be subject to the same requirements as current applicants, imposing separation requirements between establishments on new applicants, and requiring an annual regulatory fee to cover the cost of enforcement, will have a significant effect on the environment. The proposed Code Amendment is an administrative process of the City that will not result in direct or indirect physical changes in the environment. The City Council has reviewed the administrative record concerning the proposed Code Amendment and the proposed CEQA determinations, and based on its own independent judgment, finds that the Code Amendment set forth in this Ordinance is not subject to, or exempt from, the requirements of the CEQA and the State CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3).

**Section 4. Findings for Recommendation of Approval of Code Amendment.** The Planning Commission of the City of Jurupa Valley does hereby recommend that the City Council of the City of Jurupa Valley find and determine that the proposed Code Amendment (ZCA No. 21006) should be adopted because the proposed Code Amendment is consistent with the City of Jurupa Valley 2017 General Plan in that:

(a) LUE 3.5 Residential Compatibility. Commercial uses abutting residential properties shall be designed to protect the residential use from the impacts of noise, vibration, light, fumes, odors, vehicular traffic, parking, and safety hazards;

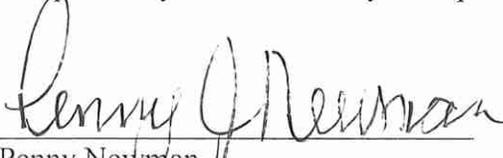
(b) LUE 6.2 Achieving Conformance. Encourage existing nonconforming uses to transition into conformance with the new land use designations and/or policies by enacting incentives, facilitating entitlement processing for new conforming land uses and, where necessary, establishing a fair abatement program;

(c) LUE 11.19 Property Maintenance. Property owners shall maintain their site, structures and landscaping in a safe, healthy, and attractive condition through the following:  
1. Provide proactive code enforcement activities.

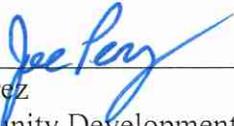
**Section 5. Recommendation of Approval of Code Amendment.** Based on the foregoing, the Planning Commission of the City of Jurupa Valley hereby recommends that the City Council of the City of Jurupa Valley adopt the proposed Code Amendment attached hereto as Exhibit "A".

**Section 6. Certification.** The Community Development Director shall certify to the adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of Jurupa Valley on this 22<sup>nd</sup> day of September, 2021.

  
Penny Newman  
Chair of Jurupa Valley Planning Commission

ATTEST:

  
\_\_\_\_\_  
Joe Perez  
Community Development Director/Secretary to the Planning Commission

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF JURUPA VALLEY        )

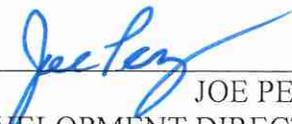
I, Joe Perez, Community Development Director of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2021-09-22-01 was duly adopted and passed at a meeting of the Planning Commission of the City of Jurupa Valley on the 22<sup>nd</sup> day of September, 2021, by the following vote, to wit:

AYES:            COMMISSION MEMBERS:  
  
                  Newman, Carmona, Pruitt

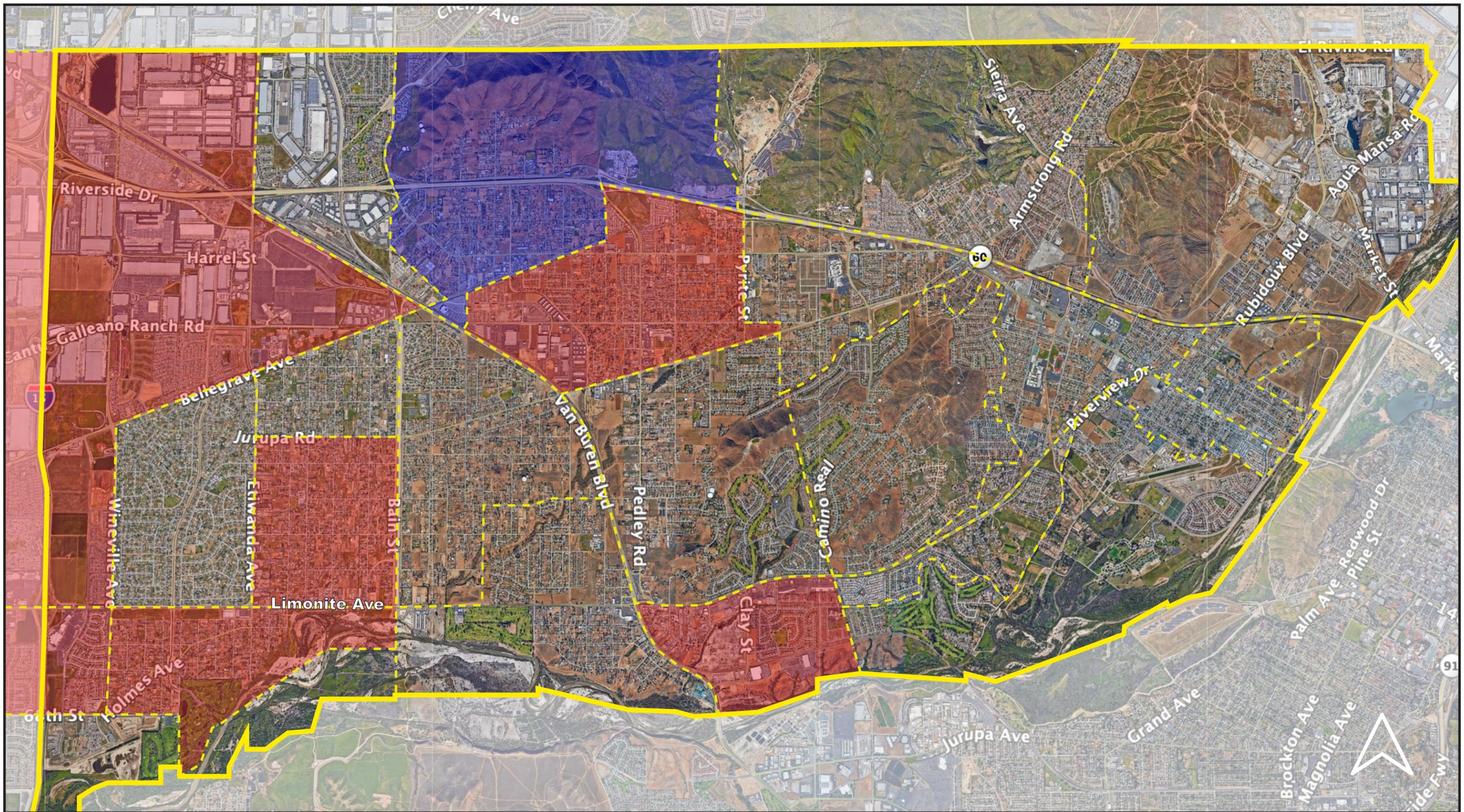
NOES:            COMMISSION MEMBERS:

ABSENT:         COMMISSION MEMBERS:  
  
                  Jackson, Shultz

ABSTAIN:        COMMISSION MEMBERS:

  
\_\_\_\_\_  
JOE PEREZ  
COMMUNITY DEVELOPMENT DIRECTOR

ATTACHMENT 4  
(Maps of Existing On-Sale Establishments – Maps A1 - A3)



Legend

-  Census Tract Boundary
-  Oversaturated Census Tract
-  Maxed Out Census Tract

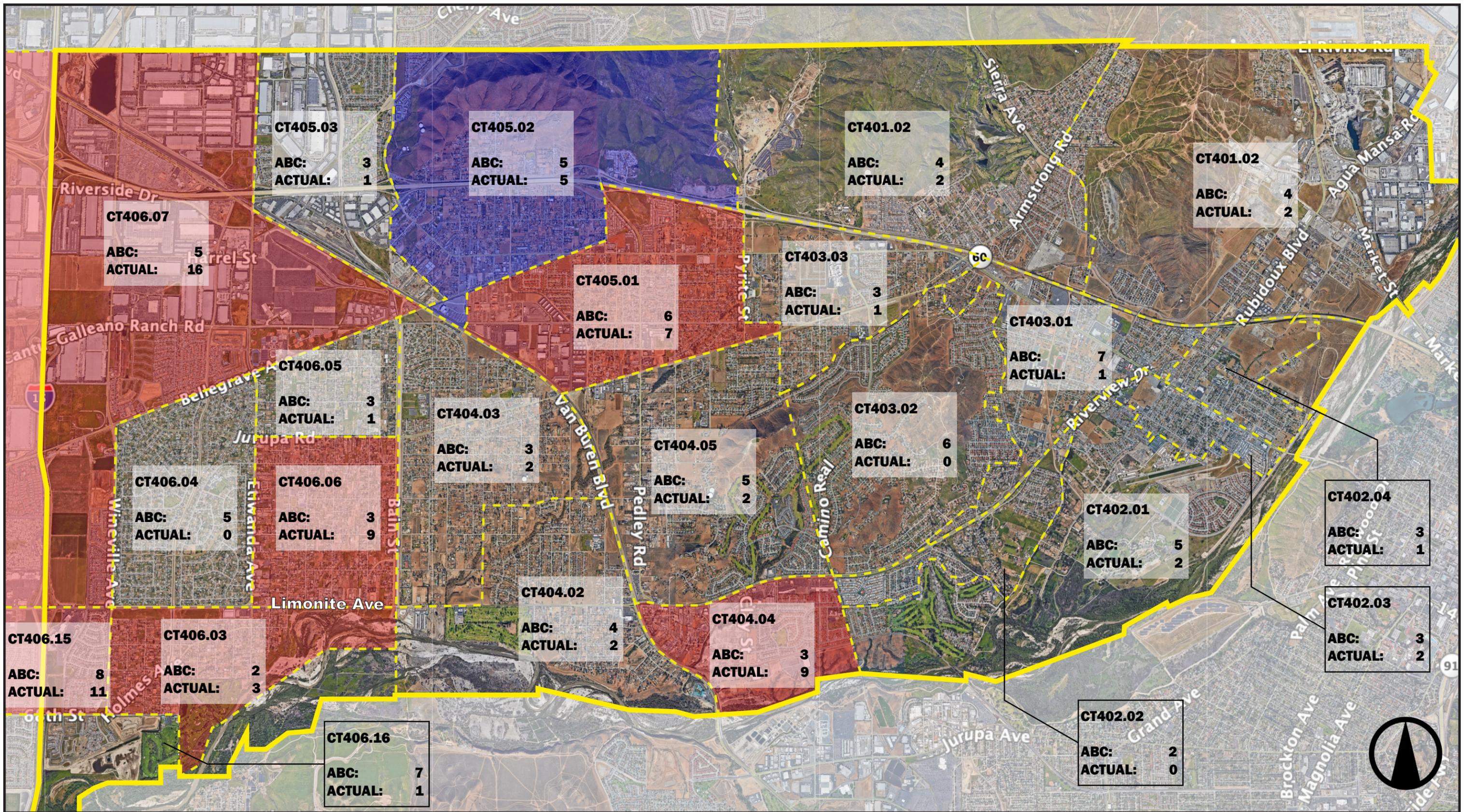


City of Jurupa Valley  
 Oversaturated Census Tracts - On-Sale Alcohol Permits



Revised March 18, 2021

\*Oversaturation based on Ca. Dept. of ABC  
 Census Tract Authorization calculation



Legend

- Census Tract Boundary
- Oversaturated Census Tract
- At Capacity Census Tract

Oversaturated Census Tracts:	6
At-Capacity Census Tracts:	1
Remaining Census Tracts:	16

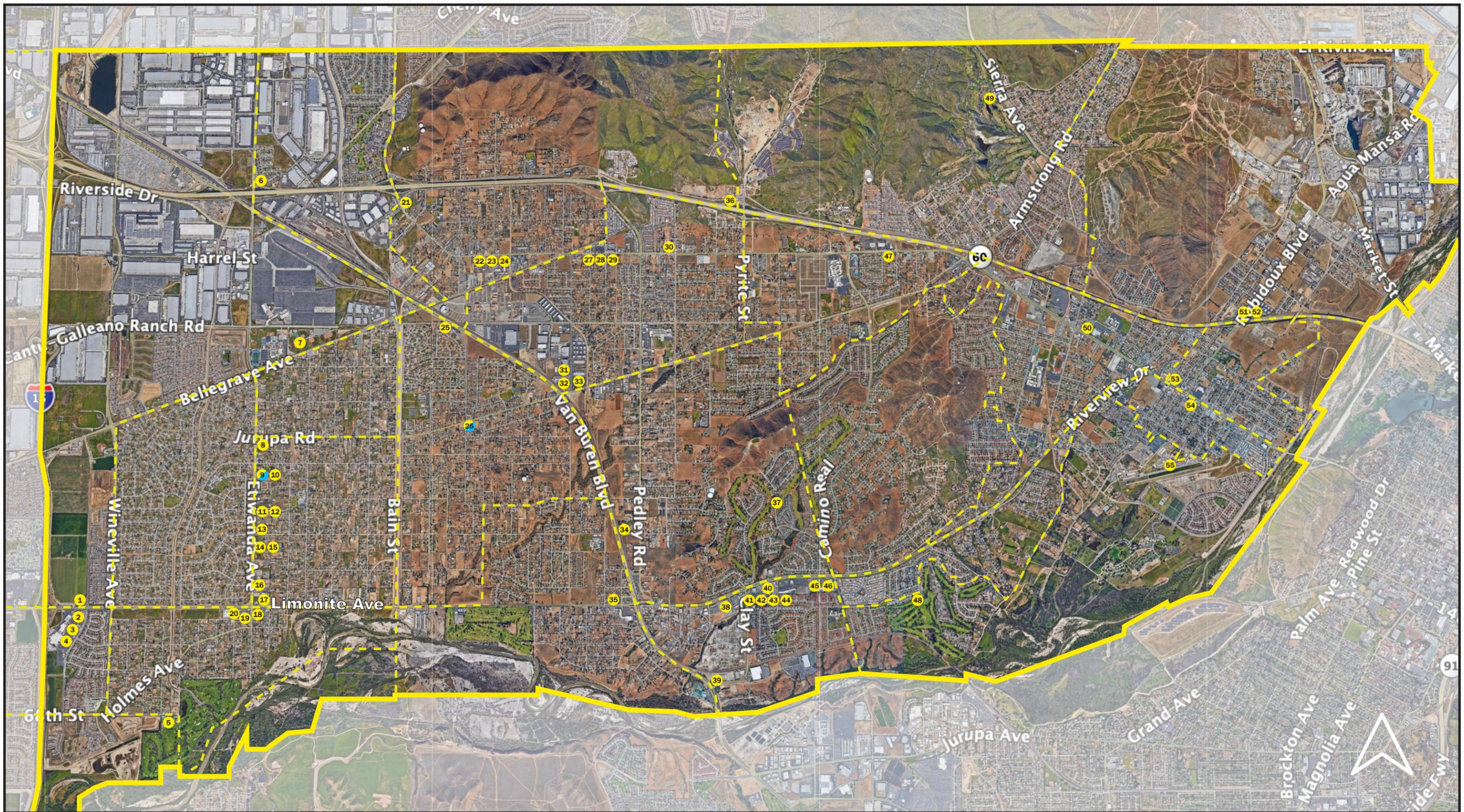


**City of Jurupa Valley**  
**Oversaturated Census Tracts | On-Sale Alcohol Permits**

**A2**

Revised July 21, 2021

\*Oversaturation based on Ca. Dept. of ABC  
 Census Tract Authorization calculation



Legend

-  Census Tract Boundary
-  On-Sale Alcohol Permit
-  On/Off-Sale Joint Alcohol Permit



City of Jurupa Valley  
On-Sale Alcohol Permits within Census Tracts

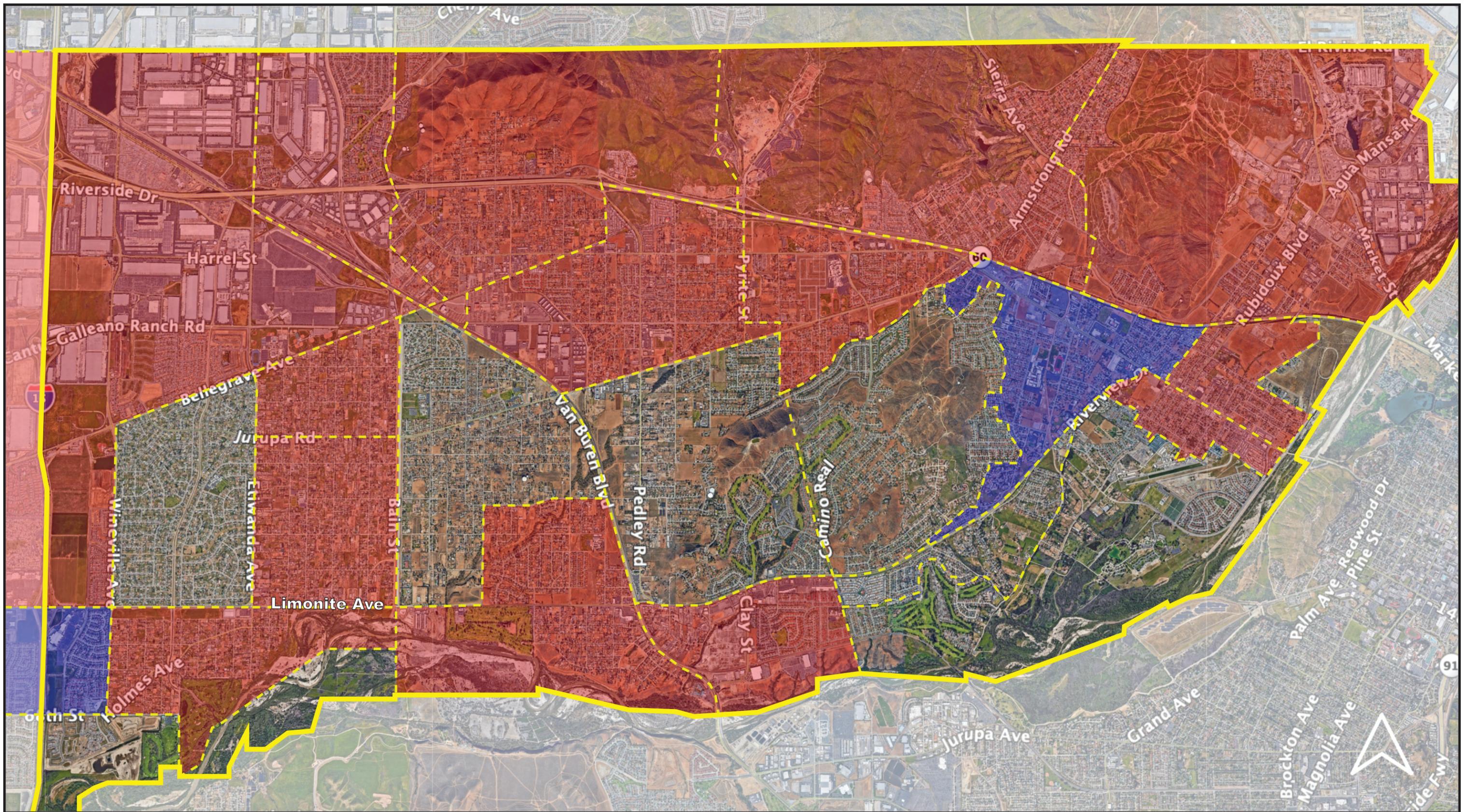


CIVIC  
SOLUTIONS

Revised March 18, 2021

\*Permit locations are approximate

**ATTACHMENT 5**  
**(Maps of Existing Off-Sale Establishments: B1, B2 and B3)**



Legend

- Census Tract Boundary
- Oversaturated Census Tract
- Maxed Out Census Tract



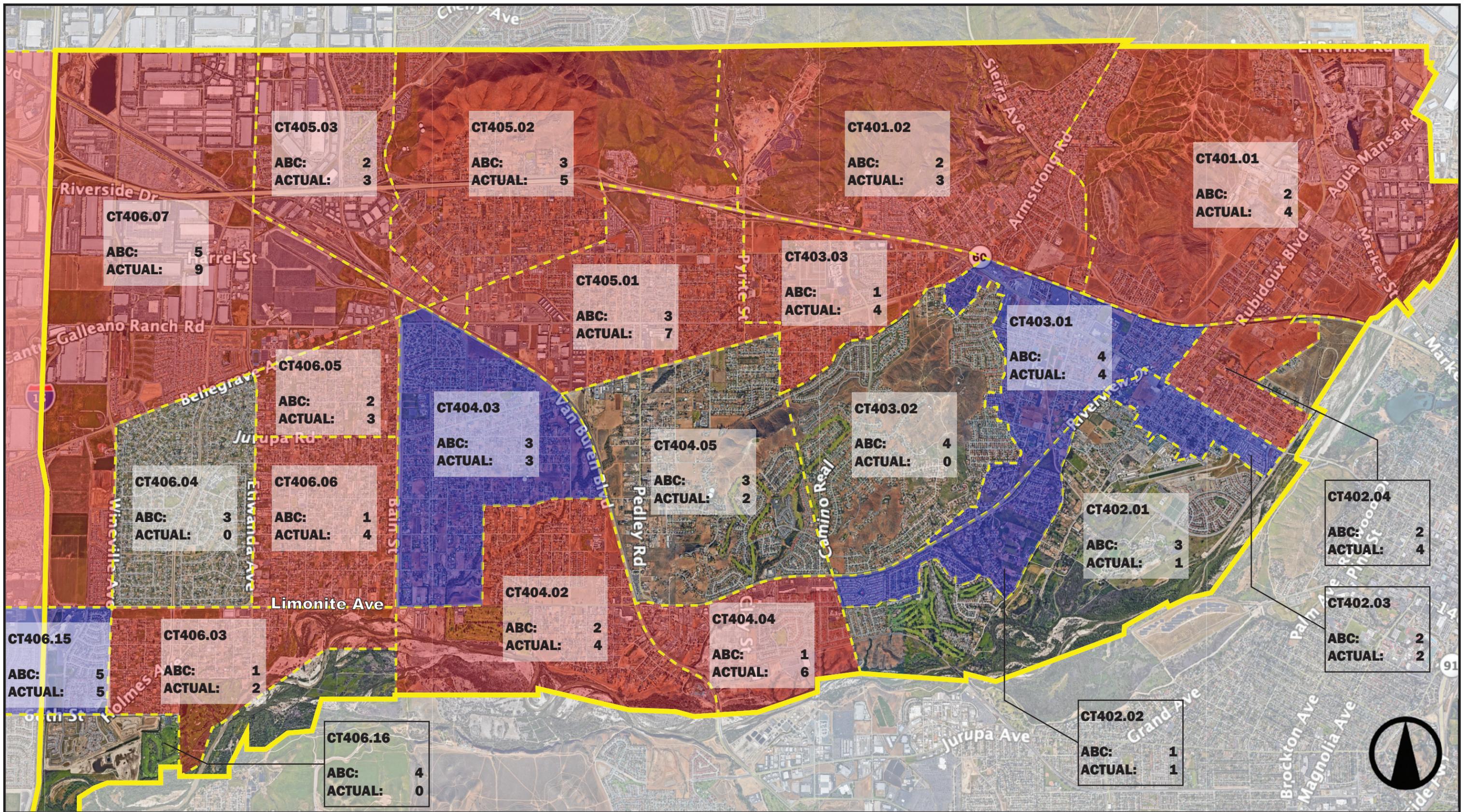
City of Jurupa Valley  
 Oversaturated Census Tracts - Off-Sale Alcohol Permits



**CIVIC**  
 SOLUTIONS

Revised March 18, 2021

\*Oversaturation based on Ca. Dept. of ABC  
 Census Tract Authorization calculation



**Legend**

- Census Tract Boundary
- Oversaturated Census Tract
- At Capacity Census Tract

Oversaturated Census Tracts:	13
At-Capacity Census Tracts:	5
Remaining Census Tracts:	5



**City of Jurupa Valley**  
**Oversaturated Census Tracts | Off-Sale Alcohol Permits**

Revised July 21, 2021

\*Oversaturation based on Ca. Dept. of ABC  
 Census Tract Authorization calculation



Legend

-  Census Tract Boundary
-  Off-Sale Alcohol Permit
-  On/Off-Sale Joint Alcohol Permit



City of Jurupa Valley  
Off-Sale Alcohol Permits within Census Tracts



CIVIC  
SOLUTIONS

Revised March 18, 2021

\*Permit locations are approximate

ATTACHMENT 6  
(Planning Commission Staff Report 09-22-21)

# City of Jurupa Valley

RETURN TO AGENDA

STAFF REPORT

**DATE:** SEPTEMBER 22, 2021  
**TO:** CHAIR NEWMAN AND MEMBERS OF THE PLANNING COMMISSION  
**FROM:** JOE PEREZ, COMMUNITY DEVELOPMENT DIRECTOR  
**BY:** TAMARA CAMPBELL, PRINCIPAL PLANNER  
**SUBJECT:** AGENDA ITEM NO. 6.1  
ZONING CODE AMENDMENT NO. 21006 (ZCA21006) REVISING REGULATIONS OF SECTION 9.240.490 (ALCOHOLIC BEVERAGE SALES) AND ADDING AN ANNUAL ALCOHOL SALE REGULATORY FEE TO THE CITY OF JURUPA VALLEY COMMUNITY DEVELOPMENT DEPARTMENT FEE SCHEDULE

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## RECOMMENDATION

By motion, adopt Resolution No. 2021-09-22-01 recommending that the City Council adopt Ordinance No. 2021- XX (a) establishing new requirements for the sale of alcoholic beverages, (b) amends permitted uses pertaining to alcohol beverage sales in various portions of the zoning code, and (c) adding an Annual Alcohol Regulatory Fee to the Community Development Department Fee Schedule.

## BACKGROUND

This hearing was continued from the August 11, 2021 Planning Commission meeting.

Over the last few years, the City Council has conducted many public hearings concerning applications for retail alcohol sales. During these public hearings, the City Council has repeatedly expressed concerns relating to the negative impacts the sale of alcoholic beverages presents to surrounding land uses. Problems noted include easy access of alcohol to under-age individuals, drinking and driving safety hazards, drunk individuals in public places, crime, trash, noise, loitering, vagrancy, and proximity of such business to schools, playgrounds, parks, churches, residents and other sensitive land uses. As a result of these concerns, Council members discussed potential modifications to the various sections of the Jurupa Valley Municipal Code regulating businesses that sell alcoholic beverages.

At its meeting on November 19, 2020, the City Attorney presented the City of El Cajon's Alcohol Beverage Sale Ordinance and identified key differences from the City's regulations. The City Council expressed support for using the El Cajon ordinance as a template for Jurupa Valley and voted to initiate a comprehensive update to the Municipal Code. A copy of the November 2020 staff report is attached.

As directed, the Planning Commission conducted a study session on February 24, 2021 and reviewed the significant features of the El Cajon ordinance. They recommended that the City adopt a similar ordinance since it would strengthen the City's ability to regulate existing and proposed establishments and offer greater protection for the community from the potential

negative effects of alcohol sales. The Planning Commission agreed with staff's proposed Ordinance. A copy of the staff report is attached.

### **Planning Commission Recommendations**

The following is a summary of recommendations made by the Planning Commission:

1. Regulation of ALL Establishments that Sell Alcoholic Beverages. Jurupa Valley currently only regulates proposed/new establishments that sell alcoholic beverages for off-premises (off-sale) consumption. New businesses that sell alcohol for off-premises or on-premises consumption typically require a Conditional Use Permit (CUP) or a Site Development Permit (SDP). At the study session, the Planning Commission decided that any new business that sells alcoholic beverages (for either on-premises or off-premises consumption) in Jurupa Valley should be subject to a CUP.

It should be noted that the current and proposed regulations allow for certain exemptions from a Conditional Use Permit. For example, large-scale grocery stores that exceeds 20,000 square-feet of floor area would still be allowed to sell alcohol without obtaining a CUP. This exemption will be maintained in the proposed Ordinance.

2. "Deemed Approved" Alcoholic Beverage Sales Regulations. The Planning Commission evaluated a "Deemed Approved" process at its study session in February. The "deemed approved" process would apply to existing, legally established off-sale businesses currently selling alcoholic beverages throughout the community. Such a process is desirable to bring previously approved businesses into closer compliance with new code requirements. With the "deemed approved" process, new regulations and performance standards will apply to existing establishments (assuming they were legally established).

The process for bringing "deemed approved" businesses into compliance with the proposed code requirements is presented in Section 6 "Enforcement and Annual Fee" and in subsection (b) under the heading of "Requested Information" of this staff report.

3. Operating and Performance Standards. Although the City currently has development standards for establishments that sell alcoholic beverages for off-premises consumption with the sale with motor vehicle fuel, the Planning Commission recognized that stricter operating and performance standards are necessary to ensure consistent levels of public safety, aesthetics, and levels of service.

As noted in the previous staff report, operational standards will establish the following specific standards for new establishments: bottle/can size; product location, exterior lighting; training; signage; and window displays. Other standards pertain to nuisance activities on-premises (or in close proximity to the site), on-going obligations to mitigate alcohol-related problems, procedures to address complaints, and the upkeep and operating requirements that promote the livability or appropriate development of abutting properties and the surrounding neighborhood.

It was recommended that the operating and performance standards set forth in the El Cajon ordinance be applied in Jurupa Valley.

4. Separation Requirements. The El Cajon Ordinance includes a separation requirement of 600 feet for new off-sale establishments from a residentially-zoned property and other sensitive uses. Since Jurupa Valley has identified an excess of overconcentrated or oversaturated census tracts, a one thousand (1,000) foot separation distance was recommended to the Planning Commission and Planning Commission preferred the recommended one thousand (1,000) foot separation distance. Thus, the proposed Ordinance includes the recommended separation distance. The proposed Ordinance also

includes some exceptions to the separation requirements fore certain projects. There are a few exceptions to the separation distance:

- a. A restaurant with an ancillary bar with less total square footage than the restaurant eating area;
- b. An alcoholic beverage manufacturer, such as a craft brewery, with an ancillary tasting room or craft brewery with a full-service restaurant;
- c. An alcoholic beverage sale establishment (both on-sale and off-sale) are proposed as part of a "Mixed-use Development";
- d. An alcoholic beverage sale establishment (both on-sale and off-sale) are proposed as part of a new commercial project consisting of four (4) or more tenant spaces;
- e. An alcoholic beverage sale establishment (both on-sale and off-sale) located within the boundaries of the "Pedley Town Center," "Glen Avon Town Center" or "Rubidoux Town Center" as delineated in the City of Jurupa Valley General Plan;

Further discussion regarding this provision is presented in subsection e under the heading of "Other Recommendations" in this report.

5. Public Convenience and Necessity (PCN) Provisions. As presented in the previous staff report, when the State of California Alcohol Beverage Control Board (ABC Board) intends to issue a license for the sale and/or manufacturing of alcoholic beverages in a census tract that is (or will become) "over concentrated" with licenses, Business and Professions Code Section 23598.4(b)(2) requires the City to make a "Determination of Public Convenience or Necessity (PCN)" within ninety (90) days of receipt of a complete application. The procedures and findings for making the PCN Determination are currently provided in the City's zoning code. If the City does not make a determination within 90 days, then ABC can issue a license if the applicant makes an application with ABC and can demonstrate that the PCN would be served by their establishment.

After reviewing these provisions, the Planning Commission expressed that it would be advantageous to keep this section of the code because it allows the City additional control.

6. Enforcement and Annual Fee. As described during the study session in February 2021, when the City receives a complaint from the general public of a potential code or condition of approval violation, the City's Code Enforcement Department is required to investigate the complaint. Upon confirmation of a violation, there is additional staff time and resources required to work with the operator/owner to resolve the matter. Currently, this staff time and resources are not covered by any deposit by the operator/owner. Furthermore, when circumstances involve a revocation process of an entitlement such as a Conditional Use Permit, it would require more City time and resources.

After discussing the merits of establishing an annual fee to monitor compliance and mitigate enforcement costs, the Planning Commission recommended that the City adopt an "annual alcohol sale regulatory fee" to cover the cost of enforcement of conditions and applicable regulations. The fee study is attached as Attachment No. 6.

### **Requested Information**

At the study session, the Planning Commission requested additional information on the following: a) the number and location of all businesses that sell alcoholic beverages and the status of all citywide census tracts; b) the details for "deemed approved" provisions; c) the issues noted by

Code Enforcement, the Sheriff's Department and the ABC Board; and d) the estimated cost of an "annual alcohol regulatory fee."

- a. Number and Location of Alcoholic Beverage Sales/Census Tract Status. Since the February study session, maps have been prepared that provide information pertaining to the number and location of all existing establishments that sell alcoholic beverages. In addition, all census tracts have been reviewed and mapped to illustrate their status of either "over concentrated," "at capacity" or "under capacity" (as determined by the ABC Board). The maps are included as Attachments 3 and 4 to this staff report.

#### On-sale Businesses

There is a total of 55 businesses with "on-sale" alcohol sales licenses. Maps A1, A2 and A3 show the location and number of these "on-sale" licenses existing in the 23 census tracts delineated in Jurupa Valley. Out of the 23 census tracts, six are over-saturated with businesses that sell alcoholic beverages for consumption on-premises. One census tract is considered "at capacity," meaning no additional establishments should be allowed unless a PCN Determination is obtained and 16 census tracts have a remaining balance for approximately 47 new licenses.

#### Off-sale Businesses

There is a total of 64 businesses with "off-sale" alcohol sales licenses. Maps B1, B2 and B3 illustrate the location and number of "off-sale" licenses existing in the 23 census tracts delineated in Jurupa Valley. Out of the 23 census tracts, 13 are over-saturated with businesses that sell alcoholic beverages for consumption off-premises. Five census tracts are considered at capacity and five are under capacity with a remaining balance for 14 new licenses.

Importantly, it should be noted that more than half of the City's census tracts are deemed "over-saturated" with establishments that sell alcohol for off-premises consumption. The prevalence of these types of businesses combined with ineffective operating/performance standards and limited enforcement capacity is likely the basis for frequent City Council discussions.

- b. "Deemed Approved" Provisions. The Planning Commission requested additional information on the "deemed approved" provisions. Importantly, the intent of the process is to achieve closer compliance of existing alcoholic beverage retailers with the proposed regulations and performance standards that will improve overall site conditions, alleviate blight and increase protection to the community from problems associated with the sale of alcoholic beverages.

Many establishments that sell alcohol for off-premises consumption were approved many years ago and under the County of Riverside jurisdiction. It is assumed that such establishments were approved with limited review and regulation and without effective conditions of approval that ensure land use compatibility. As a result, the proposed "deemed approved" process includes the following proposed components:

- "Deemed Approved Status" applies to any permitted or conditionally permitted, legal nonconforming off-sale establishment (lawfully operating on or before the effective date of the proposed Ordinance) and alcoholic beverage establishments that are exempt from obtaining a CUP pursuant to the proposed Ordinance (Subsection (C)(2) of the proposed Ordinance);
- Imposes performance standards on "deemed approved" establishments intended to control dangerous and/or objectionable environmental effects of alcoholic

beverage sales activities. "Deemed approved" establishments will receive notice of their status and the required performance standards.

- "Deemed approved" enforcement process is initiated when Code Enforcement receives a complaint or when an application is submitted for a business registration;
- Code Enforcement Officer investigates nature of a complaint (or when a business registration application is submitted) and conducts an on-site inspection to determine compliance with performance standards. If establishment is not in compliance, the Code Enforcement Officer initiates code enforcement process (inclusive of violation notices and citations).
  - If compliance is not achieved, or if the business owner contest the citation, a hearing will be conducted on the violation to determine whether the deemed approved use is in compliance with the performance standards. Based on this determination, the Planning Commission may suspend or revoke the "deemed approved" status or impose additional conditions on the establishment;
  - If the "deemed approved" status is suspended or revoked, the establishment must obtain a CUP in order to continue to lawfully sell alcoholic beverages in the City. It will be considered a new, proposed establishment.
  - If compliance is achieved through the Code Enforcement process, the establishment will be allowed to continue only if it remains in compliance with performance standards and pays the annual fee.
  - The proposed Ordinance provides for investigative procedures for potential violations of performance standards by establishment with deemed approved status. If a notice of violation is provided to the operator / owner of the violation, and the City Manager has determined that the violation is not capable of correcting, presents a serious threat to public health or safety, or otherwise, warrants expedited action, the City Manager has authority to refer the matter to the Planning Commission. The Planning Commission would hold a hearing at which the deemed approved use's status may be suspended, modified, or revoked.

To assist the Planning Commission and City Council during its evaluation of the proposed Ordinance, a comparison between "deemed approved" establishments and the "new on-sale and off-sale" establishments is provided in the table below.

<b>Alcoholic Beverage Sales Process</b>		
<b>Comparison of new uses and existing "deemed approved" uses</b>		
	<b>All new "on- and off- sale" alcoholic beverage sale establishments</b>	<b>"Deemed Approved" applies to permitted, conditionally permitted, legal non-conforming alcoholic beverage sale establishments</b>
<b>Conditional Use Permit (CUP)</b>	Required except when it is a large commercial retail that is 20,000 sf or larger and does not sell motor vehicle fuel	CUP is not required if the establishment has a "deemed approved" status.
<b>Business Registration</b>	Required	Required

<b>Annual Inspection</b>	Not required (but could require as a condition of approval)	Required upon application of business license and upon receipt of a complaint
<b>Annual Alcohol Sale Regulatory Fee</b>	None	Yes (\$251.52 per year)
<b>Separation Requirements</b>	Yes (with exceptions such as restaurants with ancillary bars, breweries/wineries, mixed-use projects, and multi-tenant commercial project, or located in Town Centers)	Not applicable. These are previously approved existing establishments.
<b>Development Standards</b>	Yes (Section (C))	No
<b>Operational Standards</b>	Yes (Section E)	No
<b>Performance Standards</b>	None. Development & Operational Standards apply	Yes (Section (G)(2))
<b>CUP Findings</b>	Yes (Section (C)(8))	Not applicable. These are previously approved establishments.
<b>Subject to Revocation</b>	Yes (existing code and Section (C)(9))	Yes (Section F(3)-(5))
<b>PCN Required?</b>	Yes, if establishment is located in an overconcentrated census tract	Not applicable. These are previously approved establishments.

c. Issues noted by Code Enforcement, Sheriff's Department and ABC Board

*Jurupa Valley Code Enforcement*

In the last four years, the City's Code Enforcement Department reported that it has responded to complaints at two alcohol sales businesses that were in violation of their conditions of approval. Both complaints were resolved. One complaint was received pertaining to a business operating at 9214 Limonite Avenue. The complaint was that the AM/PM was selling single cans in violation of its CUP. The case was investigated, compliance was achieved, and the case was closed.

Another incident occurred at 5804 Mission Boulevard. Code Enforcement was alerted that the Circle K was selling distilled spirits in violation of its CUP. The case was investigated, compliance achieved, and the case was closed.

Currently, there are no active code cases involving alcohol sales.

*County of Riverside Sheriff's Department*

The County of Riverside Sheriff's Department provided information pertaining to the number of "drunk in public" and "driving under the influence" arrests made in Jurupa Valley during the 2020 calendar year. According to arrest records, 215 individuals were arrested for being drunk in public and 252 individuals were arrested for driving under the influence. Data pertaining to underage drinking and alcohol sales to minors are not available.

*California Department of Alcoholic Beverage Control (ABC)*

An agent with the ABC reported issuance of one citation during 2020 to the La Tentacion Night Club on Mission Boulevard in the Rubidoux Village area. The citation involved failure to obey an "Order issued as part of an Emergency Service" and resulted from the business selling alcoholic beverages during the COVID-19 Pandemic. No other businesses were reported to be in violation of ABC license regulations.

d. Annual Alcohol Regulatory Fee

When establishing an appropriate amount for an Annual Alcohol Regulatory Fee, the following items should be considered:

1. The staff positions and workflow involved in administering the process.
2. The hourly rate of the staff positions assigned to implement enforcement procedures.
3. The total number of hours estimated to investigate a complaint, conduct a site inspection, evaluate the business for compliance with performance standards and employee training.

The proposed Annual Alcohol Regulatory Fee will need to be approved by the City Council through an amendment to the Community Development Department's fee schedule. A fee study justifying why the fee will not exceed the City's actual and reasonable costs in administering the new Annual Alcohol Regulatory Fee is attached to this report. Results of the fee study indicate that an appropriate amount for the administration of tasks involved with the annual fee is estimated to be \$251.52. If the City Council agrees with the fee study, they will be asked to adopt a separate resolution.

### **Other Recommendations**

Since the Planning Commission study session in February, additional research has been conducted pertaining to "separation requirements." The following information is presented for the Planning Commission's consideration to include in the proposed Ordinance.

1. Separation Requirements. As identified previously in this report, the El Cajon Ordinance includes a separation requirement of 600 feet for new **off-sale** establishments from a residentially zoned property and other sensitive uses. Since Jurupa Valley has identified an excess of overly concentrated census tracts, it was recommended that the Planning Commission consider increasing this amount to one thousand (1,000) feet and expanding the requirement to new **on-sale** establishments. The new requirement reads as follows:

*No new on-sale or off-sale alcoholic beverage establishment shall be located within one thousand (1,000) feet of an existing on-sale or off-sale alcohol beverage establishment and/or within one thousand (1,000) feet of residentially zoned property, public or private schools, daycare facilities, home daycare facilities, health care facilities, religious facilities, parks or playgrounds, and off-sale alcoholic beverage establishments, except:*

- a) *A restaurant with an ancillary bar with less total square footage than the restaurant eating area; and*
- b) *An alcoholic beverage manufacturer, such as a craft brewery, with an ancillary tasting room or craft brewery with a full-service restaurant.*

While these exceptions are important, staff believes additional flexibility should be included in the instance of a proposed "mixed-use development," commercial project with more than four (4) commercial buildings, or in a Town Center. Including these exceptions

would promote areas or projects with entertainment and dining. The following additions are recommended to be included with the two exceptions above this paragraph:

- An alcoholic beverage sale establishment (both on-sale and off-sale) are proposed as part of a "Mixed-use Development;
- An alcoholic beverage sale establishment (both on-sale and off-sale) are proposed as part of a new commercial project consisting of four (4) or more commercial buildings; and
- An alcoholic beverage sale establishment (both on-sale and off-sale) located within the boundaries of the "Pedley Town Center," "Glen Avon Town Center" or "Rubidoux Town Center" as delineated in the City of Jurupa Valley General Plan.

The Jurupa Valley Municipal Code does not currently have a definition for "mixed-use development" so staff recommends adding the following definition to its list of definitions:

***Mixed-use Development:*** A mixed-use development means a development project that contains residential and non-residential land uses planned, developed, owned and managed as a unit, providing common on-site parking, open space, access, and other shared facilities and which may be held in single ownership or by participants in a condominium cooperative. Mixed-use developments are typically comprised of commercial uses on the ground floor with apartments or offices above the ground floor.

2. Additional Regulations for Sale of Beer and Wine for Convenience Stores at Gas Stations.

A recent review of conditional use permits issued for the sale of beer and wine in conjunction with convenience stores and gas stations revealed that the following list of standard conditions are often imposed:

- a) *Limited Sale of Alcoholic Beverages.* The following types of alcoholic beverages (beer and wine) for off-site consumption are prohibited:
  - i. Single can or bottle of alcoholic beverage less than or equal to forty (40) ounces.
  - ii. Packages containing less than six (6) cans, or bottles, to a case.
- b) *Immediate Removal of Loiterers.* The applicant shall remove any loiterer once discovered. If the applicant fails to immediately remove any loiterer, the Conditional Use Permit and Determination of Public Convenience or Necessity (if applicable) for the sale of beer and wine for off-site consumption may be subject to revocation.
- c) *Access points of the convenience store.* All exterior access points to the building shall be secured and illuminated to identify any person and/or activity during late night hours. Employees shall limit trash removal and any unnecessary opening of exterior access points during late night hours.

Since these conditions of approval are routinely included with the aforementioned type of approval, it is recommended that these would be development standards in the proposed Ordinance.

3. Revised Finding for Public Convenience & Necessity. It is recommended that the one of the findings for PCN should be consistent with the following finding for a CUP: "The location of the proposed establishment is not within a high crime area, which is determined by the Riverside County Sheriff's Department."

## ENVIRONMENTAL REVIEW

The proposed Zoning Code Amendment (ZCA20006) of the Jurupa Valley Municipal Code, amending the City's regulations pertaining to alcoholic beverage sales, is exempt from CEQA

because the Zoning Code Amendment is covered by the common-sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. 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, the activity is not subject to CEQA. In this case, the Zoning Code Amendment will not result in an immediate or indirect change to the physical environment.

**CONCLUSION**

The proposed Ordinance is comprehensive in regulating the sales of alcoholic beverages and reducing its impacts to the community because of the following: 1) it requires a Conditional Use Permit for new on-sale and off-sale of alcoholic beverages; 2) it establishes new regulations, a “deemed approved” process and performance standards for all approvals including legal, nonconforming businesses; 3) it requires minimum separation distances for most new alcoholic beverage sale establishments, and 4) it includes expanded enforcement procedures for these regulations with an annual fee for cost recovery.

Prepared by:



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Reviewed by:

//s// *Serita Young*

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Serita Young  
Deputy City Attorney

**ATTACHMENTS**

1. Resolution No. 2021-09-22-01
2. Proposed Jurupa Valley Ordinance for Alcoholic Beverage Sales
3. Maps (A1 – A3) of existing establishments with on-premises alcohol sales and census tract information
4. Maps (B1, B2 and B3) of existing establishment with off-premises alcohol sales and census tract information

5. Examples of Various Sizes of Alcoholic Beverage Containers
6. Annual Alcohol Sales Regulatory Fee – Cost Study
7. Planning Commission Staff Report and Minutes for February 24, 2021 meeting