

City of Hesperia

STAFF REPORT



DATE: August 10, 2017
TO: Planning Commission
FROM: Dave Reno - Principal Planner
SUBJECT: Approval of Off-Sale Alcohol Establishments (Type 20 & 21 ABC Licenses)

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2017-19, recommending that the City Council approve a Development Code amendment to require all off-sale alcohol establishments to be forwarded to the City Council for final approval. (DCA17-00006)

BACKGROUND

On May 2, 2017, Councilmember Blewett requested that staff prepare a revision to the Development Code to require that all “package liquor stores” be forwarded to the City Council for approval.

Currently, all new development applications including the sale of alcoholic beverages that are proposed within the Main Street and Freeway Corridor Specific Plan are required to obtain a conditional use permit approved by the Planning Commission. In addition, new bars, lounges and taverns are required to obtain a CUP if located outside the specific plan area. Finally, state law requires that the City make a finding of public convenience and necessity to approve any bar, tavern or off-sale alcohol establishment if it is proposed within a census tract that is considered over concentrated under the California Department of Alcoholic Beverage Control (ABC) standards.

ISSUES/ANALYSIS

The Planning Commission is the final approving body for new alcohol establishments within the Specific Plan area. The proposed Development Code amendment will require that any off-sale establishment be forwarded to the City Council for approval. In essence, the Commission would become a recommending body for these uses. All other approvals by the PC would be final, unless appealed to the Council. This ordinance would also require Commission approval for all alcohol uses proposed outside the Specific Plan area and require Council approval for off-sale establishments as well. This will make the approval procedures for all alcohol uses uniform throughout the City.

ALTERNATIVES

As part of this proposal, staff has generated alternatives for consideration. These may not be mutually exclusive to the proposal described above.

1. The City may exempt any establishment above 8,000 square feet from this requirement. This would not require larger retailers such as Stater Brothers, Walgreens and Rite-Aid to go to the Council for approval. These stores stock a much broader product line and market to customers seeking more than convenience goods.
2. Restrict any new alcohol licenses within census tracts that are over concentrated under ABC standards. Since 1995, the City is required to make a finding of public convenience and necessity for any new license (except bona fide restaurants) to permit a new establishment within an over-concentrated census tract. Currently, there are five census tracts that are over-concentrated by ABC standards. This option could be implemented by ordinance or policy direction from the Council. As staff already monitors the number of licenses within every census tract, staff can advise potential applicants as to whether a proposed location would be eligible for a new alcohol establishment.
3. Require that any new package alcohol establishment be located within a certain distance from the intersection of two arterial or major arterial streets within a commercial zone or land use district. This would effectively group new establishments along Bear Valley Road, Ranchero Road and Main Street where they intersect with north-south arterials such as Seventh, Cottonwood and Santa Fe Avenues. While this option may result in an overconcentration of licenses within certain census tracts, this would permit competition (particularly between gas stations) and limit new alcohol outlets from locating along the majority of the City's commercial corridors.
4. Provide alternative direction to staff.

ATTACHMENT(S)

1. Census Tracts within Hesperia
2. Resolution No. PC-2017-19, with Exhibit "A"