



CITY OF PINOLE

Development Services Department

2131 Pear Street
Pinole, CA 94564
Phone: (510) 724-9000
FAX: (510) 724-4921
www.ci.pinole.ca.us

CONDITIONAL USE PERMIT: ALCOHOL SALES

Chapter 17.60 of the Pinole Municipal Code establishes requirements for a **Conditional Use Permit** (CUP) to allow alcohol sales. Consideration of a CUP is a discretionary act. This allows the City to deny an application if it determines that the proposed application request will have a negative impact on the community.

Materials Required for a CUP to allow Alcohol Sales

- Application Fee: \$2,076
- Fee: \$150 fee for sign to be posted on site
- Fee: \$100 fee for postage and mailing
- Completed Planning Application Form
- Project Description including details about the request, the number of employees, hours of operation, business details, a narrative from business owner describing the business operation and storage of alcohol, as well as alcohol sales policy
- Ten (10) copies of the floor plan showing interior of the business including seating information for restaurants and refrigeration/shelving for grocery stores
- A list of all establishments within a one thousand (1,000) foot radius with similar size and array of products.
- The proximity of the applicant to other similar liquor-related businesses
- The proximity of the applicant to school, park, playground, recreational center, day care, or similar use.
- Electronic version of the plans (pdf or jpeg)
- Mailing labels for property owners within a 1000 ft. radius of the subject site
- Other information the Planner or Planning Commission determines necessary to evaluate the proposed project (Ord. 564 §1(part), 1994)

To avoid project delays, all materials are required to deem the application complete and ready for review. If there are any questions, please contact the Planning Department at (510) 724-8912. Please refer to Chapter 17.36 of the Zoning Ordinance for further details.

CHAPTER 17.60

CITY OF PINOLE: ALCOHOL ORDINANCE

17.60.010 PURPOSE AND INTENT.

It is the purpose and intent of this chapter to provide for the orderly regulation of businesses that sell alcohol for on-sale or off-sale consumption in commercial zones. It is recognized that these establishments, by their very nature, have some objectionable characteristics and when concentrated, can contribute to the blighting or downgrading of the surrounding neighborhood. In order to protect and preserve public health, safety and welfare, special regulation and review of these uses is necessary. (Ord. 2006-09 § 8(part), 2006)

17.60.020 DEFINITIONS.

As used in this chapter:

- A. **ALCOHOL.** Any bottled or prepared beverage with more than one-half of one percent (0.005%) alcohol content per volume. This includes any beer, wine, wine cooler, frozen mixed drink, hard alcohol or spirits, liqueur or any other variation of a drink with alcoholic content.
- B. **COMMERCIAL ZONES.** The C-1, C-2, C-3, M-1, M-2, SC, and MU zoning districts.
- C. **ON-SALE ALCOHOL.** Any drink served an/or prepared at the site with the intent of buying and drinking at this same site. This includes any bar or any bar affiliated with a restaurant.
- D. **OFF-SALE ALCOHOL.** Any drink served at a site with the intention of buying the drink there and taking it somewhere private to drink.
- E. **PUBLIC CONVENIENCE AND NECESSITY.** The grouping of criteria that is considered when making the determination of whether a new site where alcohol will be bought and sold will be established.
- F. **RESIDENTIAL ZONE.** The R1, R2, R3, R3-6, R3-8, R4, R4-S, SR, PD, MU, and the cottage industry zoning districts. (Ord. 2006-09 § 8(part), 2006)

17.60.030 REVIEW PROCESS.

Before the opening of a new business, extending the hours of operation of any establishment that sells or serves any alcoholic beverage, or adding to the capacity, floor area or shelf space devoted to alcoholic beverages of any establishment that sells or serves any alcoholic beverages, the applicant must obtain a use permit from the Planning Commission. There will be conditions of approval that will vary with each application including location, on-sale or off-sale business, public convenience and necessity, and any other, city, state, and federal laws that may apply. The criteria that will be followed to approve the conditional use permit are as follows:

A. Location.

1. If the application is for a business within a commercial zone, as previously defined, then these conditions will need to be met:
 - a. As part of the application, the applicant must provide a list of all establishments within

a one thousand foot radius with similar size and array of products. If there is any other establishment, other than a food service establishment with incidental service of beer and/or wine within a one thousand foot radius of the site of the proposed use that is in the same category of alcoholic beverage sales or service, the city shall not approve the application unless it makes all of the following findings of "public convenience or necessity;"

b. The number of businesses having authority to sell alcoholic beverages in the census tract of applicant;

c. The extent to which the crime reporting district in which applicant is located exceeds the average for crime reporting districts subject to the jurisdiction of the Police Department;

d. The extent to which the ratio of on-sale retail establishments or off-sale retail establishments, including consideration of the size of those establishments, of the census tract in which applicant is located exceeds the population ratio of on-sale or off-sale, respectively, of county;

e. The proximity of the applicant to other similar liquor-related businesses;

f. The proximity of the applicant to school, park, playground, recreational center, day care, or similar use.

2. No on-sale or off-sale liquor establishments shall be open within a residential district. This restriction shall not apply to the following uses special event functions provided all other permits are secured from the Pinole Police Department.

B. Public Convenience and Necessity. Other criteria that may come under consideration when reviewing the application for the use permit, including, but not limited to:

1. The proposed establishment will promote the city's economic health, contribute to General Plan or Area Plan policies or further district purposes;

2. The economic benefits associated with the establishment could not reasonably be achieved without the proposed alcohol sales;

3. The applicant has not operated a licensed establishment, which has been the subject of verified, complaints, or violations regarding alcohol, public safety or nuisance statutes or regulations;

4. The Police Department has reported that the proposed establishment would not be expected to add to crime in the area;

5. The extent to which products other than alcoholic beverages are sold by applicant and the extent to which alcoholic beverages are incidental to the other products;

6. The extent to which the particular alcohol products being sold may be subject to abuse. (Ord. 2006-09 § 8(part), 2006)

17.60.040 STANDARD CONDITIONS.

In addition to any other conditions appropriate to the particular circumstances, the following standard conditions should apply to all alcohol sales establishments:

A. On-Sale Business. An on-sale establishment must meet these following criteria:

1. No sale of alcohol for off-site consumption;
2. No vegetation around the site that can be used as a hiding place;
3. All graffiti shall be removed on any part of the property within forty-eight (48) hours of its appearance;
4. Establish and maintain a "complaint response/community relations" program with the Police Department;
5. A sign concerning the California law prohibiting minors to drink alcohol and a sign prohibiting loitering or public drinking must be posted;
6. A copy of the conditions of approval must be kept on premises and available upon request;
7. All servers within ninety days of employment receive "responsible beverage service training," and the city have documentation of this training, retained on the premises;
8. If any of conditions are found to be disregarded, the use permit may be revoked, and the business may be subject to immediate closure.

B. Off-sale business. An off-site establishment must meet these following criteria:

1. No sale of alcohol for on-site consumption;
2. Trash receptacles shall be located at convenient locations outside the establishment, and operators of the business shall remove all trash on a daily basis;
3. Pay telephones on the site of the establishment must be of the type that only allow outgoing calls;
4. In establishments with glass storefronts, windows shall allow for unobstructed interior viewing of the cash register area from the street;
5. All graffiti shall be removed on any part of the property within forty-eight (48) hours of its appearance;
6. Establish and maintain a "complaint response/community relations" program with the Police Department;
7. A sign concerning the California law prohibiting minors to drink alcohol and a sign prohibiting loitering or public drinking must be posted;
8. A copy of the conditions of approval will need to be kept on premises and available upon request;
 - a. All employees within ninety (90) days of employment shall receive "responsible beverage service training," and any employee on duty between 10:00 p.m. and 2:00 a.m. will be at least twenty-one (21) years of age, and the city to receive documentation of this training, and retained on the premises;
9. Make attempts to limit alcohol related problems which negatively impact those living or working in the neighborhood;

10. If any of conditions are found to be disregarded, the use permit for alcohol sales may be revoked, and this aspect of the business operation may be immediately suspended;

11. No new alcohol sales at a new or existing gas station.

C. All on-sale or off-sale locations shall comply with the following conditions:

1. No wine shall be sold with alcohol content greater than seventeen percent by volume except ports, sherries, madeira's or desert wines which are vintage dated and/or aged for two years or more

2. There shall be no sales of beer or ales with an alcohol content greater than six percent by volume.

3. Beer, malt beverages, and wine coolers in container of sixteen (16) ounces or less cannot be sold as single items, but must instead be sold in manufacturer prepackaged multi unit quantities.

4. The sale of beer or malt beverages in quantities of quarts, twenty-two (22) ounces, thirty-two (32) ounces, forty (40) ounces and/or similar size quantities is prohibited.

5. There shall be no sales of beers, ales or wines that have screw tops in bottles less than three hundred and seventy-five (375) milliliters, unless sold in manufacturer prepackaged multi-unit quantities.

6. The applicant shall be responsible for maintaining free of litter that area in front of and adjacent to the premises over which they have control.

7. No signs advertising the sale of alcoholic beverages shall be displayed outside of the store.

8. Licensee of its employees shall regularly police the area under the licensee's control in an effort to prevent the loitering of persons about the premises.

9. The sale of liquor in the store shall be limited to no more than two hundred (200) linear feet of display, which shall include the use of multi-tiered shelving not to exceed thirty-six (36) inches in depth.

10. If any of conditions are found to be disregarded, the use permit for alcohol sales may be revoked, and this aspect of the business operation may be immediately suspended. (Ord. 2006-09 § 8(part), 2006)