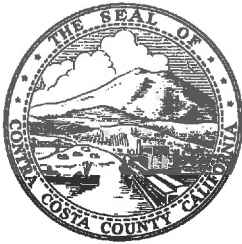


# EXHIBIT 3



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**CONTRA COSTA COUNTY**  
**Department of Conservation and Development**  
**Community Development Division**  
**30 Muir Road**  
**Martinez, CA 94553-4601**  
**Telephone: 674-7877      Fax: 674-7250**

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**TO:** Public Protection Committee  
Supervisor Federal Glover  
Supervisor John Gioia

**FROM:** John Kopchik, Interim Director  
By: Bob Calkins, CDBG Program Manager

**DATE:** October 27, 2014

**SUBJECT:** **Proposed Findings and Recommendations – Alcoholic Beverage Sales Commercial Activities (Deemed Approved Ordinance)**

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**RECOMMENDATION**

**APPROVE** the proposed Findings and Tentative Recommendations as proposed by staff and/or amended by the Public Protection Committee (PPC), and forward to the Board of Supervisors for consideration.

**BACKGROUND**

Through the efforts of District 5 Supervisor Federal Glover, it has come to the attention of the Board of Supervisors that a type of alcoholic beverage product known as "alcopops" has been identified as a contributor to under-age drinking in the County. On June 3, 2014, the Board of Supervisors referred to the PPC the task of reviewing Chapter 82-38 of the ordinance code, known as the "Deemed Approved" ordinance (Attachment #1), to determine if relevant changes can or need to be made to the ordinance in order to better regulate the sale of alcopops by liquor stores, as well as reviewing the entire ordinance to make any needed changes that would improve its overall effectiveness relating the sale of alcohol in the unincorporated areas. A 4-phase work plan was approved by the PPC on June 23, 2014 (Attachment #2).

**FINDINGS**

**Research**

1. There is a perception held by the public that AlcoPop products are marketed to youth, and are more accessible to minors than other alcoholic beverages.

2. The Performance Standards notice and Deemed Approved pamphlet were out-of-date (old phone numbers, etc.).
3. Health Services Department currently conducts inspections of businesses selling alcohol including Deemed Approved establishments.

#### Mapping

1. Many of the Deemed Approved establishments are within crime reporting districts with 20% higher than average crime rates (Attachment #3)
2. DCD has not received any complaints about a Deemed Approved establishment from the public, sheriff, or any other interested party.
3. DCD and the Sheriff's office have not coordinated sharing of crime data from Deemed Approved establishments.
4. Over the last four years, crimes have been reported taking place at most Deemed Approved establishments including crimes related to alcohol (sales to minors, intoxicated in public, etc.)

#### Site Inspections

1. Some Deemed Approved establishments are closed, no longer in business, or no longer sold alcohol.
2. Most Deemed Approved establishments do not have the Performance Standards notice posted in the store as required.
3. Most Deemed Approved establishments with AlcoPop products have them placed in the back of the store, in the refrigerator section next to other alcoholic beverages (beer, mostly).
4. A few Deemed Approved establishments in Bay Point and Rodeo have placed AlcoPop products near the front of the store, or near the cash register.
5. Most of the Deemed Approved establishments were found, at the time of the site inspections, to be free of nuisance activities (loitering, public drunkenness, excessive litter, or excessive loud noise).

### **TENTATIVE RECOMMENDATIONS**

1. Update the Performance Standards (PS) notice with correct contact information.
2. Have the PS notice contain a "Quick Response Code" (QR Code) containing how and where a person can submit a complaint about the operation of the Deemed Approved establishment.
3. Establish protocols with the Office of the Sheriff to share with DCD crime data for all Deemed Approved establishments on a yearly basis.
4. Establish a protocol for performing consistent site inspections of the Deemed Approved establishments including developing protocols with Health Services Department to share with DCD the results of their inspections of businesses selling alcohol including the Deemed Approved establishments.
5. Establish a protocol with the Tax Collectors Office to ensure Deemed Approved establishments are paying the required fee pursuant to Section 82-38-1006.

6. Conduct periodic trainings on the Ordinance to owners and employees of Deemed Approved establishments.
7. Advocate for State legislation prohibiting the sale of AlcoPop products by businesses that sale alcohol beverages.
8. Changes to Ordinance:
  - a) Require the PS notice to be a certain size (including font size, etc.) and posted in a specific location(s).
  - b) Add language to Section 82-38.814(9) of the Deemed Approved ordinance specifically allowing the County to prohibit the sale of AlcoPop products if an establishment is found to be in violation of the Ordinance.

#### Attachments