

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 06/16/2015 by the following vote:

AYE: ☐

NO: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2015/170

IN THE MATTER OF Contra Costa County, Proposed Revision to the Alcoholic Beverage Sales Commercial Activities Ordinance, Chapter 82-38 of the County Code, Countywide Unincorporated Areas, All Districts, County File No. ZT15-0001

WHEREAS, Contra Costa County proposes a revision to the County Code, Chapter 82-38—Alcoholic Beverage Sales Commercial Activities Ordinance (“Deemed Approved Ordinance”). The proposed revision would add language to Section 82-38.814(d)(9) that would authorize the County to prohibit the sale of alcopops at any establishment not in compliance with the Deemed Approved Ordinance, and also add text to Section 82-38.810 regarding the posting requirements of the Deemed Approved Performance Standards notice, and requiring the posted performance standards notice to be a 11”x17” in size and the font size on the notice to be 20-point type. Along with the proposed code changes, various policy revisions are also being recommended in order to better coordinate the efforts of the Department of Conservation and Development with other County departments and agencies for implementation and enforcement of the Deemed Approved Ordinance. Such policy revisions would include establishing protocols with the Office of the Sheriff, the Tax Collector, and the Health Services Department for improved information and data sharing concerning Deemed Approved alcohol establishments in the unincorporated areas of Contra Costa County; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA), and State and County CEQA Guidelines, staff has determined that the proposed action is not subject to the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines 15061(b)(3). It can be seen with certainty that there is no possibility that the proposed ordinance amendment will have a significant impact on the environment. The proposal will only serve to clarify and make enforcement and administration of the Deemed Approved Ordinance more efficient; and

WHEREAS, after notice having been fully given, a public hearing was scheduled before the County Planning Commission on March 24, 2015, during which hearing the Commission unanimously approved the ordinance and recommended that the Board of Supervisors approve and implement the proposed ordinance amendment and the recommendations of the Public Protection Committee related to enforcement of the Deemed Approved Ordinance.

NOW, THEREFORE, THE BOARD:

1. FINDS for purpose of compliance with the California Environmental Quality Act, that the proposed action is not subject to the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines 15061(b)(3), and that it can be seen with certainty that there is no possibility that the proposed ordinance amendment will have a significant impact on the environment, since the proposal will only serve to clarify and make enforcement and administration of the Deemed Approved Ordinance more efficient; and
2. ADOPTS Ordinance No. 2015-10, which amends the Alcoholic Beverage Sales Commercial Activities Ordinance to restrict the sale of alcopops under certain conditions and establish new posting requirements for alcohol retail sales locations; and
3. APPROVES the Public Protection Committee’s recommendation that the Performance Standards notice contain a smart phone “Quick Response Code” (QR Code) that contains information for how and where a person can submit a complaint about the operation of a Deemed Approved establishment; and
4. APPROVES the Public Protection Committee’s recommendation to establish protocols with the Office of the Sheriff to share with the Department of Conservation and Development crime data for all Deemed Approved establishments on a yearly basis; and
5. APPROVES the Public Protection Committee’s recommendation to establish protocols for performing consistent site inspections of Deemed Approved establishments, including developing protocols with the Health Services Department to share

with the Department of Conservation and Development the results of their inspections of businesses selling alcohol, including the Deemed Approved establishments; and

6. APPROVES the Public Protection Committee's recommendation to establish protocols with the Tax Collectors Office to ensure Deemed Approved establishments are paying the required fee pursuant to Section 82-38.1006 of the Deemed Approved Ordinance; and

7. APPROVES the Public Protection Committee's recommendation to conduct periodic training on the Deemed Approved Ordinance to owners and employees of Deemed Approved establishments; and

8. APPROVES the Public Protection Committee's recommendation to advocate for State legislation prohibiting the sale of alcopop products by businesses that sell alcoholic beverages; and

9. APPROVES the Public Protection Committee's recommendation to update the performance standards notice with correct contact information.

BE IT FURTHER RESOLVED that the reasons for these recommendations are as follows.

1. The proposed text amendment is consistent with the County General Plan, which includes goals to preserve the quality of life for residents of the County.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Gary Kupp (925) 674-7799

ATTESTED: June 16, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc: