



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: October 20, 2015

Subject: Status Report on the Administration of the Sales of Alcoholic Beverages Zoning Ordinance

RECOMMENDATION(S):

1) ACCEPT the status report and associated documents regarding enforcing and administering the Alcoholic Beverage Sales Commercial Activities Zoning Ordinance that regulates the sale of alcohol in the unincorporated County for all Deemed Approved establishments; and

2) DIRECT staff to study whether the existing \$400 annual fee per license is adequate to cover the costs of the administration and enforcement of the amended Ordinance and policies.

FISCAL IMPACT:

None. Administration and enforcement of the Deemed Approved Ordinance is funded by a \$400 annual fee that is paid by the Deemed Approved establishments and collected by the office of the Tax Collector.

BACKGROUND:

On June 15, 2015 the Board of Supervisors adopted amendments to the Alcoholic Beverage Sales Commercial Activities Zoning Ordinance that authorizes the County to prohibit the

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/20/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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.

ATTESTED: October 20, 2015

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

By: June McHuen, Deputy

Contact: Ryan Hernandez,
925-674-7824

cc:

sale of alcopops at any establishment not in compliance with the performance standards. These amendments also established new posting requirements for these “Deemed Approved” retail locations. The amendments became effective on July 16, 2015. For additional background on alcopops and the amendments, please refer to the report to the Board dated June 16, 2015.

BACKGROUND: (CONT'D)

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Along with the proposed code changes, various implementation procedures and strategies were also approved 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 included 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. The Board also directed staff to report back with an immediate status update on enforcement efforts.

This status report reviews the actions (listed below) taken by the Department, consistent with the Board's recommendations, in effecting change to the administration and enforcement of the amended Alcoholic Beverage Sales Commercial Activities Zoning Ordinance and recommends an additional action.

Action Items Complete:

1. Revised the Performance Standards Notice (attached) to include:
 - a. Quick Response matrix barcode;
 - b. Specific email account for streamlining complaints, alcohol.nuisances@dcd.cccounty.us;
 - c. Larger font;
 - d. A portion of which is translated into the Spanish language;
2. Created a County webpage that identifies additional resources;
3. Coordinated with Office of the Sheriff to receive quarterly reporting data on the Deemed Approved establishments;
4. Coordinated with Code Enforcement to schedule consistent site inspections of Deemed Approved establishments.

Action Items Ongoing:

1. Suggest language to the Legislation Committee to update the County's State Legislative Platform reflecting the County's opposition to the sale of alcopops;
2. Conduct trainings to owners of the Deemed Approved establishments;
3. Establish protocols with Tax Collector ensuring Deemed Approved establishments are paying the required fee pursuant to Section 82-38.1006.

Additional Action Item to be Considered by the Board: The County currently receives a \$400 annual fee per license issued by the California Department of Alcoholic Beverage Control for each establishment located within the unincorporated areas of the County. This fee was adopted by the Board in May of 2003. Since that time, administration and enforcement costs have risen and the number of deemed approved

establishments has declined. Staff recommends the Board authorize a study of the recently amended administration and enforcement policies, as it pertains to the cost of providing these services, and report back to the Board with findings and a recommendation on whether the existing annual fee is adequate for providing such services.

CONSEQUENCE OF NEGATIVE ACTION:

Should the Board not accept the status report about the enforcement and administration of the amended Alcoholic Beverage Sales Commercial Activities Ordinance, County staff would proceed in a manner consistent with the Board approved Ordinance unless the Board directs otherwise.

CHILDREN'S IMPACT STATEMENT:

The approved amendments to the Alcoholic Beverage Sales Commercial Activities Zoning Ordinance coupled with implementing the recommended administrative changes further the achievement of two of the five targeted outcomes: (2) Children and Youth Healthy and Preparing for Productive Adulthood; and (5) Communities that are Safe and Provide a High Quality of Life for Children and Families.

ATTACHMENTS

Cover Letter and Performance Standards Notice