



AGENDA PLANNING COMMISSION CITY OF EASTVALE

**Regular Meeting
Wednesday, July 15, 2015
6:00 p.m.**

**Rosa Parks Elementary School
13830 Whispering Hills Drive
Eastvale, CA 92880**

1. CALL TO ORDER

2. ROLL CALL/PLEDGE OF ALLEGIANCE

Commissioners: Bill Van Leeuwen, Karen Patel, Howard Feng
Vice-Chair: Larry Oblea
Chair: Daryl Charlson

3. PUBLIC COMMENT

This is the time when any member of the public may bring a matter to the attention of the Planning Commission that is within the jurisdiction of the Commission. The Ralph M. Brown act limits the Commission's and staff's ability to respond to comments on non-agendized matters at the time such comments are made. Thus, your comments may be agendized for a future meeting or referred to staff. The Commission may discuss or ask questions for clarification, if desired, at this time. Although voluntary, we ask that you fill out a "Speaker Request Form," available at the side table. The completed form is to be submitted to the Recording Secretary prior to being heard. Public comment is limited to two (2) minutes each with a maximum of six (6) minutes.

4. PRESENTATIONS

None

5. ADDITIONS/DELETIONS TO THE AGENDA

6. CONSENT CALENDAR

6.1 Planning Commission Minutes

RECOMMENDATION: Approve the minutes from the June 17, 2015, regular meeting.

6.2 Eastvale Connection

RECOMMENDATION: Receive and File.

7. PUBLIC HEARING

7.1 Project No. 15-1048 – Conditional Use Permit for on-site sales of beer and wine in an existing tenant space in the Eastvale Gateway North Retail Center that is being converted to a restaurant for “Blaze Pizza.” The project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301(e) of the California Environmental Quality Act. The applicant is Blaze IE LLC dba Blaze Fire’d Pizza; the Conditional Use Permit would apply to any future user of the tenant space.

RECOMMENDATION:

1. Adopt Resolution No. _____ to:
 - a. Approve an exemption pursuant to Section 15301(e) - Existing Facilities – of the California Environmental Quality Act (CEQA) for Conditional Use Permit No. 15-1048; and
 - b. Approve Conditional Use Permit No. 15-1048 for the sales of beer and wine at Blaze Pizza restaurant, subject to conditions of approval.

8. BUSINESS ITEMS

9. CITY STAFF REPORT

10. COMMISSION COMMUNICATIONS

11. ADJOURNMENT

The next regular meeting of the Eastvale Planning Commission will be held on **August 5, 2015**, at 6:00 p.m. at Rosa Parks Elementary School.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City of Eastvale. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

I, Marc Donohue, City Clerk, or my designee, hereby certify that a true and correct, accurate copy of the foregoing agenda was posted seventy-two (72) hours prior to the meeting, per Government Code Section 54954.2, at the following locations: City Hall, 12363 Limonite Avenue, Suite 910; Rosa Parks Elementary School, 13830 Whispering Hills Drive; Eastvale Library, 7447 Scholar Way; and on the City’s website (www.eastvaleca.gov).

MINUTES
REGULAR MEETING OF THE PLANNING COMMISSION
OF THE CITY OF EASTVALE
Wednesday, June 17, 2015
6:00 P.M.
Rosa Parks Elementary School
13830 Whispering Hills Drive
Eastvale, CA 92880

1. CALL TO ORDER - 6:00 p.m.

2. ROLL CALL/PLEDGE OF ALLEGIANCE

Commissioners present: Commissioners Van Leeuwen, Feng, Patel, Vice Chair Oblea, and Chair Charlson

Staff Members present: City Attorney Cavanaugh, Assistant Planning Director Perring, Environmental Planner Teague, Assistant Engineer Castaneda, and Recording Secretary Wuence.

The Pledge of Allegiance was led by Commissioner Feng.

3. PUBLIC COMMENT

Noah Drake Reyes, with GM Realty, shared his ideas about creating an annual Jazz Festival in Eastvale.

4. PRESENTATIONS

There were no Presentations.

5. ADDITIONS/DELETIONS TO THE AGENDA

There were no Additions or Deletions to the Agenda.

6. CONSENT CALENDAR

6.1 Approval of Minutes from the May 20, 2015 meeting.

Commissioner Patel requested the minutes be changed to reflect her statement on page four to read “between \$300,000 – \$350,000” instead of “under \$400,000”.

Motion: Moved by VanLeeuwen, seconded by Patel, to approve the minutes from the Regular Meeting held on May 20, 2015 with changes requested by Commissioner Patel.

Motion carried 5-0 with Feng, Van Leeuwen, Patel, Vice Chair Oblea and Chair Charlson voting aye.

7. PUBLIC HEARING

- 7.1 **PROJECT NO. 13-1601** – Major Development Plan Review for the development of a 19,104-square-foot retail building on approximately 2.67 acres located at the northwest corner of Hamner and ‘A’ Street (new Schleisman Road). Commercial use of the property was considered in an environmental assessment (initial study) prepared by Riverside County and adopted on November 21, 2008 (EA 41800). The Commission will consider the staff recommendation that the environmental analysis prepared by the County remains valid for the proposed commercial use and that no further environmental analysis is necessary. Applicant is 99 Cents Only Stores, c/o Doug Digison.

RECOMMENDATION:

1. Adopt Resolution No. _____ to approve a Major Development Plan for Project No. 13-1601, subject to conditions of approval; and
2. Give staff input about design and colors of future sign applications that will require separate staff-level approvals.

Assistant Planning Director Perring provided a PowerPoint presentation for the item.

She provided background on the Riverside County approved zone change, general plan amendment, and conditional use permit changing the land use of the site to commercial. She noted that in March and June of 2009 the County approved the tentative parcel map and final conditions of approval for the project.

She noted that the Planning Commission would consider the design of the buildings and site facilities for the parcel. The Planning Department is also requesting input from the Planning Commission on color and size of signage for the project.

Environmental Planner Teague noted that the environmental document was reviewed and concluded that the negative declaration that was done by Riverside County and the mitigation measures that were included at that time remain appropriate for the proposed commercial use on the site and recommended that the Commission adopt an NOD and move forward with the environmental documentation.

Chris Post, CEO of ATC Design Group, provided background on the applicant and displayed many name brand products and fresh produce available at 99 Cents Only stores. He discussed the evolvement and redesign of existing stores and noted the significant investments being made in this store and in Eastvale with street improvements and the community.

The Public Hearing was opened at 6:35 p.m.

Jesse Allen, Senior Vice President of Real Estate for 99 Cents Only Stores, noted that he is an Eastvale resident and wanted to invest in the community. He noted that he was looking for a quality national tenant to lease the other phase of the parcel.

Commissioner Oblea inquired about the condition for the Hamner road dedication and improvements. He also noted that he would like to see faux windows with awnings and a trellis feature that would meet the nonresidential design standards.

Chair Charlson initiated discussion about the full access entrance and exit onto Schleisman Road and the dedicated left turn pocket lane that would require a left turn for northbound travel onto Hamner Avenue. He requested striping and delineators be used to force traffic to stay in the dedicated left turn pocket lane.

Commissioner Patel inquired about a traffic signal on Hamner between the second phase of the project and the fire station. Assistant Engineer Castaneda noted that a review conducted found that a traffic signal was not recommended.

Commissioner Van Leeuwen inquired about the number of vehicles that would be coming in and out of the project site. It was noted that the review of Hamner found that there would be a minimal increase at peak hour volumes.

Commissioner Patel initiated discussion about the logo and blue/magenta color scheme.

Vice Chair Oblea again stated that he would like to see windows or faux windows and awnings on the south and east elevations of the building. There was discussion regarding painted and etched graffiti on the windows, if installed.

Applicant agreed to work with staff on the requested changes.

Chair Charlson inquired what might be in the next phase of the development. Mr. Allen noted that 99 Cents Only would be the anchor and the largest store and they would wait to have a tenant before building Phase II.

Chair Charlson requested the south and east sides of the building have signage to identify what is at the location.

Chair Charlson commented that a 99 Cents Only Store in Eastvale would be held to a high standard, as residents paid a lot of money to purchase homes and expect stores to maintain their appearance.

Commissioner Patel made some suggestions for the color, design, and placement of signage.

The Public Hearing was closed at 7:34 p.m.

Assistant Planning Director Perring reviewed the changes requested by the Planning Commission to the resolution, including windows or faux windows and awnings, and safety in the left turn lanes off of Schleisman.

Motion: Moved by Feng, seconded by Oblea, to approve Staff recommendation to Adopt the Resolution approving the Major Development Plan, subject to conditions of approval and modifications discussed.

Motion passed 5-0 with Feng, Patel, Van Leeuwen, Vice Chair Oblea, and Chair Charlson voting aye.

8. BUSINESS ITEMS

There were no Business Items.

9. CITY STAFF REPORT

There was no Staff Report.

10. COMMISSION COMMUNICATIONS

Commissioner Patel noted that she and Vice Chair Oblea attended the Economic Development Committee Meeting and reported that the City is working on improving the Shop Eastvale Website and that the Silverlakes Project in Norco would open on September 12. She noted that citizen input would be sought regarding sports tourism to tie with Silverlakes and other Eastvale Parks.

Chair Charlson thanked staff for the report.

11. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:39 p.m.

*Submitted by Margo Wuence, Recording Secretary
Reviewed and edited by Marc Donohue, City Clerk*

EASTVALE CONNECTION



MEETING SCHEDULE:

Eastvale Planning Commission Meeting

→ Wednesday, July 15 @ 6:00 p.m.

Eastvale City Council Meeting

→ Wednesday, July 22 @ 6:30 p.m.

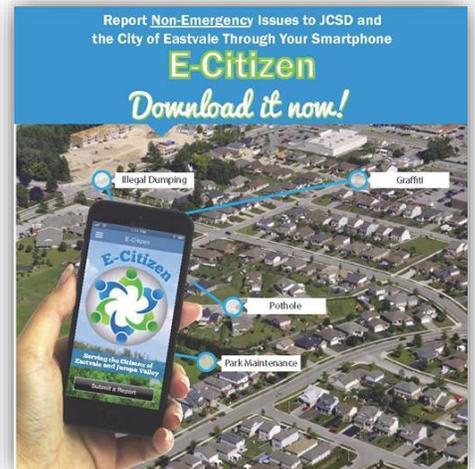
Eastvale Public Safety Commission Meeting

→ Tuesday, July 28 @ 6:00 p.m.

Meetings Held at Rosa Parks Elementary School
13830 Whispering Hills Drive, Eastvale, CA 92880

UPCOMING EVENTS:

- **July 1st- 31st**- July is Parks Month- Events every Wednesday and Saturday
- **July 9th**- Eastvale Chamber Connection Breakfast from 7:00- 8:30 a.m.
- **July 10th- August 28th**- Concerts in the Park every Friday night
- **July 10th**- Eastvale Pop Warner Youth Football, Cheer & Challenger Golf Tournament – 7:00 a.m. at Dos Lagos
- **July 11th**- CERT Refresher: Medical Operations from 9:00 a.m.- 12:00 p.m. at JCSD Office
- **July 14th**- Bike Master Plan Final Workshop at Eastvale Community Center 6:00 -7:00 p.m.
- **July 15th**- Public Information Workshop regarding Proposed City Hall at Rose Parks Elementary School at 7:00 p.m.
- **July 18th**- Moonlight Cinema: “The Goonies” at McCune Family Park beginning at Dusk
- **July 20th**- Community Meeting: Schleisman Road at Dairy Street/ Raymond Drive Traffic Study at New Day Church at 5:30 p.m.
- **July 22nd**- Santa Ana River Trail & Parkway Ribbon Cutting Ceremony at 9:30 a.m.
- **July 29th**- SBDC Internet Marketing Strategies at New Day Church from 9:00 a.m. – 12:00 p.m.





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City Hall is open Monday- Thursday from 7:30 a.m.- 5:30 p.m. City Hall is closed on Fridays.

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City of Eastvale

Planning Commission Meeting Agenda

Staff Report

MEETING DATE: JULY 15, 2015

TO: PLANNING COMMISSION

FROM: MORGAN WEINTRAUB, ASSISTANT PLANNER

SUBJECT: PROJECT NO. 15-1048 – CONDITIONAL USE PERMIT FOR THE ON-SITE SALE OF BEER AND WINE IN A NEW RESTAURANT, BLAZE PIZZA, IN THE EASTVALE GATEWAY NORTH RETAIL CENTER

RECOMMENDATION

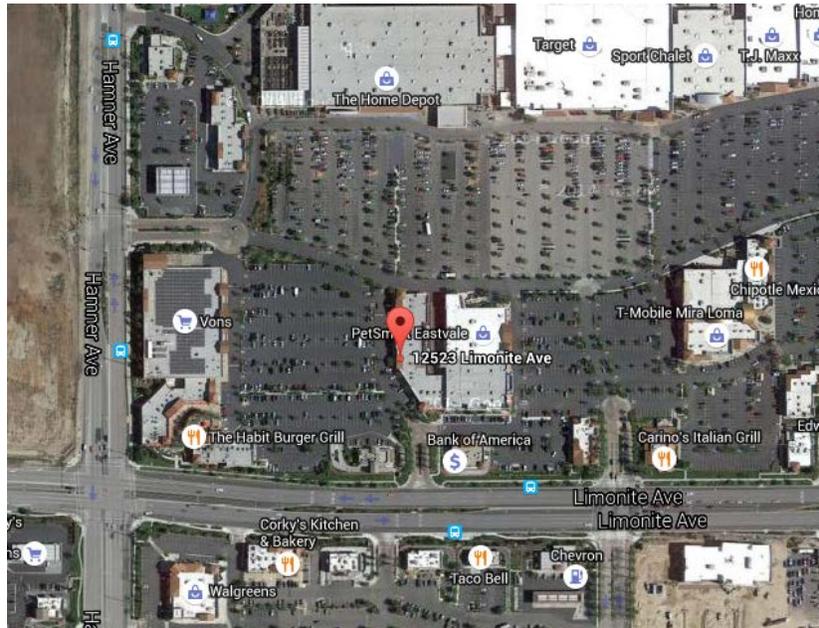
Staff recommends that the Planning Commission adopt Resolution No. 15-____ approving an exemption pursuant to Section 15301(e), Existing Facilities, of the California Environmental Quality Act (CEQA) for Conditional Use Permit No. 15-1048, and approving Conditional Use Permit No. 15-1048 for the sale of beer and wine at the Blaze Pizza restaurant, subject to conditions of approval.

BACKGROUND

Blaze Pizza will be located at 12523 Limonite Avenue, Suite 495, at the Eastvale Gateway North retail center (see **Figure 1**). This is an existing unit that was formerly occupied by Blockbuster Video. Construction is currently under way, including interior improvements to convert the suite to a restaurant use and modification of the existing landscape area to the south of the building to create a new patio area of approximately 600 square feet for outdoor dining.

An application has been received to sell beer and wine in this new restaurant. Currently, 14 businesses are permitted to sell alcoholic beverages within 1,000 feet of the proposed project site. A summary of these businesses is included in **Attachment 4** and their approximate locations are shown in **Figure 4**.

Figure 1 – Aerial Photo



DISCUSSION

Project Description

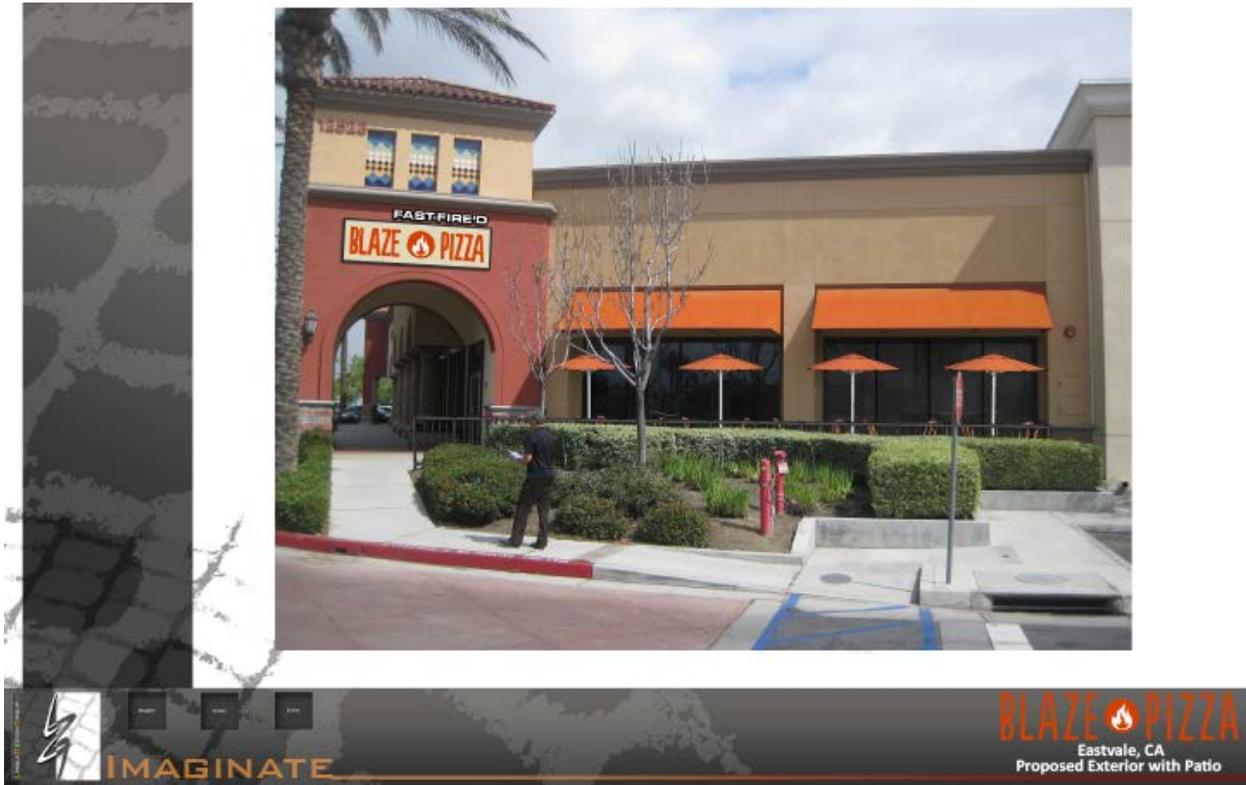
Blaze Pizza has applied for a Type 41 Beer and Wine Alcohol License from the California Department of Alcoholic Beverage Control (ABC) to allow the sale of beer and wine (no mixed drinks or distilled spirits) for on-site consumption.¹ The restaurant is proposing to operate daily from 11:00 a.m. to 10:00 p.m. Beer and wine are proposed to be served inside the restaurant and in the outdoor dining area (see **Figure 2**).

Per the Eastvale Zoning Code, all sales of alcohol require the approval of a Conditional Use Permit. If the Commission does not approve the Conditional Use Permit, the applicant will not be able to sell alcohol.

A display of beer and wine will be located next to the cash register in a refrigerated display case. Alcohol that is not on display will be stored in the refrigerator behind the counter. According to the applicant, the restaurant will keep less than 10 bottles of beer and wine on display at any one time. The applicant's Information/Justification Statement, which provides a description of the restaurant operation and its alcohol display, is included as **Attachment 3**.

¹ The Commission should keep in mind that the proposed Conditional Use Permit would “run with the land” and would apply to any future tenant on the site until and unless the CUP is revoked by the City.

Figure 3 – Final Exterior



Conditional Use Permit

All alcoholic beverage sales in Eastvale are subject to Section 3.3.B (Table 3.3-1) of the Eastvale Zoning Code, which requires the issuance of a Conditional Use Permit for any type of alcohol sales.

As shown in **Figure 4**, the sales of beer and wine will occur in a new restaurant located in the Eastvale Gateway North retail center. The restaurant will be located among other sites with permitted alcohol sales. The Eastvale Police Department reviewed the request and did not foresee any conflicts with the location of the restaurant.

Figure 4 – Permitted Alcohol Sales Sites



Guide to license types:

Type 20 – Off-sale beer and wine

Type 21 – Off-sale general

Type 41 – On-sale beer and wine for bona fide public eating place

Type 47 – On-sale general for bona fide public eating place

Per a condition of approval recommended by the Eastvale Police Department, daily alcohol sales will end one hour prior to closing. Additional conditions provided by the Eastvale Police Department following its review of the proposed use have been included in the attached conditions of approval (**Attachment 1**). The Police Department conditions include a requirement for video surveillance and loitering restrictions. The loitering restrictions are imposed by ABC regulations (**Attachment 5**).

In addition to the City conditions of approval, the project will be subject to the requirements of the California Department of Alcoholic Beverage Control. The ABC places restrictions on alcohol sales, location of consumption, and hours of operation. A summary of regulations for alcoholic sale and an ABC acknowledgment form are provided as **Attachment 5**.

Because the Police Department does not foresee problems with the proposed sale of alcohol, and because the sale will be subject to state law and enforcement by the ABC, staff recommends that the Planning Commission approve the Conditional Use Permit.

Public Hearing Notification and Comment

The requested CUP requires a 10-day public hearing notification period for owners and tenants of properties within a 1,000-foot radius of the project site. The public hearing notice was published on July 5, 2015, for the Planning Commission meeting on July 15, 2015. At the time of staff report preparation, no comment was received.

A map showing the properties that received notification is included as **Attachment 6** to this staff report.

REQUIRED PROJECT FINDINGS

California Environmental Quality Act

Pursuant to CEQA, and in light of the whole record before it, including but not limited to the City's local CEQA guidelines and thresholds of significance, the proposed Exemption incorporated therein by reference, any written comments received and responses provided, and other substantial evidence (within the meaning of Public Resources Code Sections 21080(e) and 21082.2) within the record and/or provided at the public hearing, the Planning Commission hereby finds and determines as follows:

Finding: The project qualifies for a Categorical Exemption pursuant to Section 1530, Existing Facilities, to be exempt from further environmental review requirements contained in CEQA.

Evidence: The proposed project is for the sales of beer and wine in an existing building. No physical changes to the exterior of the building will be necessary to support the sale of beer and wine.

1. Compliance with Law: The Notice of Exemption was prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.), and the local CEQA guidelines and thresholds of significance adopted by the City of Eastvale.
2. Independent Judgment: The Notice of Exemption reflects the independent judgment and analysis of the City of Eastvale.

Conditional Use Permit

The Eastvale Zoning Code (Section 2.2) requires that the Planning Commission make the following findings in order to approve a Conditional Use Permit. Staff's recommended findings are listed below.

Finding 1: The proposed use is consistent with the General Plan and all applicable provisions of the Zoning Code.

Evidence: The General Plan land use designation for the site is Commercial Retail. Per the Eastvale General Plan, the intent of the Commercial Retail land use designation is to enable the establishment and operation of community-serving commercial, service, and office businesses. The proposed use will consist of the sale of beer and wine in a restaurant located in an existing shopping center. Other restaurants in the same shopping center provide similar alcohol sales. The design, layout, access, and circulation of the shopping center are configured to accommodate the needs of retail and commercial uses. The proposed use will further the objectives and policies of the General Plan and will be compatible with the general land uses as specified in the plan.

Finding 2: The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood or such use, or the general welfare of the city.

Evidence: The new restaurant will be part of a large existing commercial center with adequate parking, circulation, and access to major roadway systems providing local and regional connectivity. The project is not located near any public schools. The project would allow the sale of beer and wine in a restaurant setting similar to other restaurants in the same commercial center, which is not expected to be detrimental to the health, safety, peace, morals, comfort, or general welfare of the city.

RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 15-_____ approving an exemption pursuant to CEQA for Conditional Use Permit No. 15-1048 and approving Conditional Use Permit No. 15-1048 for the sales of beer and wine at Blaze Pizza, subject to conditions of approval.

The Planning Commission's decision on this project is final, unless the decision is appealed to the City Council.

Planning Commission Options

The following alternatives are available to the Planning Commission:

1. Approve the project with additional changes and/or conditions.
2. Continue the public hearing and direct the applicant to make revisions.
3. Deny the Conditional Use Permit.

Staff's recommendation is that the Planning Commission approve the project.

FISCAL IMPACT

The proposed business will create sales tax revenues, which for retail uses typically far exceed the cost of providing police and other services. As a result, the project is expected to have a positive financial impact on the City's budget.

ATTACHMENTS

1. PC Resolution and Conditions of Approval
2. Notice of Exemption
3. Information/Justification Statement
4. Summary of Existing Permitted Alcohol Sites
5. ABC Regulations and License Types
6. 1,000-Foot Radius Map

Prepared by: Morgan Weintraub, Assistant Planner

Reviewed by: Eric Norris, Planning Director
John Cavanaugh, City Attorney

ATTACHMENT 1

PC RESOLUTION

AND

CONDITIONS OF APPROVAL

PC RESOLUTION NO. 15-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EASTVALE, CALIFORNIA, APPROVING AN EXEMPTION PURSUANT TO SECTION 15301(E), EXISTING FACILITIES, OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR CONDITIONAL USE PERMIT NO. 15-1048, AND APPROVING CONDITIONAL USE PERMIT NO. 15-1048 FOR THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION AT BLAZE PIZZA RESTAURANT IN AN EXISTING RETAIL CENTER (EASTVALE GATEWAY NORTH) LOCATED AT 12523 LIMONITE AVENUE, SUITE 495 (ASSESSOR'S PARCEL NUMBER 160-230-022)

WHEREAS, an application for a Conditional Use Permit (CUP No. 15-1048) for the sale of beer and wine for on-site consumption in a restaurant (Blaze Pizza) has been filed by Blaze Pizza for the real property located at 12523 Limonite Avenue, Suite 495, in the Eastvale Gateway North retail center, Assessor's Parcel Number 160-230-022; and

WHEREAS, the proposed Conditional Use Permit is considered a project as defined by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq.; and

WHEREAS, the Planning Director determined that the project qualifies for a Categorical Exemption from the provisions of CEQA per Section 15301(e), Existing Facilities, of the CEQA Guidelines; and

WHEREAS, the City of Eastvale Planning Department on July 5, 2015, published a legal notice in the *Press Enterprise*, a local paper of general circulation, indicating the date and time of the public hearing in compliance with state law concerning Conditional Use Permit No. 15-1048, and mailed said public hearing notice to each property owner within a 1,000-foot radius of the project site in accordance with state law, and per the Planning Commission's request, notification was also sent to commercial tenants on the project site and within a 1,000-foot radius; and

WHEREAS, the City of Eastvale Planning Commission conducted a duly noticed public hearing on July 15, 2015, at which time it received public testimony concerning Conditional Use Permit No. 15-1048, and considered the CEQA Exemption for the proposed project and the proposed Conditional Use Permit No. 15-1048 to sell beer and wine at Blaze Pizza.

NOW, THEREFORE, the Planning Commission of the City of Eastvale does hereby resolve, determine, and order as follows:

SECTION 1. ENVIRONMENTAL FINDINGS

Pursuant to CEQA, within the meaning of Public Resources Code Sections 21080(e) and 21082.2 within the record and/or provided at the public hearing, the Planning Commission hereby finds and determines that the project was adequately analyzed according to the CEQA Guidelines and qualified for an Exemption under Section 15301(e), Existing Facilities, as supported by the following Findings and Evidence:

Finding: The proposed project is exempt from further environmental review requirements contained in CEQA pursuant to Section 15301(e), Existing Facilities.

Evidence: The proposed project does not involve physical changes to the exterior of the building necessary to support the sale of beer and wine. The Notice of Exemption was prepared, processed, and noticed in accordance with CEQA (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.), and the local CEQA guidelines and thresholds of significance adopted by the City of Eastvale. The Notice of Exemption reflects the independent judgment and analysis of the City of Eastvale.

SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN

The project, the sale of alcoholic beverages, will be conducted within an existing building and will not involve any new construction or development of vacant or unimproved land. It is therefore not subject to the Multiple Species Habitat Conservation Plan.

SECTION 3. CONDITIONAL USE PERMIT FINDINGS

Pursuant to the Eastvale Zoning Code, and in light of the record before it, including the staff report dated July 15, 2015, and all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds and determines as follows:

Finding 1: The proposed use is consistent with the General Plan and all applicable provisions of the Zoning Code.

Evidence: The General Plan land use designation for the site is Commercial Retail. Per the Eastvale General Plan, the intent of the Commercial Retail land use designation is to enable the establishment and operation of community-serving commercial, service, and office businesses. The proposed use will consist of the sale of beer and wine in a restaurant located in an existing shopping center. Other restaurants in the same shopping center provide similar alcohol sales. The design, layout, access, and circulation of the shopping center are configured to accommodate the needs of retail and commercial uses. The proposed use will further the objectives and policies of the General Plan and will be compatible with the general land uses as specified in the plan.

Finding 2: The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood or such use, or the general welfare of the city.

Evidence: The new restaurant will be part of a large existing commercial center with adequate parking, circulation, and access to major roadway systems providing local and regional connectivity. The project is not located near any public schools. The project would allow the sale of beer and wine in a restaurant setting similar to other restaurants in the same commercial center, which is not expected to be

detrimental to the health, safety, peace, morals, comfort, or general welfare of the city.

SECTION 4. PLANNING COMMISSION ACTION

The Planning Commission hereby adopts Resolution No. 15-____ to approve an Exemption per the California Environmental Quality Act for Conditional Use Permit No. 15-1048 and approve Conditional Use Permit No. 15-1048 for the sale of beer and wine at Blaze Pizza, subject to conditions attached hereto as Exhibit 1.

PASSED, APPROVED, AND ADOPTED this 15th day of July, 2015.

Daryl Charlson, Chair

APPROVED AS TO FORM:

ATTEST:

John E. Cavanaugh, City Attorney

Marc Donohue, Secretary

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF EASTVALE)

I, Marc Donohue, Secretary of the Planning Commission of the City of Eastvale, California, do hereby certify that the foregoing Planning Commission Resolution, No. 15-____, was duly adopted by the Planning Commission of the City of Eastvale, California, at a regular meeting thereof held on the 15th day of July, 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marc Donohue, Secretary

EXHIBIT 1

Conditions of Approval

CONDITIONS OF APPROVAL

Planning Application Number: Project No. 15-1048 – Conditional Use Permit to sell beer and wine (Type 41 ABC License) at Blaze Pizza located at 12523 Limonite Avenue, Suite 495, in the Eastvale Gateway North retail center.

Assessor’s Parcel Number: 160-230-022

Approval Date: July 15, 2015

	Timing/ Implementation	Enforcement/ Monitoring	Verification (Date and Signature)
Conditions of Approval			
General Conditions/Requirements			
1. In compliance with Section 15062 of the CEQA Guidelines, a Notice of Exemption (NOE) shall be filed with the Riverside County Clerk within five (5) days of project approval. The applicant shall submit to the Planning Department a check or money order made payable to the Riverside County Clerk in the amount of \$50.00 no later than July 16, 2015 .		Planning Department	
2. The applicant shall review and sign below verifying the “Acceptance of the Conditions of Approval” and return the signed page to the Eastvale Planning Department. <hr style="width: 80%; margin-left: 0;"/> <div style="display: flex; justify-content: space-between; width: 80%; margin-left: 0;"> Applicant Signature Date </div>		Planning Department	
3. The applicant shall indemnify, protect, defend, and hold harmless the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including but not limited to arbitrations, mediations, and other such procedures) (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure	Ongoing	Planning Department	

Eastvale Planning Commission
 Conditional Use Permit No. 15-1048

	Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.			
4.	Any approval granted by the Planning Commission shall not be final until and unless the applicant's deposit account to cover the costs of application processing is made current and a positive balance of at least \$2,000 is on hand to cover the costs of staff review and follow-up during the construction process. Make check payable to the City of Eastvale and include Project No. 15-1048 on the check.	Ongoing	Planning Department and Building Department	
5.	No off-site sale of alcoholic beverages is allowed.	Ongoing	Planning Department	
6.	Serving of beer and wine shall only occur within the restaurant and the patio area in accordance with the Conditional Use Permit approved by the Planning Commission on July 15, 2015, and within the limits established by California Department of Alcoholic Beverage Control regulations.	Ongoing	Planning Department	
7.	Sale of alcoholic beverages shall take place during normal business operating hours and shall cease at least one hour prior to the close of business to minimize "premises liability" and give patrons time to acquire adequate transportation from the location following any alcohol consumption.	Ongoing	Police Department	
8.	A surveillance monitoring system shall be installed at the entrances of the business. The location and surrounding areas shall be monitored by digital cameras to prevent robbery and subjects loitering or "just hanging out." Unreported or repeated instances of robberies and/or loitering shall indicate a lack of security monitoring by the applicant. A sustained lack of security monitoring by the applicant may be determined to be a violation of the conditions of the permit. Any violation of the conditions of the permit may result in the permit's forfeiture.	Ongoing	Police Department	

9.	An alarm system shall be installed and maintained in a manner that would prevent any accidental/false activation. Training about the proper use of the alarm system shall be provided to all employees of the business to eliminate any accidental activation.	Ongoing	Police Department	
10.	Prior to allowing an individual employee to serve alcohol, the permit holder shall provide training on the lawful and responsible service of alcohol to that individual employee. A record of this training shall be kept on site to be available for review by the City, the Police Department, or the California Department of Alcoholic Beverage Control upon request.	Ongoing	Planning Department and Police Department	

General Compliance Items/Requirements and Information

The following items are noted for the applicant’s information. These items are generally required for all projects by City ordinances, other local agencies, and state or federal agencies.

1. The applicant shall comply with the regulations of the California Department of Alcoholic Beverage Control.
2. Store management should regulate the arrival and departure of all employees and restrict the “late-hour” use of the exit for trash removal and unnecessary opening. Adequate security measures should be instituted to eliminate any unauthorized access to the location. Good observation both into and from the location should reduce the likelihood of criminal activity. Having a good physical security plan should benefit the business with respect to “premises liability” for both employees and patrons.
3. “No Trespassing or Loitering” signs shall be displayed prominently around the business (602 P.C.).
4. Any individuals discovered loitering on the property shall immediately be removed from the premises by the owner. Should the owner fail to abate the problems, the Eastvale Police Department and/or other Riverside County or City of Eastvale enforcement agencies reserve the right to take appropriate enforcement actions to abate the problem, and the permit/alcohol license may be subject to revocation.
5. The location is required to have the address prominently displayed in a contrasting color from the building façade or on a fixed sign near the street/main entrances. The numbers must be visible from the street and interior property sides for any approaching emergency vehicles. No obstructions should limit their visibility (i.e., landscaping).
6. The applicant shall apply for and pay the appropriate fee for a sign permit application and shall provide details of all proposed signage for City review and approval for compliance with the Sign Program for the retail center prior to the installation of any signage.

Eastvale Planning Commission
Conditional Use Permit No. 15-1048

7. The applicant shall comply with all provisions and procedures of the Eastvale Building Department related to the plan check review process. (Please contact the Building Department at 951-361-0900.)
8. The applicant may request modifications or revisions to the approved Conditional Use Permit as outlined in the Eastvale Zoning Code.

ATTACHMENT 2

NOTICE OF EXEMPTION

CITY OF EASTVALE, CA

NOTICE OF EXEMPTION

TO BE SENT TO:

County of Riverside County Clerk
P.O. Box 12004
Riverside, CA 92502

Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

PROJECT CASE NO: Conditional Use Permit No. 15-1048

PROJECT APPLICANT/SPONSOR: Blaze Pizza c/o Joe Stein

PROJECT LOCATION: 12523 Limonite Avenue, Suite 495, in the Eastvale Gateway North Retail Center, Eastvale, CA 91752

APN(s): 160-230-022

PROJECT DESCRIPTION: The proposed project is a request for a Conditional Use Permit (CUP No. 15-1048) to allow the sale of beer and wine for on-site consumption in a new restaurant located in the Eastvale Gateway North shopping center.

The project or activity identified above is determined to be exempt from further environmental review requirements contained in the California Environmental Quality Act (CEQA).

EXEMPTION STATUS:

- Ministerial (*Sec. 21080(b)(1); Sec. 15268*)
- Declared Emergency (*Sec. 21080(b)(3); Sec. 15269(a)*)
- Statutory Exemption
- X** Categorical Exemption (*Sec. 15301(e) Existing Facilities*)
- Other

REASONS TO SUPPORT EXEMPTION FINDINGS: The proposed project modifies the interior of an existing building and will construct approximately 600 square feet of outdoor dining area. According to Section 15301(e), the project is exempt if an addition to an existing structure will not result in an increase of more than 2,500 square feet.

LEAD AGENCY CONTACT:

PHONE NUMBER: (951) 703-4460

CITY OF EASTVALE PLANNING DEPARTMENT
Eric Norris, Planning Director

ATTACHMENT 3

INFORMATION/JUSTIFICATION STATEMENT



FE DESIGN & CONSULTING

Additional Information/Justification

“Blaze Pizza”

12523 Limonite Avenue #495

Blaze IE, LLC (A)
30025 Alicia Parkway #224
Laguna Niguel, CA 92677

Eastvale Gateway, LLC (O)
1156 N. Mountain Avenue
Upland, CA 91785

FE Design & Consulting (R)
327 East 2nd Street, Suite 222
Los Angeles, CA 90012

REQUEST

A Conditional Use Permit to allow the on-site sale and dispensing of beer and wine only in conjunction with a new restaurant.

ABOUT THE BUSINESS

Blaze Pizza is a rapidly expanding franchise of custom-made fast-fire'd pizzas, created by Rick Wetzel, the founder of Wetzel's Pretzels. The company started in Southern California, and the first locations were in Irvine and Pasadena. The chain has since expanded across the country, with new locations opening every month. For \$8, customers can select from a wide assortment of toppings in order to build their own custom personal pizza. The pizza is then cooked for two minutes in a high-temperature oven.

Many Blaze Pizza locations offer beer and wine in order to create a full-service dining experience to help attract a dinner crowd. Alcohol is an additional amenity which is always supplemental to the sale of food – Blaze Pizza is first and foremost a restaurant where patrons come to enjoy a meal. At the same time, beer and wine is an additional amenity which some customers seek out and which can help a business attract customers.

HOURS OF OPERATION AND ALCOHOL SERVICE

11 a.m. to 10 p.m. Daily

ALCOHOL DISPLAY

Blaze Pizza restaurants have a long service counter where customers move down a conveyor belt in order to create their custom pizza. Patrons start by selecting a crust and sauce, then move through a series of topping choices. At the very end of the pizza-making process, right next to the cash register, there is a small refrigerated display case with salads, deserts, and a small selection of beer and wine. Customers can decide whether to have any of these additional items right before paying for their pizza. Alcohol that is not on display is stored in the fridge behind the counter. Staff replace alcohol as it is purchased from the display case. They keep less than 10 bottles of beer and wine on display at any one time.

4/29/15 DG

ATTACHMENT 4

SUMMARY OF EXISTING PERMITTED ALCOHOL SITES

Active Liquor Licenses Within 1,000 Feet of the Proposed Location of Blaze Pizza

TYPE	LICENSE NO.	PRIMARY OWNER & PREMISES	BUSINESS NAME
20	425618	Target Corp. 12471 Limonite Avenue Eastvale, CA 91752	Target T1961
20	505587	Chevron Stations Inc. 12464 Limonite Avenue Eastvale, CA 91752	Chevron 21-0408
20	518533	Walgreens Co. 12574 Limonite Avenue Eastvale, CA 91752	Walgreens #13657
21	510719	Target Corp. 12471 Limonite Avenue Eastvale, CA 91752	Target T1961
41	401032	Lam Bros. Corp 12257 Limonite Avenue, Suite 820 Eastvale, CA 91752	Thai Bamboo Cafe
41	488644	Chipotle Mexican Grill Inc. 12411 Limonite Avenue , Suite 600 Eastvale, CA 91752	Chipotle Mexican Grill
41	515729	Overeasly Inc. 12552 Limonite Avenue , Suite 130 Eastvale, CA 91752	Corky's Kitchen & Bakery
41	533009	Little Vinny's Pizza Inc. 12768 Limonite Avenue, Suite 101 Eastvale, CA 92880	Ponino's Pizzeria
47	455310	Sunset Wings III L-PSHIP 12411 Limonite Avenue , Suite 650 Eastvale, CA 91752	Buffalo Wild Wings Grill & Bar
47	467189	Apple SoCal LLC 12375 Limonite Avenue Eastvale, CA 91752	Applebee's Neighborhood Grill and Bar
47	483883	Carloma Partners LLC 12447 Limonite Avenue Eastvale, CA 91752	Carino's Italian Grill
47	486234	Zip Fusion Inland Inc. 12257 Limonite Avenue, Suite 800 Eastvale, CA 91752	Zip Fusion Sushi
47	487956	Border Loma 15 Partners L-Pship 12269 Limonite Avenue Eastvale, CA 91752	On the Border
41	540950	Rad Restaurants Inc. 12571 Limonite Avenue, Suite 210 Eastvale, CA 91752	Tio's Mexican Food

ATTACHMENT 5

ABC REGULATIONS AND LICENSE TYPES

COMMON ABC LICENSE TYPES AND THEIR BASIC PRIVILEGES

LICENSE TYPE	DESCRIPTION
01	BEER MANUFACTURER - (Large Brewery) Authorizes the sale of beer to any person holding a license authorizing the sale of beer, and to consumers for consumption on or off the manufacturer's licensed premises. Without any additional licenses, may sell beer and wine, regardless of source, to consumers for consumption at a bona fide public eating place on the manufacturer's licensed premises or at a bona fide eating place contiguous to the manufacturer's licensed premises. May conduct beer tastings under specified conditions (Section 23357.3). Minors are allowed on the premises.
02	WINEGROWER - (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct winetastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises.
20	OFF SALE BEER & WINE - (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.
21	OFF SALE GENERAL - (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.
23	SMALL BEER MANUFACTURER - (Brew Pub or Micro-brewery) Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.
40	ON SALE BEER - (Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
41	ON SALE BEER & WINE – EATING PLACE - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
42	ON SALE BEER & WINE – PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
47	ON SALE GENERAL – EATING PLACE - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
48	ON SALE GENERAL – PUBLIC PREMISES - (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
49	ON SALE GENERAL – SEASONAL - Authorizes the same privileges and restrictions as provided for a Type 47 license except it is issued for a specific season. Inclusive dates of operation are listed on the license certificate.



LICENSE TYPE	DESCRIPTION
51	CLUB - Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. No off-sale privileges. Food service is not required. Minors are allowed on the premises.
52	VETERAN'S CLUB - Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guest only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
57	SPECIAL ON SALE GENERAL - Generally issued to certain organizations who cannot qualify for club licenses. Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guests only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
59	ON SALE BEER AND WINE – SEASONAL - Authorizes the same privileges as a Type 41. Issued for a specific season. Inclusive dates of operation are listed on the license certificate.
60	ON SALE BEER – SEASONAL - Authorizes the sale of beer only for consumption on or off the premises where sold. Issued for a specific season. Inclusive dates of operation are listed on the license certificate. Wine or distilled spirits may not be on the premises. Minors are allowed on the premises.
61	ON SALE BEER – PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer only for consumption on or off the licensed premises. Wine or distilled spirits may not be on the premises. Minors are not allowed to enter and remain (warning signs required). Food service is not required.
67	BED AND BREAKFAST INN - Authorizes the sale of wine purchased from a licensed winegrower or wine wholesaler only to registered guests of the establishment for consumption on the premises. No beer or distilled spirits may be on the premises. Wine shall not be given away to guests, but the price of the wine shall be included in the price of the overnight transient occupancy accommodation. Removal of wine from the grounds is not permitted. Minors are allowed on the premises.
70	ON SALE GENERAL – RESTRICTIVE SERVICE - Authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. This license is normally issued to "suite-type" hotels and motels, which exercise the license privileges for guests' "complimentary" happy hour. Minors are allowed on the premises.
75	ON SALE GENERAL – BREWPUB - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on a bona fide eating place plus a limited amount of brewing of beer. Also authorizes the sale of beer and wine only for consumption off the premises where sold. Minors are allowed on the premises.
80	BED AND BREAKFAST INN – GENERAL - Authorizes the sale of beer, wine and distilled spirits purchased from a licensed wholesaler or winegrower only to registered guests of the establishment for consumption on the premises. Alcoholic beverages shall not be given away to guests, but the price of the alcoholic beverage shall be included in the price of the overnight transient occupancy accommodation. Removal of alcoholic beverages from the grounds is not permitted. Minors are allowed on the premises.
86	INSTRUCTIONAL TASTING LICENSE –Issued to the holder of and premises of a Type 20 or Type 21 licensee, authorizes the tasting of alcoholic beverages as authorized to be sold from the off-sale premises, on a limited basis. Requires physical separation from the off-sale premises while tasting is taking place and generally requires the participation of a specifically-authorized manufacturer or wholesaler licensee.



SPECIAL EVENTS

The Department also issues licenses and authorizations for the retail sale of beer, wine and distilled spirits on a temporary basis for special events. The most common are listed below. Other less common ones are found in Business and Professions Code Section 24045.2, et seq.

SPECIAL DAILY BEER AND/OR WINE LICENSE - (Form ABC-221) Authorizes the sale of beer and/or wine for consumption on the premises where sold. No off-sale privileges. Minors are allowed on the premises. May be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State. In some instances, the local ABC office may require the applicant to obtain prior written approval of the local law enforcement agency. Issued to non-profit organizations. (Rule 59, California Code of Regulations)

DAILY ON SALE GENERAL LICENSE - (Form ABC-221) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. No off-sale privileges. Minors are allowed on the premises. May be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State. In some instances, the local ABC office may require the applicant to obtain prior written approval of the local law enforcement agency. Issued to political parties or affiliates supporting a candidate for public office or a ballot measure or charitable, civic, fraternal or religious organizations. (Section 24045.1 and Rule 59.5 California Code of Regulations)

CATERING AUTHORIZATION - (Form ABC-218) Authorizes Type 47, 48, 51, 52, 57, 75 and 78 licensees (and catering businesses that qualify under Section 24045.12) to sell beer, wine and distilled spirits for consumption at conventions, sporting events, trade exhibits, picnics, social gatherings, or similar events. Type 47, 48 and 57 licensees may cater alcoholic beverages at any ABC-approved location in the State. Type 51 and 52 licensees may only cater alcoholic beverages at their licensed premises. All licensees wishing to cater alcoholic beverages must obtain prior written authorization from the Department for each event. At all approved events, the licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the ABC Act pertaining to the conduct of on-sale premises and violation of those provisions may be grounds for suspension or revocation of the licensee's license or permit, or both, as though the violation occurred on the licensed premises. (Section 23399 and Rule 60.5 California Code of Regulations)

EVENT AUTHORIZATION - (Form ABC-218) Authorizes Type 41, 42, 47, 48, 49, 57, 75 and 78 licensees to sell beer, wine and distilled spirits for consumption on property adjacent to the licensed premises and owned or under the control of the licensee. This property shall be secured and controlled by the licensee and not visible to the general public. *The licensee shall obtain prior approval of the local law enforcement agency.* At all approved events, the licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the ABC Act pertaining to the conduct of on-sale premises (including any license conditions) and violations of those provisions may be grounds for suspension or revocation of the licensee's license or permit, or both, as though the violation occurred on the licensed premises. (Section 23399)

WINE SALES EVENT PERMIT - (Form ABC-239) Authorizes Type 02 licensees to sell bottled wine produced by the winegrower for consumption off the premises where sold and only at fairs, festivals or cultural events sponsored by designated tax exempt organizations. The licensee must notify the city and/or county where the event is being held and obtain approval from ABC for each event (Form ABC-222). The licensee must also comply with all restrictions listed in Business and Professions Code Section 23399.6.

Note:

1. "Minor" means any person under 21 years of age.
2. Consult Section 25663(b) regarding age of employees in off-sale premises; consult Sections 25663(a) and 25663.5 regarding age of employees in on-sale premises.
3. In certain situations, ABC may place reasonable conditions upon a license, such as restrictions as to hours of sale, employment of designated persons, display of signs, restrictions on entertainment or dancing, etc. If a license has been conditioned, it will be endorsed as such on the face of the license. (Conditional licenses, Sections 23800-23805.)
4. Licensees whose license allows minors on the premises may have a "house policy" restricting minors from entering certain areas of the premises or prohibiting minors in the premises during certain hours.
5. This handout contains only abbreviated information. Contact your local ABC office for full information before doing anything which may jeopardize your license. Also available from the ABC: Quick Summary of Selected ABC Laws (form ABC-608); Alcoholic Beverage Control Act (complete laws); Rules & Regulations; and P-90 (describes privileges of non-retail licenses).

**QUICK SUMMARY OF SELECTED LAWS FOR
RETAIL LICENSEES**



Introduction

This pamphlet explains, in simple terms, some State laws and rules that retail licensees must follow. There are other State and local laws not listed here. When in doubt, call your local ABC office. You can also buy the entire set of ABC laws and rules from your local ABC office for \$11.50 plus tax.

ABC Penalties. ABC decides penalties for licensees on a case-by-case basis. ABC gives consideration to the type of violation, the licensee's past record, and the facts of each case. ABC penalties may be probation, suspension of the ABC license, a fine of \$750-\$6,000, or revocation of the ABC license.

Definitions. "B&P" means the Business and Professions Code. "CCR" means the California Code of Regulations. "PC" means the Penal Code. "H&S" means the Health and Safety Code. The term "licensee" as used here, means licensees, their agents, and employees. "Alcohol" means an alcoholic beverage. "On-sale" means bars, restaurants, taverns, clubs, hotels, motels, etc. "Off-sale" means liquor stores, grocery stores, convenience stores, etc. "Minor" means person under age 21.

Subject	Possible Penalties
<p>1. After Hours Licensees may not sell, give, or deliver alcohol (by the drink or by the package) between 2:00 a.m. and 6:00 a.m. of the same day. No person may knowingly purchase alcohol between 2:00 a.m. and 6:00 a.m. (Sec. 25631 B&P) Licensees may not permit patrons or employees to consume alcohol between 2:00 a.m. and 6:00 a.m. of the same day (even if someone bought the drinks before 2:00 a.m.). (Sec. 25632 B&P) Some ABC licenses have special conditions (restrictions) as to hours of sale that are stricter than the law. Those licenses are marked "Conditional." (23800-23805 B&P)</p>	<p><i>Criminal:</i> For the licensee or employee who sells or permits consumption after hours and for the patron who knowingly purchases after hours, the penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>2. Attire and Conduct On-sale licensees may not permit these acts: "(1) To employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals. (2) To employ or use the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in paragraph (1) above. (3) To encourage or permit any person on the licensed premises to touch, caress, or fondle the breasts, buttocks, anus or genitals of any other person. (4) To permit any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof." (Rule 143.2 CCR. Also violates Sec. 311.6 PC if conduct is "obscene;" e.g., intercourse, sodomy, masturbation, etc.)</p>	<p><i>Criminal:</i> Violation of Rule 143.2 CCR carries no criminal penalty. For violation of Sec. 311.6 PC, the penalty is a maximum six months in county jail and/or a maximum \$1,000 fine. (Sec. 19 PC)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>

<p>3. Authority of Peace Officers/Refusing Inspection Police officers, sheriffs' deputies, and ABC investigators are sworn law enforcement officers (peace officers) with powers of arrest. Whether in plainclothes or uniform, peace officers have the legal right to visit and inspect any licensed premises at any time during business hours <i>without a search warrant or probable cause</i>. This includes inspecting the bar and back bar, store room, office, closed or locked cabinets, safes, kitchen, or any other area within the licensed premises. It is legal and reasonable for licensees to exclude the <i>public</i> from some areas of the premises. However, licensees <i>cannot and must not</i> deny entry to, resist, delay, obstruct, or assault a peace officer. (Secs. 25616, 25753, and 25755 B&P; 148 and 241(b) PC)</p>	<p><i>Criminal:</i> For refusing to permit an inspection, the penalty is a \$100-\$1,000 fine and/or one to six months in county jail. (Sec. 25616 B&P) For resisting, delaying, or obstructing a peace officer, the penalty is a maximum \$1,000 fine and/or maximum one year in county jail. (Sec. 148(a) PC) For assaulting a peace officer, the penalty is a maximum \$2,000 fine and/or a maximum one year in county jail. (Sec. 241(b) PC)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>4. Beer Keg Registration Licensees selling keg beer (six gallon capacity or larger): (a) Must tag all kegs and have the customer sign a receipt; (b) Must retain the receipts on the premises for six months and make them available to peace officers; (c) May not return any deposit upon the return of any keg that does not have an identification tag. It is against the law for a customer to: (a) Possess a keg containing beer knowing that the keg does not have an identification tag; or (b) Provide false information to the licensee. (Section 25659.5 B&P)</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail for (1) the licensee, (2) the person who possesses the unidentified keg; and (3) the customer who provides false information to the licensee. (Sec. 25617 B&P).</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>5. Clerk's Affidavit; Posting of Sign Any person selling alcohol at an off-sale premises must sign a statement that he or she understands basic ABC laws and must disclose any ABC law convictions. The licensee must post signs in the store that warn customers. (See Form ABC-299 for wording.) (Sec. 25658.4 B&P)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>6. Concurrent Sales of Alcohol and Gasoline Licensees who sell both gasoline and alcohol must abide by the following conditions: 1. No beer or wine within five feet of the cash register or front door (unless in a permanently affixed cooler since 1/1/88); 2. No alcohol advertisements at the fuel islands; 3. No alcohol sales from a drive-in window; 4. No alcohol sales from an ice tub; 5. No self-illuminated beer or wine advertisements on buildings or windows; and 6. Cashiers selling beer or wine between 10:00 p.m. and 2:00 a.m. must be at least age 21. (Section 23790.5(d) B&P)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>7. Conditional Licenses Some ABC licenses have special restrictions (conditions) limiting the hours of alcohol sales, type of entertainment, etc. Licensees must keep a copy of any conditions on the premises, abide by them, and show them to any peace officer upon request. (Secs. 23800-23805 B&P)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>8. Contaminated Beverages Licensees and their employees may not sell, furnish or give away alcoholic beverages containing any deleterious or poisonous substance. (Sec. 347(b) PC) Licensees may not allow open bottles of alcoholic beverages to become contaminated with insects or other foreign matter. (Secs. 25620, 25623 and 25634 H&S)</p>	<p><i>Criminal:</i> For the licensee or employee who violates the penal code, the penalty is a fine up to \$2,000 and/or up to one year in county jail. (Sec. 347(b) PC)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>

<p>9. Discrimination A licensee, other than certain exempt club licensees, who refuses to provide full and equal accommodations, facilities, privileges, or services in the licensed premises by reason of one's sex, color, race, religion, ancestry, etc., may be subject to disciplinary action. There may be no discrimination as to the price of drinks based on race, religion, sex, marital status, membership or non-membership in an organization, or on any other conditions which would result in discrimination against the general public. (Sec. 51 Civil Code and Sec. 125.6 B&P)</p>	<p><i>Criminal:</i> None <i>ABC:</i> Decided on a case-by-case basis</p>
<p>10. Disorderly Conduct Licensees may not permit these acts in or about their licensed premises: (a) Lewd conduct in public (b) Prostitution (c) Accosting others for the purpose of begging (d) Loitering in or about public toilets for a lewd or lascivious purpose (e) Loitering without apparent reason and refusing to identify oneself upon the request of any peace officer (f) Being under the influence of alcohol and/or drugs in public and unable to exercise care for one's own safety or the safety of others. (647 PC)</p>	<p><i>Criminal:</i> For the person committing the illegal act, the penalty is a maximum six months in county jail and/or a maximum \$1,000 fine. (Sec. 19 PC) <i>ABC:</i> Decided on a case-by-case basis</p>
<p>11. Disorderly House Licensees may not permit their licensed premises to become a disorderly house. A disorderly house is a licensed outlet (on- or off-sale) that (a) disturbs neighbors with noise, loud music, loitering, littering, vandalism, urination or defecation, graffiti, etc., and/or (b) has many ongoing crimes inside such as drunks, fights, assaults, prostitution, narcotics, etc. The licensed premises includes the parking lot. (Sec. 25601 B&P; 316 PC)</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P) <i>ABC:</i> Decided on a case-by-case basis</p>
<p>12. Drink Solicitation On-sale licensees may not: (a) Employ hosts, hostesses, or entertainers who solicit others to buy them drinks, alcoholic or non-alcoholic (b) Pay or agree to pay such an employee a percentage of the receipts from the sales of drinks solicited (c) Permit any person, whether an employee or not, to loiter for the purpose of soliciting an alcoholic drink (Seccs. 24200.5(b) and 25657(a)(b) B&P; Rule 143 CCR; Sec. 303(a) PC)</p>	<p><i>Criminal:</i> For the licensee, the penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P) For the drink solicitor, the penalty is a maximum \$1,000 fine and/or six months in county jail unless specific penalty. (Sec. 303(a) PC) <i>ABC:</i> Decided on a case-by-case basis</p>
<p>13. Drug Paraphernalia Licensees may not sell any product knowing, or under circumstances where one reasonably should know, that the customer intends to use the product for illegal drug purposes. This includes, but is not limited to, scales and balances, diluents and adulterants, balloons, envelopes, containers, pipes, screens, syringes, needles, scouring pads, blow torches, or cigarette papers. (Secs. 11014.5, 11364.5, and 11364.7(a) H&S) The law presumes that a licensee, or his/her agent(s), knows that an item is drug paraphernalia if ABC or any other state or local law enforcement agency notifies the licensee in writing that a thing (e.g., a glass vial, pipe screen, wiry sponge or scouring pad, roach clips, etc.) is commonly sold or marketed as drug paraphernalia. (See also Form ABC-546-A, Notice to Licensees Concerning Drug Paraphernalia Under Section 24200.6 Business and Professions Code) (Sec. 24200.6 B&P)</p>	<p><i>Criminal:</i> The penalty is a maximum six months in county jail and/or a maximum \$1,000 fine. (Sec. 19 PC) <i>ABC:</i> Decided on a case-by-case basis</p>

<p>14. Entertainers and Conduct</p> <p>On-sale licensees who offer entertainment must abide by the following rules: “(1) No licensee shall permit any person to perform acts of or acts which simulate: (a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law. (b) The touching, caressing or fondling on the breast, buttocks, anus or genitals. (c) The displaying of the pubic hair, anus, vulva or genitals. (2) Subject to the provisions of subdivision (1) hereof, entertainers whose breasts and/or buttocks are exposed to view shall perform only upon a stage at least 18 inches above the immediate floor level and removed at least six feet from the nearest patron. No licensee shall permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above. No licensee shall permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.” (Rule 143.3 CCR. Also violates Sec. 311.6 PC if conduct is “obscene;” e.g., intercourse, sodomy, masturbation, etc.)</p>	<p><i>Criminal:</i> Violation of Rule 143.3 CCR carries no criminal penalty. For a violation of Sec. 311.6 PC, the penalty is a maximum six months in county jail and/or a maximum \$1,000 fine. (Sec. 19 PC)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>15. False I.D. (Possession or Use of)</p> <p>Minors may not possess or use identification that is altered, borrowed, stolen, counterfeit, or fraudulently obtained using false birth documents. (Sec. 25661 B&P)</p>	<p><i>Criminal:</i> For the minor, the penalty is a minimum \$250 fine and/or 24-32 hours of community service. Second offense is a maximum \$500 fine and/or 36-48 hours community service. (Sec. 25661 B&P)</p> <p><i>ABC:</i> Not applicable</p>
<p>16. Food Requirements</p> <p>Type 41, 47, and 49 licensees must operate and maintain their licensed premises as a bona fide eating place. They must make actual and substantial sales of meals, during the normal meal hours that they are open, at least five days a week. Normal meal hours are: Breakfast 6:00 a.m. - 9:00 a.m. lunch 11:00 a.m. - 2:00 p.m.; and dinner 6:00 p.m. - 9:00 p.m. Premises that are not open five days a week must serve meals on the days they are open.</p> <p>The premises must be equipped and maintained in good faith. This means the premises must possess working refrigeration and cooking devices, pots, pans, utensils, table service, condiment dispensers, menus, posters, signs, and enough goods to make substantial meals. The premises must comply with all regulations of the local health department.</p> <p>Incidental, sporadic or infrequent sales of meals or a mere offering of meals without actual sales is not compliance. “Meals” means the usual assortment of food commonly ordered at various hours of the day. The service of only sandwiches or salads is not considered compliance. However, certain specialty entrees, such as pizza, fish or ribs, and an assortment of other foods, such as soups, salads or desserts, may be considered a meal.</p> <p>The Department will presume that a licensee is operating as a bona fide eating place if the gross sales of food prepared and sold to guests on the premises exceeds the gross sales of alcoholic beverages. “Prepared” means any processing preliminary to the final serving of food. (Note: Some licensees have a “conditional” license that requires food sales to be 50% or more of the total gross sales.) (Secs. 23038 and 23787 B&P)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>

<p>17. Harmful Matter Licensees may not rent, sell, give, or show harmful matter to persons under age 18. Harmful matter includes, but is not limited to, a book, magazine, newspaper, or video tape that “. . . depicts or describes in a patently offensive way sexual conduct and . . . lacks serious literary, artistic, political, or scientific value for minors.” If licensees sell harmful matter, they must use reasonable care in ascertaining the true age of a minor.</p> <p>If licensees sell or rent videos of harmful matter, they must create an area within their licensed premises for the placement of the videos and advertising material and label it, “Adults Only.” Minors must not be able to readily access the videos or view the video box covers.</p> <p>If licensees sell books or magazines of harmful matter, they should contact their local police or sheriff’s department about any local ordinances that may apply. Some cities and counties require licensees to place “blinder racks” in front of such material so that the lower two-thirds of the material is not exposed to view. (Secc. 313 and 313.1 PC and Sec. 25612.5(c)(9) B&P)</p>	<p><i>Criminal:</i> The penalty for a first offense of selling, giving, or showing harmful matter to a juvenile is a maximum \$2,000 fine and/or one year in county jail. The penalty for a second offense is State prison. Failure to create and label the “adults only” area is an infraction punishable by a maximum \$100 fine. (Sec. 313.4 PC and Sec. 25612.5(c)(9) B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>18. Law Enforcement Problem Licensees may not permit their licensed premises to be a problem for the local law enforcement agency by needing an undue number of calls for service. The licensed premises includes the parking lot. (Sec. 24200(a) B&P)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>19. Minors (Attempt to Purchase by) Minors may not even try to buy alcohol. (Sec. 25658.5 B&P)</p>	<p><i>Criminal:</i> For the minor, the penalty is a maximum \$100 fine and/or 24-32 hours community service. For the second offense, the penalty for the minor is a maximum \$250 fine and/or 36-48 hours of community service. (Sec. 25658.5 B&P)</p> <p><i>ABC:</i> Not applicable</p>
<p>20. Minors (Employment of) On-Sale Licensed Premises. Licensees may not employ minors on the portion of any premises which is primarily designed and used for the sale and service of alcohol for consumption on the premises. (Secs. 25663(a) and 25667 B&P) <i>Exception:</i> Minor musicians (see #14) <i>Restaurants:</i> In a bona fide public eating place, persons age 18 or older may serve alcohol in an area primarily designed and used for the sale and service of food for consumption on the premises as an incidental part of their overall duties. Bartenders and cocktail waitresses must be 21. <i>Concession Stands:</i> A person who is at least 18 but not yet 21 may serve alcohol, as an incidental part of his or her duties, at a fixed concession stand that sells food products, soft drinks, and alcohol. <i>Pizza Parlors:</i> A person under age 21 may not serve alcohol while working behind a fixed counter where only soft drinks, alcohol, and other beverages are dispensed and food items are served at another counter within the premises.</p> <p>Off-Sale Licensed Premises. Persons age 18 and older may sell alcohol unsupervised. Persons age 17 and younger may sell alcohol if under the continuous supervision of a person age 21 or older. (Sec. 25663(b) B&P)</p>	<p><i>Criminal:</i> For the licensee, the penalty is a maximum \$1,000 fine and/or six months in county jail. No penalty for the minor employee. (Sec. 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>

<p>21. Minors (Entering and Remaining in Bars/Taverns) Licensees may not permit minors to enter and remain in any bar or tavern (license Types 42, 48, and 61), even during hours when the premises is closed. Both the licensee and the minor may be cited. <i>Exception:</i> Minors may enter and remain at any time for lawful business. For example, delivery and repair persons. (Sec. 25665 B&P)</p>	<p><i>Criminal:</i> For the minor, the penalty is a minimum \$200 fine; a maximum \$1,000 and/or six months in county jail. For the licensee, the penalty is a maximum \$1,000 fine and/or six months in county jail. (Secs. 25665 and 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>22. Minors (Possession of Alcohol by) Minors may not possess alcohol in public. <i>Exceptions:</i> A minor may possess alcohol in public if (a) the minor is making a delivery for his licensed employer, or (b) a parent, guardian, or adult relative has given alcohol to a minor and asked the minor to deliver it to some other adult. A licensee may not give alcohol to a minor on the telephoned or written order of a parent. (Sec. 25662(a) B&P)</p>	<p><i>Criminal:</i> For the minor, the penalty for a first offense is a \$250 fine or 24-32 hours community service. For a second offense, the penalty is a maximum \$500 fine and/or 36-48 hours community service. (Section 25662(a) B&P)</p> <p><i>ABC:</i> Not applicable</p>
<p>23. Minors (Purchase or Consumption by) Minors may not purchase alcohol. Minors may not consume alcohol in an on-sale licensed premises. (Sec. 25658(b) B&P)</p>	<p><i>Criminal:</i> For the minor, the penalty is a \$250 fine and/or 24-32 hours of community service. For a second or subsequent offense the penalty is a maximum \$500 fine and/or 36-48 hours community service. (Sec. 25658(e)(1) B&P)</p> <p><i>ABC:</i> For a first offense, the penalty is a \$750-\$3,000 fine, license suspension, or probation. For a second offense within three years, the penalty is a mandatory license suspension. For a third offense within three years, the license may be revoked. (Sec. 25658.1 B&P)</p>
<p>24. Minors (Sales/Furnishing to) No person may sell, furnish, or give alcohol to a minor. No person may cause or permit this to occur. This includes sales to minor “decoys” used by local law enforcement agencies. (Sec. 25658(a) B&P)</p>	<p><i>Criminal:</i> For the seller, the penalty is a \$250 fine and/or 24-32 hours of community service. For a second or subsequent offense the penalty is a maximum \$500 fine and/or 36-48 hours community service. (Sec. 25658(e)(1) B&P)</p> <p>For the furnisher, the penalty is a \$1,000 fine and a minimum 24 hours community service. (Sec. 25658(e)(2) B&P)</p> <p>If the minor consumes the beverage and thereafter causes great bodily injury or death to the minor or any other person, the person who purchases and furnishes to the minor faces 6-12 months in county jail and/or a maximum \$1,000 fine. (Sec. 25658(e)(3) B&P)</p> <p><i>ABC:</i> For a first offense, the penalty is a \$750-\$3,000 fine, license suspension, or probation. For a second offense within three years, the penalty is a mandatory license suspension. For a third offense within three years, the license may be revoked.</p>

<p>25. Musicians (Minors) Musicians who are at least age 18 but not yet 21 can be employed in all types of on-sale premises, only if the following conditions exist: (a) There is no topless or nude entertainment, either live or on film; (b) The area of employment is restricted for the exclusive use of musicians and entertainers; (c) No alcohol is sold, served, or consumed in the restricted entertainment area; (d) The restricted area is readily identifiable. It must be a room, a stage, or an area bounded by partitions or other barriers at least 30 inches high; (e) While performing, the musician must remain in the restricted area.</p> <p>At a bar or tavern (license Type 42, 48, or 61) the minor musician must remain in the restricted area at all times, except when: (a) Entering or leaving the premises, (b) Setting up equipment, (c) Visiting restrooms, (d) Resting or changing clothing in a room which is not used for sale, service, or consumption of alcohol by the public, (e) Auditioning when the place is not open for business. An entertainer is a musician if the bulk of his or her performance involves making music with an instrument or his or her voice. (Sec. 25663.5 B&P)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>26. Narcotics and Dangerous Drugs Licensees may not knowingly permit illegal sales, negotiations, or use of narcotics or dangerous drugs on the licensed premises. (Secs. 24200.5(a) and 24200(a) B&P; various H&S)</p>	<p><i>Criminal:</i> Most drug offenses are felonies, punishable by imprisonment in State prison</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>27. Objectionable Conditions (Failure to Correct) Upon notice, licensees must take reasonable steps to correct objectionable, nuisance conditions on or about the licensed premises and on abutting public sidewalks up to 20 feet from the premises, within a reasonable period of time. The conditions include disturbance of the peace, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking, or excessive loud noise. <i>Exception:</i> Restaurants (license Types 41 and 47), hotels, motels, wineries, and beer manufacturers are not responsible for correcting nuisance conditions on abutting public sidewalks. (Sec. 24200[e][f][g] B&P).</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>28. Obviously Intoxicated Persons and Habitual Drunkards No person may sell or give alcohol to anyone who is obviously intoxicated. No person may cause or permit this to occur. A person is obviously intoxicated when the average person can plainly see that the person is intoxicated. In other words, the person looks or acts drunk. This includes regular customers who “always act that way.” It does not matter that the person is not driving. For there to be a violation of law, the prosecutor must prove that the server either saw or had the chance to see the signs of intoxication before the service. Some of the signs of intoxication are: being overly friendly, using foul language, argumentative, belligerent, slurred speech, slow, deliberate movements, swaying, drowsy, stumbling, red, watery eyes, or alcoholic breath.</p> <p>No person may sell or give alcohol to anyone who is a habitual drunkard (a person who has lost control over his or her drinking). No person may cause or permit this to occur. A server may discover a habitual drunkard in one of two ways: (a) A family member tells you the person has a drinking problem and asks you not to serve, or (b) the patron is a regular and unable to handle drinking on a regular basis. A licensee or server who has been warned and still serves a habitual drunkard faces possible ABC disciplinary action and criminal prosecution. (Secs. 25602(a) and 23001 B&P; 397 PC)</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P)</p> <p><i>ABC:</i> The first offense is decided on a case-by-case basis. For a second offense within three years, the penalty is a mandatory license suspension.</p> <p><i>Civil:</i> Lawsuit (for service to an underage, obviously intoxicated person) (Sec. 25602.1 B&P). Civil penalties are money judgments or settlements, usually against everyone (seller or server, licensee, licensee's insurer, etc.). They are determined by the court or jury during a civil lawsuit.</p>

<p>29. Off-Sale Beer and Wine License Privileges Type 20 licensees cannot sell more than 52 gallons of wine at one time or sell alcohol for resale. (Sec. 23393 B&P)</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>30. Off-Sale General License Privileges Type 21 licensees cannot (a) sell more than 52 gallons of wine at one time, or (b) sell alcohol for resale. <i>Exception:</i> Licensees may sell alcohol for resale to the holder of a Daily On-Sale General license. (Secs. 23393 and 23394 B&P)</p>	<p><i>Criminal:</i> For the violator, the penalty is a maximum \$1,000 fine and/or six months in county jail. (Secs. 25351 and 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>31. Operating Standards, Retail The following requirements apply to stores (license Type 20 and 21), bars and taverns (license Types 40, 42, 48, and 61). These requirements do not apply to restaurants (license Types 41 and 47), convention centers, exhibit halls, auditoriums, ballparks, stadiums, coliseums, hotels, motels, a certain marine park, wineries, or beer manufacturers.</p> <ol style="list-style-type: none"> 1. Post “No Loitering” signs upon written notice from the ABC; 2. Post “No Open Container” signs upon written notice from the ABC; 3. No alcohol consumption inside a store or outside a bar or tavern; 4. Illuminate the exterior of the premises, including adjacent public sidewalks and parking lots under the licensee's control, during all hours of darkness when open for business; 5. Remove litter daily from the premises, adjacent sidewalks and parking lots under licensee's control and sweep/clean these areas weekly; 6. Remove graffiti from premises and parking lot within 72 hours (3 days) of application; 7. Have no more than 33% of windows covered with advertising or signs; 8. Have incoming calls blocked at pay phones upon request of local law enforcement or ABC; and 9. Create a separate area for any video recordings of harmful matter (as defined in Penal Code Section 313). The area must be labeled “Adults Only.” Minors may not be able to readily access the videos or view the video box covers. 10. Have a copy of the operating standards available during normal business hours for viewing by the general public. (Section 25612.5(c) B&P) 	<p><i>Criminal:</i> The licensee only (not employees) may be cited for each violation of the operating standards. For the licensee, the penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>32. Removal of Opened Wine Bottle Restaurants (license Type 41 and 47) may allow patrons to remove a partly-consumed bottle of wine from the premises upon departure. (Customers should place any open bottles in the trunk area of their vehicle to avoid violating the Vehicle Code.) (Sec. 23396.5 B&P)</p>	<p>Not applicable. This is a permissive section of law.</p>
<p>33. Retail Delivery Orders Employees cannot deliver alcohol without a delivery order. It must state the quantity, brand, proof, price, name and address of the customer, and name and address of the store. The licensee must keep the order on file for two years after delivery. (Rule 17(e) CCR)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-base basis</p>
<p>34. Retail Store Qualifications Licensees may sell alcohol only in the original package for consumption off the premises. Licensees must conveniently display all alcohol. Licensees must make any alcohol deliveries from the licensed premises. Licensees may only take telephone orders for alcohol when the store is open to the general public. (Rule 27 CCR)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>

<p>35. Retail-to-Retail Sales Retail licensees may not purchase alcohol for resale from another retail licensee. Licensees must purchase alcohol for resale from a non-retail licensee only. Warehouse-type discount stores are licensed retailers, and they cannot sell alcohol for resale to other retailers. For example, a retail licensed store may not sell to the bar down the street who has run out of a certain brand of liquor. It would be illegal for both the store and the bar to do so. The borrowing of alcohol between retail licensees is an illegal, retail-to-retail sale. <i>Exception:</i> A licensee who has three or more outlets licensed exactly the same may transfer products between that licensee's stores. Also, type 21 licensees may sell distilled spirits for resale to the holder of a Daily On-Sale General license. (Sec. 23402 B&P)</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Secs. 25351 and 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>36. Returns by Consumers to Retailers Returns of all types of alcoholic beverages by consumers to sellers were once ruled to be illegal under both State and federal law. In 1961, the Federal Government approved the return by consumers of alcoholic beverages which were spoiled, deteriorated, contaminated, or otherwise unfit for human consumption. This approval was made on the condition that there would be a bottle-for-bottle exchange or cash refund for the unsatisfactory merchandise. It was necessary for a consumer to bring back a partially emptied bottle or a bottle which clearly showed deterioration of the product, such as sediment, to qualify for the refund. The Department adopted the federal policy that same year. Later, the Department modified its approval to the extent that other types of alcoholic beverages could be exchanged for those which were unfit for human consumption.</p> <p>A consumer may also make an exchange or receive a refund on an item purchased in error if the unopened container is returned to the seller. The advertising of "money-back guarantees" is specifically disapproved, however.</p> <p>A consumer cannot overbuy for a party and then return any of the unused alcoholic beverages. Neither can the recipient of a gift exchange it for other merchandise or be given a credit, because the recipient is not returning alcoholic beverages; if the retailer gave anything of value for the beverages, the retailer would be buying from other than a wholesaler. Sales to consumers are final except as previously set forth. The Department and federal law agree in this respect. (Sec. 25600(a)(2))</p>	<p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>37. Right to Refuse Service to Minors Licensees and their employees have the legal right to refuse service to anyone who cannot show adequate written evidence of age. A licensee or employee may seize any identification presented by a person that shows the person to be under the age of 21 years or that is false, so long as a receipt is given to the person from whom the identification is seized and the seized identification is given within 24 hours of seizure to the local law enforcement agency that has jurisdiction over the licensed premises. A licensee, his or her agent or employee's decision to not seize a license shall not create any civil or criminal liability. (Sec. 25659 B&P)</p>	<p>Not applicable. This is a permissive section of law.</p>

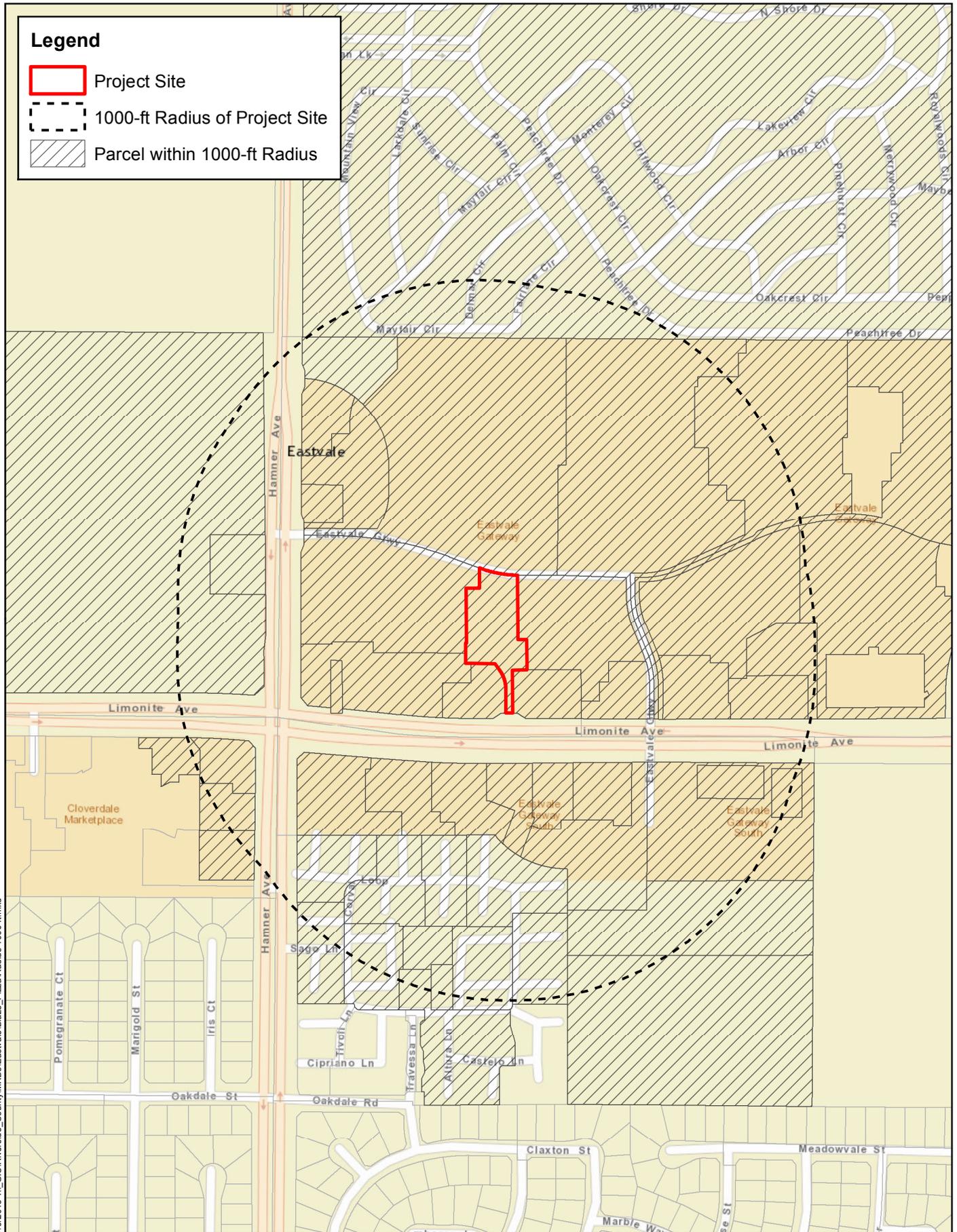
<p>38. Signs Bars and taverns (License Types 42, 48, and 61) must post signs reading, “No Person Under 21 Allowed.” Licensees must post one at or near each public entrance, visible from the exterior, and one inside in a prominent place. The signs must be at least 7” x 11” and have lettering at least 1” in height. (Rule 107 CCR)¹</p> <p>No more than 33% of the square footage of the windows and clear doors of an off-sale premises may have advertising or signs of any sort. (Sec. 25612.5(c)(7) B&P)²</p> <p>Stores (license Types 20 and 21) must post one or more customer warning signs in the store (see form ABC-299 for wording). (Sec. 25658.4 B&P)²</p> <p>Upon written notice from the ABC, licensees must post “No Loitering” and “No Open Container” signs. <i>Exception:</i> This law does not apply to restaurants (license Types 41 and 47), convention centers, exhibit halls, auditoriums, ballparks, stadiums, coliseums, hotels, motels, a certain marine park, wineries, or beer manufacturers. (Sec. 25612.5(c)(1)(2) B&P)²</p> <p>Signs may not be obnoxious, gaudy, blatant, or offensive, and must not obstruct the view of the interior of the premises from the street. (Sec. 25612 B&P)²</p> <p>All on- and off-sale licensees must post warning signs reading, “Warning: Drinking spirits, beer, coolers, wine, and other alcoholic beverages may increase cancer risk and, during pregnancy, can cause birth defects.” (Sec. 12601(b)(1)(D)(1) and 12601(b)(4)(E) CCR)³</p>	<p>¹<i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p> <p>²<i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p> <p>³<i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p> <p><i>Civil:</i> A civil lawsuit may be brought against an alcohol manufacturer or distributor by the Attorney General, a district attorney, or a private citizen. Judgments are a maximum of \$2,500 per day per violation, with 25% of the sum going to the plaintiff. Civil penalties <u>do not</u> apply to the retail licensee. (Sec. 12601 CCR)</p>
<p>39. Substitution of Brands No person may substitute types or brands of alcohol without first informing the purchaser. (Sec. 25609 B&P)</p>	<p><i>Criminal:</i> For the licensee or employee, the penalty is a maximum \$1,000 and/or six months in county jail. (Sec. 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>40. Undisclosed Ownership; Changes in Ownership The ABC license must reflect the true ownership of the licensed business. There can be no hidden owners or silent partners. Licensees must report any and all ownership changes to the ABC. (Secs. 23300 and 23355 B&P; Rule 68.5 CCR)</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>41. Unlawful Possession on Licensed Premises Licensees may not allow any alcohol on the premises other than what they are licensed to sell. <i>Exception:</i> Type 41 licensees may possess brandy, rum, or liqueurs for cooking purposes. (Section 25607(a)(b) B&P)</p>	<p><i>Criminal:</i> For the licensee, employee or patron, the penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>42. Weapons Licensees may not possess or sell certain firearms and/or weapons, including but not limited to, undetectable firearms, nunchakus, short-barreled shotguns, short-barreled rifles, metal knuckles, billy clubs, dirks, and daggers. (Sec. 12020 PC)</p>	<p><i>Criminal:</i> The penalty is imprisonment in the county jail not exceeding one year or in a State prison. (Sec. 12020(a) PC)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>

ATTACHMENT 6

1,000-FOOT RADIUS MAP

Legend

-  Project Site
-  1000-ft Radius of Project Site
-  Parcel within 1000-ft Radius



7/9/2015 T:\GIS\Riverside_County\MXDs\Eastvale\Blaze_Pizza\Radius 1000-ft.mxd



Source:

