

**ORDINANCE NO. 2014-01**

**AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING SECTION 18.48, ALCOHOLIC BEVERAGE SALES, TO TITLE 9, PLANNING AND ZONING, OF THE JURUPA VALLEY MUNICIPAL CODE, TO AMEND AND SUPERSEDE CERTAIN PROVISIONS OF RIVERSIDE COUNTY ZONING ORDINANCE NO. 348 AND FINDING AN EXEMPTION FROM CEQA UNDER SECTION 15061(b)(3) OF THE CEQA GUIDELINES**

**THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS FOLLOWS:**

**SECTION 1.**            **Zoning Code Amendment.** Section 18.48, “Alcoholic Beverage Sales” of Title 9 “Planning and Zoning” of the Jurupa Valley Municipal Code is hereby amended to add a new Paragraph e. to read as follows:

“e. DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY.

(1) Statement of Policy. Pursuant to Article 1 of Chapter 6 of Division 9 of the California Business and Professions Code (commencing with Section 23950), the State of California Department of Alcoholic Beverage Control (“ABC”) is charged with the responsibility under state statute to review and issue licenses for the sale and/or manufacture of alcoholic beverages. If issuance of a proposed license, excluding licenses for non-retail, hotel, motel, restaurant and manufacturing establishments, would result in or add to an undue concentration of licenses, the City of Jurupa Valley may make a determination of public convenience or necessity for the license within 90 days of receipt of an application. It is the responsibility of the applicant to justify the public convenience or necessity for alcohol sales. Issuance of a Letter of Determination of Public Convenience or Necessity is a discretionary action to be decided by the Planning Commission after reviewing the submittal of an application for a Determination of Public Convenience or Necessity.

(2) Determination of Public Convenience or Necessity. The City Council has established procedures for the determination of public convenience or necessity and has delegated the responsibility for making such determinations to the City of Jurupa Valley Planning Commission. The Planning Commission will consider a request from an applicant to make a determination whether or not a case for public convenience or necessity exists.

(3) Applications. Applications for Issuance of a Letter of Determination of Public Convenience or Necessity shall be made in writing to the Planning Department. To assist the City in making the determination, the applicant must provide a typed and detailed letter stating how public convenience or necessity would be served by issuance of the applied for license. The letter should include the following information:

- a) The type of license requested from ABC;
- b) Whether the requested license is an existing license;

- c) Name, address, and telephone number of applicant;
- d) Name Address and telephone number of proposed business;
- e) A written statement of justification, including:
  - 1. The primary purpose of the business;
  - 2. Whether the sale of alcohol an essential part of the primary purpose of the business;
  - 3. Days and hours of operation;
  - 4. The percentage of the business anticipated being alcohol sales;
  - 5. Whether there be concurrent sales of motor vehicle fuels and alcoholic beverages for off-premise consumption; and
  - 6. The reasons or justifications for approving a determination of public convenience or necessity for an additional license;
- f) A floor plan indicating the location and dimensions of space allocated for alcohol, the type and dimensions of storage areas and units, and the location for the sale of alcohol;
- g) Any safety measures or mitigations that may benefit the health, safety and welfare of the community;
- h) Any documentation on over-concentration and/or crime rates or conditions received from ABC;
- i) If the applicant operated at other locations, the name and address of each location;
- j) Any letters of support from the community for the sale of alcohol; and
- k) Any additional information as determined by the Planning Department.

(4) Public Hearing. A public hearing shall be held on the application in accordance with the provisions of Section 18.26 and all the procedural requirements and rights of appeal as set forth therein shall govern the hearing.

- a) The Planning Commission shall serve as the approving body subject to a public hearing, as required by Section 18.26.
- b) The Planning Department shall route the application to the appropriate departments, including the Crime Prevention Unit of the Sheriff's Department, for input and recommendations.

c) Once an application has been deemed complete, the Planning Director shall consider and make a recommendation to approve, approve with conditions or deny the permit. The City wishes to balance the number of off-premise consumption licenses with the convenience of the local store consumers. The following criteria will be used when considering the approval of an off-premise consumption license:

1. The retail location must consist of at least 7,000 square feet of gross floor area.
2. No more than 10% of the floor area may be devoted to alcoholic beverage sales.
3. At least 10% of the floor area must be devoted to food sales.
4. If the location of the proposed business is within a high crime area, which is defined as Police Department calls for service to alcohol-related incidences for 20% or greater as compared to the average number reported for the City as a whole, the Planning Commission may use that fact in denying the application.
5. The subject project and building and proposed use has no outstanding Building and Health Code violations or code enforcement activity.
6. The site is properly maintained including building improvements, landscaping and lighting.
7. The proposed business is located more than 1,000 feet from a public or private school (pre-school through twelfth grade), as measured from any point upon the outside walls of the building or building lease space containing the proposed business to the nearest property line of the school.
8. The proposed business is not located along a regular path of pedestrian travel by school children to a public or private school (pre-school through twelfth grade).

d) The recommendation shall be forwarded to the Planning Commission, which shall act to approve, approve with conditions, or deny the application within 90 days from submittal.

(5) Findings. The Planning Commission shall make the following findings in making a determination of public convenience or necessity and approving or conditionally approving an application for Issuance of a Letter of Determination of Public Convenience or Necessity:

- a) That the proposed use will not be detrimental to the health, safety and welfare of the community;

- b) That the proposed use would enhance the economic viability of the area in which it is proposed to be located;
- c) That the proposed use is compatible with the surrounding area;
- d) That the background of the proposed licensee and the history of the premises or any premises the applicant has operated in the past were not detrimental to the health, safety and welfare of the community; and
- e) That the applicant will agree, in writing, to the conditions placed upon the application.

(6) Conditions of Approval. The Planning Commission may impose such conditions as are necessary to protect the health, safety and welfare of the community and fulfill the findings required for the determination of public convenience or necessity.”

**SECTION 2.**           **CEQA Finding.**       The City Council hereby finds, in the exercise of its independent judgment and analysis, that this ordinance is exempt from the California Environmental Quality Act (CEQA) because there is no possibility the proposed ordinance would have a significant impact on the environment pursuant to CEQA Guideline Section 15061(b)(3). In particular, the ordinance only allows for applications for issuance of letters of Determination of Public Convenience or Necessity and the City’s criteria for consideration of those applications. CEQA review will be conducted at the time of the filing of these applications to analyze the effects of any specific request for issuance of a letter of Determination of Public Convenience or Necessity. As no specific request is before the City at this time, any analysis of environmental effects would be speculative.

**SECTION 3.**           **Findings.**       The City Council hereby makes the following findings in adopting this Ordinance as required by the Jurupa Valley Ordinances and applicable state law:

(a)     The Zoning Amendment will be consistent with the Riverside County General Plan as there are no specific provisions regarding the City’s acceptance and consideration of applications requesting letters of Determination of Public Convenience or Necessity contained within the General Plan. As such, no consistency issues will result. Further, at the time any specific request for a letter of Determination of Public Convenience or Necessity comes before the City, an analysis of General Plan consistency will be conducted at that time.

(b)     The City of Jurupa Valley is proceeding in a timely fashion with preparation of the City of Jurupa Valley General Plan. Additionally, the City Council finds that:

(1)     There is a high probability that the Zoning Amendment will be consistent with the general plan proposal being considered or studied or which will be studied within a reasonable time;

(2)     There is little or no probability of substantial detriment to or interference with the future adopted general plan if the proposed Zoning Amendment is ultimately inconsistent with the plan; and

(3) The proposed Zoning Amendment complies with all other applicable requirements of state law and Jurupa Valley Ordinances.

**SECTION 4. Effect of Ordinance.** This Ordinance is intended to supersede any ordinance or resolution of the County of Riverside in conflict with the terms of this ordinance.

**SECTION 5. Certification.** The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Jurupa Valley on this 20<sup>th</sup> day of March, 2014.

  
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Frank Johnston  
Mayor

ATTEST:

  
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Victoria Wasko, CMC  
City Clerk

**CERTIFICATION**

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF JURUPA VALLEY )

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance was regularly introduced at a regular meeting of the City Council on the 6<sup>th</sup> day of March, 2014 and thereafter at a regular meeting held on the 20<sup>th</sup> day of March, 2014, it was duly passed and adopted by the following vote of the City Council:

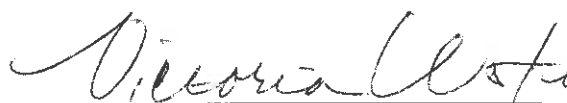
**AYES: GOODLAND, HANCOCK, JOHNSTON, LAURITZEN, ROUGHTON**

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 20<sup>th</sup> day of March, 2014

  
Victoria Wasko, CMC, City Clerk  
City of Jurupa Valley