

city's community development department before the conditional use permit expires.

B. A request for an extension of time shall state the reasons why an extension is needed. The planning commission will consider the request at a duly noticed public hearing. Based upon the evidence presented at the public hearing, the planning commission may deny, approve, or conditionally approve the extension for up to one hundred eighty days. (Ord. 1084 §2(part), 2006)

17.52.060 Modification or revocation. A conditional use permit granted pursuant to this chapter shall be subject to modification and/or revocation. If, in the opinion of the director of community development, the establishment is operated in a manner as to interfere with the normal use and enjoyment of the surrounding properties, the body taking final action on the permit may modify and/or revoke the conditional use permit pursuant to the provisions in the manner provided by Section 17.68.070 of this title. (Ord. 1084 §2(part), 2006)

17.52.070 Design standards. The design and appearance of any off-sale establishments, if newly constructed or remodeled on the exterior, shall conform to the city architectural design guidelines and all other applicable development standards. When completed, the establishment shall be compatible with surrounding land uses and zone districts and shall enhance the appearance of the neighborhood in which it is located and the city in general. (Ord. 1084 §2(part), 2006)

### Chapter 17.53

#### RETAIL SALE OF ALCOHOLIC BEVERAGES\*

##### Sections:

- 17.53.010 Purpose and applicability.
- 17.53.020 Conditional use permit--Required (on-sale and off-sale).
- 17.53.030 Off-sale permits--Restrictions.
- 17.53.040 On-sale permits--Distance requirements.
- 17.53.050 Operational and performance standards.

Sections: (Continued)

- 17.53.060 Conditional use permit--Expiration.
- 17.53.070 Modification or revocation.
- 17.53.080 Design standards.

\* Prior ordinance history: Ord. No. 1009.

17.53.010 Purpose and applicability. The purpose of this chapter is to protect the public health, safety and welfare by providing reasonable, uniform operational and performance standards for establishments selling alcoholic beverages other than, or in addition to, the alcoholic beverages that are the subject of Chapters 17.51 and 17.52 of this title. For the purposes of this chapter, the beverages that are the subject of this chapter are referred to as "alcoholic beverages."

A. The provisions of this chapter shall not apply to establishments lawfully existing on the effective date of these regulations provided the establishment retains the same type of ABC license within a license classification; continues to legally operate without substantial change in mode or character of operation; and does not expand the square footage of area used for sales or services.

B. Nothing in this chapter shall prohibit or limit the transfer of a valid, existing permit to a new owner at the same location. (Ord. 1084 §2(part), 2006)

17.53.020 Conditional use permit--Required (on-sale and off-sale). A conditional use permit shall be required for any establishments proposing to sell or serve alcoholic beverages for on-site consumption ("on-sale uses") and for retail establishments proposing to sell alcoholic beverages for off-site consumption ("off-sale uses"). This requirement shall be in addition to any other entitlements required. The application for a conditional use permit shall be filed and processed according to the applicable provisions of Chapters 17.68 and 17.74 of this code. (Ord. 1084 §2(part), 2006)

17.53.030 Off-sale permits--Restrictions. A conditional use permit for off-sale alcoholic beverages shall not be issued if the proposed property is located in any area of undue concentration as defined in Section 23958.4

of the Business and Professions Code, unless it is determined by the planning commission that the public convenience and necessity as defined in Section 17.04.885 of this code would be served by the issuance of the conditional use permit. (Ord. 1084 §2(part), 2006)

17.53.040 On-sale permits--Distance requirements.

No conditional use permit for on-sale alcoholic beverages shall be issued for adult businesses, full service bars, taverns, beverage lounges, nightclubs or any use where the sale or service of alcoholic beverages is the primary use, where the property upon which such use is proposed is located within five hundred feet of any establishment with an ABC license for on-sale of alcoholic beverages of any type, religious institution, school, park, or area zoned for residential uses. The distance specified in this section shall be measured in a straight line, without regard for intervening structures and the boundaries of the city, from the nearest property line of the property upon which the use is proposed to the nearest property line of the existing on-sale use, religious institution, school, park or property zoned for residential uses. (Ord. 1084 §2(part), 2006)

17.53.050 Operational and performance standards.

Establishments selling or serving alcoholic beverages shall be operated in a manner that does not interfere with the normal use and enjoyment of adjoining properties. In addition to any conditions imposed by the city, all conditional use permits for the sale or service of alcoholic beverages shall be subject to the following operational and performance standards:

A. Noise levels measured at the property line shall not exceed the levels prescribed by the city's noise regulations as set forth in Chapter 8.20 of this municipal code.

B. The property shall be maintained in a safe and clean condition and the owner shall ensure that no trash or litter originating from the site is deposited on neighboring properties or the public right-of-way.

C. Hours of operation, including deliveries to the site, shall be compatible with the needs and character of the surrounding neighborhood. For the purpose of this chapter, the usual hours of operation shall be as permitted by the establishment's ABC license unless the city

imposes shorter hours of operation as a condition to the permit to protect the public health, safety and welfare.

D. The owner and operator shall each take all necessary steps to ensure the orderly conduct of employees, patrons and visitors when they are present on the property.

E. There shall be no loitering on the property. Signs shall be posted on the exterior wall of the premises and in the parking lot stating that loitering and consumption of alcohol are each prohibited.

F. Video or other coin-operated games may only be permitted subject to the provisions of Section 7.9.430 of the business license ordinance.

G. There shall be no outside vending machines other than newspaper racks or public telephones.

H. There shall be no adult merchandise as that term is defined in Section 5.25.020 of this code visible anywhere on the property and no such merchandise shall be sold to minors.

I. The permittee shall maintain all required permits and licenses in good standing.

J. There shall be no sale or service of any alcoholic beverages in the event there is any lapse or breach in the good standing of any one of the permits or licenses issued for such use, or noncompliance with any conditions imposed thereon. (Ord. 1084 §2(part), 2006)

17.53.060 Conditional use permit--Expiration. The regulations set forth in Section 17.68.100 of this title regarding expiration apply to any conditional use permit for alcoholic beverages.

A. Notwithstanding Section 17.68.100, a permittee may request an extension of any time limit provided in Section 17.68.100 by filing a written request with the city's community development department before the conditional use permit expires.

B. A request for an extension of time shall state the reasons why an extension is needed. The planning commission will consider the request at a duly noticed public hearing. Based upon the evidence presented at the public hearing, the planning commission may deny, approve, or conditionally approve the extension for up to one hundred eighty days. (Ord. 1084 §2(part), 2006)

17.53.070 Modification or revocation. A conditional use permit granted pursuant to Section 17.53.020 of this chapter shall be subject to modification and/or revocation. If, in the opinion of the director of community development, the establishment is operated in a manner as to interfere with the normal use and enjoyment of the surrounding properties, the body taking final action on the permit may modify and/or revoke the conditional use permit pursuant to the provisions in the manner provided by Section 17.68.070 of this title. (Ord. 1084 §2(part), 2006)

17.53.080 Design standards. The design and appearance of any establishment, if newly constructed or remodeled on the exterior, shall conform to the city architectural design guidelines and all other applicable development standards. When completed, the establishment shall be compatible with surrounding land uses and zone districts and shall enhance the appearance of the neighborhood in which it is located and the city in general. (Ord. 1084 §2(part), 2006)

#### Chapter 17.54

#### MISCELLANEOUS STANDARDS AND PERMITTED ENCROACHMENTS

##### Sections:

- 17.54.010 Purpose.
- 17.54.020 Accurate dimensions and calculations required--Violation.
- 17.54.030 Minimum lot area.
- 17.54.040 Permitted encroachments.
- 17.54.050 Distance between buildings.
- 17.54.060 Distance between buildings--Permitted encroachments.
- 17.54.070 Required yards--Not transferable.
- 17.54.080 Measurement of building area.
- 17.54.090 Visibility.
- 17.54.100 Swimming pools--Location.
- 17.54.110 Swimming pools--Enclosure.
- 17.54.130 Height measurement of fences and walls.