Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

May 2, 2017

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

HEARING ON THE SAFE ACCESS TO ALCOHOL AND FOOD ESTABLISHMENTS ORDINANCE
PROJECT NO. 2016-003059-(1-5)
ADVANCE PLANNING CASE NO. RPPL2016005464-(1-5)
(ALL SUPERVISORIAL DISTRICTS) (3-VOTES)

SUBJECT

The recommended action is to approve the Safe Access to Alcohol and Food Establishments (SAAFE) Ordinance. The SAAFE Ordinance is a comprehensive revision of alcoholic beverage sales regulations currently located in Title 22 of the Los Angeles County Code (Zoning Code) and includes "deemed approved" provisions for any legally-established use that currently sells alcoholic beverages without a Conditional Use Permit (CUP).

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,

1. Find that the adoption of the ordinance is exempt from California Environmental Quality Act (CEQA) reporting requirements pursuant to Section 15061(b)(3) of the CEQA Guidelines;

2. Indicate the intent to approve the proposed ordinance as recommended by the Regional Planning Commission (RPC); and

3. Instruct County Counsel to prepare the final ordinance and bring it back to the Board for consideration.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Background

In 1992, the Board adopted an ordinance amending the Zoning Code that required a CUP for any business selling alcoholic beverages. The 1992 ordinance stated that a CUP could only be approved if specific findings were made, including a finding of "public convenience or necessity" in certain instances. The 1992 ordinance also established a five-percent alcoholic beverage shelf space limitation for businesses selling alcoholic beverages for off-site consumption if they were located within 500 feet of similar premises. The 1992 ordinance did not apply to businesses that were legally established without a CUP. Those businesses would need a CUP only if they changed California Department of Alcoholic Beverage Control (ABC) license types or expanded their alcoholic beverage sales.

On May 31, 2016, the Board approved a motion to initiate an ordinance that would comprehensively revise alcoholic beverage sales regulations in the Zoning Code. The motion identified four key revisions to be included in the ordinance:

1. Provide standards for making a finding of "public convenience or necessity" in conjunction with approval of a CUP for alcoholic beverage sales;
2. Allow modification of the five-percent alcoholic beverage shelf space limitation in certain cases;
3. Require the sale of healthy food at retailers that sell alcoholic beverages for off-site consumption; and
4. Create "deemed approved" provisions for legally-established businesses that currently sell alcoholic beverages without a CUP.

The motion directed the Department of Regional Planning (Regional Planning) to conduct outreach to interested parties, prepare an environmental analysis and resource assessment related to the ordinance, and to review and update the standard conditions that it recommends for alcoholic beverage sales CUPs. The motion directed Regional Planning to present the ordinance and related documents to the RPC at a public hearing within nine months. Subsequently, Regional Planning collaborated with the Department of Public Health (Public Health) to conduct extensive outreach, including 14 public meetings throughout the County's unincorporated communities, surveys, and visits to businesses that currently sell alcoholic beverages. The recommended action addresses all aspects of the Board motion.

The motion also directed the Department of Public Health (Public Health) to prepare a report to the Board regarding existing efforts and best practices to support healthy food retail in underserved neighborhoods. The report was submitted on August 31, 2016.

Existing Alcoholic Beverage Sales Uses

After obtaining a database of existing ABC licenses, Regional Planning conducted a Geographic Information System (GIS) mapping analysis to determine the number and

location of existing alcoholic beverage sales uses in the County's unincorporated communities. A total of 932 locations were identified.

The following is a list of the 932 locations sorted by Supervisorial District:

1st District	236
2nd District	216
3rd District	24
4th District	202
5th District	254
Total	932

These locations were then compared to Regional Planning's database of locations currently operating with a CUP. A total of 574 locations were identified as currently operating without a CUP. Presumably these locations were legally established prior to the County's CUP requirement and would be considered "deemed approved" uses if the proposed ordinance were to be adopted. The following is a list of the 574 locations operating without a CUP, sorted by Supervisorial District, with an additional column listing the percentage of the total existing alcoholic beverage sale uses within each Supervisorial District, and Countywide, which are operating without a CUP:

1st District	180	76.3%
2nd District	163	75.5%
3rd District	16	66.7%
4th District	91	45%
5th District	124	48.8%
Total	574	61.6%

Although 61.6% of the total existing alcoholic beverage sales uses within the County's unincorporated communities are operating without a CUP, the percentage varies between Supervisorial Districts. For example, 76.3% of existing alcoholic beverage sales uses within the First Supervisorial District are operating without a CUP while only 45% of existing alcoholic beverage sales uses within the Fourth Supervisorial District are operating without a CUP.

Proposed Ordinance

The proposed ordinance (Attachment 1) adds definitions, amends permitted uses in several zoning designations, and adds a new Part 32 of Chapter 22.52 containing alcoholic beverage sales regulations. The proposed ordinance also deletes Sections 22.56.195 and 22.56.245, which currently contain alcoholic beverage sales regulations that will be consolidated into the new Part 32 of Chapter 22.52.

Definitions
Bars and cocktail lounges are currently listed as permitted uses in the Zoning Code but are not defined. The proposed ordinance defines these uses as establishments selling alcoholic beverages for on-site consumption as a principal use.

Permitted Uses
In Zones A-1, A-2, R-R, W, and O-S, the proposed ordinance allows the sale of alcoholic beverages for on-site consumption as an accessory use (e.g. at restaurants and recreation clubs) with a CUP. Bars and cocktail lounges are not allowed. In these zones, the proposed ordinance also allows the sale of alcoholic beverages for off-site consumption as an accessory use to a campground or recreational trailer park with a CUP.

In Zone C-H, the proposed ordinance allows the sale of alcoholic beverages for on-site consumption as an accessory use (e.g. at restaurants and recreation clubs) with a CUP. Bars and cocktail lounges, and the sale of alcoholic beverages for off-site consumption, are not allowed.

In Zones C-1, C-2, C-3, C-M, C-R, C-RU, and C-MJ, the proposed ordinance allows the sale of alcoholic beverages for on-site consumption and/or off-site consumption, including bars and cocktail lounges, with a CUP.

In Zones M-1, M-1.5, and M-2, the proposed ordinance allows the sale of alcoholic beverages for on-site consumption and/or off-site consumption, including bars and cocktail lounges, with a CUP. In these zones, the proposed ordinance also allows remote tasting rooms with a CUP.

In Zones MXD and MXD-RU, the proposed ordinance allows the sale of alcoholic beverages for on-site consumption and/or off-site consumption, including bars and cocktail lounges, with a CUP.

The proposed ordinance includes language that allows the Director to accept a CUP application for alcoholic beverage sales as an accessory use in zones and land use categories within Specific Plans and Supplemental Districts that are silent with respect to alcoholic beverage sales.

Operating Regulations
The proposed ordinance includes the five-percent alcoholic beverage shelf space limitation currently located in Section 22.56.195 and allows this regulation to be modified if specific findings are made.

The proposed ordinance includes healthy food provisions that were developed in partnership with Public Health. A business selling alcoholic beverages for off-site

consumption that obtains a CUP would be required to also sell three varieties of fresh produce and two varieties of whole grains on a continuous basis. These healthy food products would need to be displayed in high-visibility areas meeting at least one of five criteria and the display areas would need to be depicted on the floor plan and/or shelf plan approved concurrently with the CUP. The proposed ordinance allows this regulation to be modified if a specific finding is made.

The proposed ordinance includes an employee training requirement for all businesses and several additional operating regulations currently located in Section 22.56.245 that apply to a business selling both motor vehicle fuel and alcoholic beverages for off-site consumption. The proposed ordinance does not allow these regulations to be modified.

Findings
The proposed ordinance includes the five findings currently located in Section 22.56.195 that must be made to approve any alcoholic beverage sales CUP. The proposed ordinance identifies the circumstances in which an additional finding of "public convenience or necessity" must be made and provides nine standards to assist the reviewing authority in making such a finding.

The proposed ordinance also includes the findings that must be made to modify the five-percent shelf space limitation or to modify the healthy food provisions.

"Deemed Approved" Provisions
The proposed ordinance identifies a "deemed approved" alcohol sales use as any legally-established use that sells alcoholic beverages without a CUP, and which did not require a CUP at the time it was established. The proposed ordinance includes the requirement currently located in Section 22.56.195 that such uses must obtain a CUP if they change ABC license types or expand their alcoholic beverage sales.

The proposed ordinance provides eight performance standards for "deemed approved" uses. After a public hearing, the RPC may revoke the use's "deemed approved" status due to non-compliance with these performance standards and require a CUP for any subsequent sale of alcoholic beverages on the subject premises. The proposed ordinance states that such a public hearing may be initiated by the Board, the RPC, or the Director of Regional Planning and provides procedures for such a public hearing, including required notification and findings.

If the RPC revokes a use's "deemed approved" status and the use continues to sell alcoholic beverages without a CUP, the proposed ordinance subjects the operator and property owner, if different than the operator, to the enforcement procedures in Part 6 of Chapter 22.60 as well as any civil and criminal remedies necessary to ensure compliance.

Standard Conditions
The proposed ordinance includes language that authorizes the reviewing authority to impose additional conditions on any alcoholic beverage sales CUP, consistent with current practice, and provides six examples of such conditions.

Pursuant to the Board motion, Regional Planning staff and the RPC have reviewed and updated the standard conditions that it recommends for alcoholic beverage sales CUPs (Attachment 2). These standard conditions will be posted on Regional Planning's Web Site and made available to prospective applicants and the public after they have been reviewed and considered by the Board in conjunction with the proposed ordinance.

Supportive Documents and Studies
Municipalities throughout California have enacted similar "deemed approved" ordinances as a means of regulating alcohol outlets established prior to their CUP requirement.[1] The proposed ordinance intends to mitigate issues of nuisance and violence associated with "deemed approved" alcohol sales uses. According to the Prevention Resource Center[2], there exists a correlation between rates of violence and concentration of alcohol sales outlets. Public Health also identifies an association between alcohol sales outlet density and alcohol-related harms.[3]

The proposed ordinance also intends to mitigate issues of public health associated with a high density of alcohol sales uses and limited access to healthy foods. Research indicates that alcohol sales outlet density is disproportionately greater in communities with higher levels of poverty and higher proportions of minority groups. Poverty, education, and race/ethnicity health disparity risk factors are all associated with alcohol sales outlet density.[4] The existence of "food deserts" (areas with lack of access to healthy food) and "food swamps" (areas with an overabundance of unhealthy food) are environmental conditions which result in health disparities that disproportionately affect racial minority neighborhoods.[5]

The documents and studies referenced in the footnotes are included in the RPC hearing package (Attachment 6).

---

[1] Mosher, James F. et al. "Reducing Community Alcohol Problems Associated with Alcohol Sales: The Case of Deemed Approved Ordinances in California." Alcohol Policy Consultations.
[2] Kathryn Stewart, "How Alcohol Outlets Affect Neighborhood Violence," *Pacific Institute for Research and Evaluation*.
[3] Substance Abuse Prevention and Control, "Reducing Alcohol-Related Harms in Los Angeles County," County of Los Angeles Department of Public Health.
[4] Berke, Ethan M. et al. "Alcohol Retail Density and Demographic Predictors of Health Disparities: A Geographic Analysis." American journal of public health 100.10 (2010): 1967–1971. PMC. Web. 3 Feb. 2017.
[5] Walker, Renee E. et al. "Disparities and access to healthy food in the United States: A review of food deserts literature." Health & Place.

General Plan Consistency
The proposed ordinance is consistent with the following goals and policies in the General Plan:

Goal LU 5: *Vibrant, livable and healthy communities with a mix of land uses, services and amenities.*

Policy LU 5.2: *Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.*
Policy LU 5.7: *Direct resources to areas that lack amenities, such as transit, clean air, grocery stores, bikeways, parks, and other components of a healthy community.*

Policy LU 5.8: *Encourage farmers markets, community gardens, and proximity to other local food sources that provide access to healthful and nutritious foods.*

Goal LU 9: *Land use patterns and community infrastructure that promote health and wellness.*

Policy LU 9.1: *Promote community health for all neighborhoods.*

Policy LU 9.3: *Encourage patterns of development that increase convenient, safe access to healthy foods, especially fresh produce, in all neighborhoods.*

The healthy food provisions in the proposed ordinance will ensure that retailers provide a diverse range of products for sale in addition to alcoholic beverages, promoting better health outcomes throughout the County's unincorporated communities, consistent with these goals and policies. These provisions are especially important in "food desert" and "food swamp" areas that lack amenities such as grocery stores and therefore do not have sufficient access to healthy foods.

The "deemed approved" provisions in the proposed ordinance will promote community health throughout the County's unincorporated communities, consistent with these goals and policies, by providing a tool to address issues of nuisance and violence associated with alcohol sales outlets, especially in areas with a high density of such outlets. Many "deemed approved" alcohol sales businesses also sell food and the performance standards in the proposed ordinance will ensure that these businesses can be safely accessed and will not result in adverse effects to the health, welfare, peace or safety of persons visiting, residing, working, or conducting business in the surrounding area.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The proposed ordinance primarily supports Goal II of the County Strategic Plan (Foster Vibrant and Resilient Communities) by providing a comprehensive framework to regulate

alcoholic beverage sales uses in the County's unincorporated communities to ensure they operate in a manner that enhances the surrounding area and minimizes negative impacts. Specifically, the "deemed approved" provisions support Strategy II.2.1 (Reduce Violence in Communities) and the healthy food provisions support Strategy II.2.4 (Promote Active and Healthy Lifestyles) for the reasons discussed in the "Supportive Documents and Studies" and "General Plan Consistency" sections above.

FISCAL IMPACT/FINANCING

At this time, Regional Planning staff does not anticipate that additional resources will be required to implement and enforce the "deemed approved" provisions within the proposed ordinance. However, if the Board, the RPC, or the Director of Regional Planning initiates a public hearing to consider revoking a business's "deemed approved" status due to non-compliance with the performance standards, the subsequent investigation and report preparation will require coordination with ABC, the Sheriff's Department, and other interested parties, such as members of the public and the relevant Board office. If the proposed ordinance is adopted, Regional Planning staff will monitor implementation and enforcement and may identify additional resources in future budget requests.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Outreach

In September 2016, Regional Planning hosted 14 public meetings throughout the County's unincorporated communities. A brochure advertising the meetings was mailed to approximately 200 individuals and organizations who previously signed up for Regional Planning's courtesy mailing list and to approximately 900 businesses that currently sell alcoholic beverages throughout the County's unincorporated communities. The meetings were also promoted through email and social media.

At the September 2016 meetings, attendees were able to complete a survey regarding their alcohol beverage and healthy food purchase behaviors and their concerns about the sale of alcoholic beverages at various establishments. The survey was also made available on Regional Planning's Web Site. 108 individuals completed the survey at the meetings or online and the survey results are included in the RPC hearing package (Attachment 6).

In late 2016, fellows of the Women's Policy Institute conducted outreach to community residents and retailers in the unincorporated Antelope Valley and prepared survey results and a policy brief, which are included in the RPC hearing package (Attachment 6).

In January 2017, Regional Planning released its first draft of the proposed ordinance for review and comment. A brochure advertising the release, a survey to solicit comments on the proposed ordinance, an upcoming public meeting, and the RPC's public hearing

was mailed to approximately 200 individuals and organizations who previously signed up for Regional Planning's courtesy mailing list and to approximately 900 businesses that currently sell alcoholic beverages throughout the County's unincorporated communities. A hard copy version of the survey was included in the mailings to the businesses. The release was also promoted through email and social media.

Also in January 2017, Regional Planning Zoning Enforcement planners and groups and individuals associated with Public Health's Substance Abuse Prevention and Control unit hand delivered brochures to businesses that currently sell alcoholic beverages throughout the County's unincorporated communities and encouraged them to provide feedback on the proposed ordinance through the survey or other means. The survey results are included in the supplemental RPC hearing package (Attachment 6).

On February 4, 2017, Regional Planning hosted a public meeting at the Hall of Records. Approximately 10 individuals attended the meeting and it was also streamed live online and stored on Regional Planning's Web Site for future viewing. Three individuals asked questions or provided verbal comments at the meeting.

RPC Hearing

On March 8, 2017, the RPC conducted a duly-noticed public hearing to consider the proposed ordinance. Nine people testified in support of the proposed ordinance, although some requested clarifications, revisions, or additions. Regional Planning and Public Health staff also responded to questions from the RPC. After hearing all testimony, the RPC closed the public hearing, instructed Regional Planning staff to add an employee training requirement to the draft ordinance and to clarify and revise other portions of the draft ordinance and two of the standard conditions for alcoholic beverage sales CUPs, and recommended approval of the proposed ordinance by the Board. Please see Attachment 4 for a summary of the proceedings.

Legal Requirements

A public hearing by the Board is required pursuant to Section 22.16.200 of the Zoning Code and Section 65856 of the California Government Code. Required notice must be given pursuant to the procedures and requirements set forth in Section 22.16.200 of the Zoning Code. These procedures exceed the minimum standards of Sections 6061, 65090, and 65856 of the California Government Code pertaining to notice of public hearing.

ENVIRONMENTAL DOCUMENTATION

The project has been determined to be exempt from California Environmental Quality Act (CEQA) reporting requirements pursuant to CEQA Guidelines Section 15061(b)(3) which states, "A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on

the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

The proposed project is an ordinance and not a development project. The "deemed approved" provisions within the proposed ordinance pertain to existing businesses. The proposed ordinance does not authorize any additional "by right" uses and instead provides procedures for the review of alcohol beverage sales CUPs as well as operating regulations that would apply in the event that such CUPs are approved. Future CUP requests will require project-level CEQA review to determine potential impacts. The number, location, and specific characteristics of future CUP requests will largely depend on economic market factors so any attempt to analyze indirect physical changes would be speculative at this time. The proposed ordinance does not preclude the County from denying a future CUP request that may have a significant effect on the environment. Therefore adoption of the proposed ordinance will not result in any direct physical change in the environment and will not result in any indirect physical change in the environment that is reasonably foreseeable at this time.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the proposed ordinance will not significantly impact County services.

For further information, please contact Mitch Glaser at (213) 974-4971 or mglaser@planning.lacounty.gov between 7:30 a.m. and 5:30 p.m. We are closed on Fridays.

Respectfully submitted,

Richard J. Bruckner
Director

RJB:SA:MG:lm

c: Executive Office, Board of Supervisors
County Counsel
Chief Executive Officer
Public Health

Attachments:

1. Draft Ordinance, as approved by Regional Planning Commission
2. Standard Conditions
3. Project Summary
4. Summary of Regional Planning Commission Proceedings
5. Regional Planning Commission Resolution
6. Regional Planning Commission Hearing Packages

K_CP_050217_PROJECT_NO_ 2016_003059_BOARD_LETTER

ATTACHMENT 1

Draft Ordinance, as approved by Regional Planning Commission

ORDINANCE NO. _____

An ordinance amending Title 22 – Planning and Zoning – of the Los Angeles County Code related to a comprehensive revision of alcoholic beverage sales regulations.

SECTION 1. Section 22.08.020 is hereby amended to read as follows:

22.08.020 B.

...

— "Bar" means an establishment selling alcoholic beverages for on-site consumption as a principal use.

...

SECTION 2. Section 22.08.030 is hereby amended to read as follows:

22.08.030 C.

...

~~Cabaret.~~

~~A. "Cabaret" means any bar, cocktail lounge or restaurant, wherein entertainment, as described in Sections 143.2, 143.3 and 143.4 of the Rules and Regulations, Chapter 1, Title 4, California Administrative Code (California State Department of Alcoholic Beverage Control) is provided, except that this subsection shall not be construed to authorize any entertainment, conduct or activity prohibited by said Rules and Regulations.~~

~~B. "Cabaret" shall also include any establishment which provides any entertainment and/or activity described in the aforesaid Rules and Regulations, whether or not alcoholic beverages are dispensed.~~

...

— "Cocktail lounge" means an establishment selling alcoholic beverages for on-site consumption as a principal use.

...

SECTION 3. Section 22.08.140 is hereby amended to read as follows:

22.08.140 N.

...

— "Nightclub" means any bar, cocktail lounge or restaurant~~, other than a cabaret,~~ wherein live entertainment is provided and an occupant load of at least 200 people is established.

...

SECTION 4. Section 22.24.100 is hereby amended to read as follows:

22.24.100 Uses Subject to Permits.

Property in Zone A-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use or for off-site consumption as an accessory use to a campground or recreational trailer park, subject to Part 32 of Chapter 22.52.

...

— Recreation clubs, private, including tennis, polo and swimming; where specifically designated a part of an approved conditional use permit, such use may include a pro shop~~,~~ and/or restaurant ~~and bar~~ as ~~appurtenant~~accessory uses.

...

SECTION 5. Section 22.24.150 is hereby amended to read as follows:

22.24.150 Uses Subject to Permits.

Property in Zone A-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use or for off-site consumption as an accessory use to a campground or recreational trailer park, subject to Part 32 of Chapter 22.52.

...

— Recreation clubs, private, including tennis, polo and swimming; where specifically designated a part of an approved conditional use permit, such use may include a pro shop~~,~~ and/or restaurant ~~and bar~~ as ~~appurtenant~~accessory uses.

...

SECTION 6. Section 22.28.060 is hereby amended to read as follows:

22.28.060 Uses Subject to Permits.

Premises in Zone C-H may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use, subject to Part 32 of Chapter 22.52.

...

— Recreation clubs, private, including tennis, polo and swimming; where specifically designated a part of an approved conditional use permit, such use may include a pro shop~~,~~ and/or restaurant ~~and bar~~ as ~~appurtenant~~accessory uses.

...

SECTION 7. Section 22.28.110 is hereby amended to read as follows:

22.28.110 Uses Subject to Permits.

Premises in Zone C-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges, but excluding cabarets.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

…

SECTION 8. Section 22.28.160 is hereby amended to read as follows:

22.28.160 Uses Subject to Permits.

Premises in Zone C-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

…

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

…

~~— Bars and cocktail lounges.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

…

SECTION 9. Section 22.28.210 is hereby amended to read as follows:

22.28.210 Uses Subject to Permits.

Premises in Zone C-3 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 10. Section 22.28.260 is hereby amended to read as follows:

22.28.260 Uses Subject to Permits.

Premises in Zone C-M may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 11. Section 22.28.320 is hereby amended to read as follows:

22.28.320 Uses Subject to Permits.

Premises in Zone C-R may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~Bars and cocktail lounges.~~

~~Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 12. Section 22.28.390 is hereby amended to read as follows:

22.28.390 Uses Subject to Permits.

A. Premises in Zone C-RU may be used for the following uses, provided that a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56,

and while such permit is full force and effect and in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges, but excluding cabarets.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 13. Section 22.28.450 is hereby amended to read as follows:

22.28.450 Uses Subject to Permits.

A. Premises in Zone C-MJ may be used for the following uses, provided that a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is full force and effect and in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges, excluding cabarets.~~

~~Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 14. Section 22.32.070 is hereby amended to read as follows:

22.32.070 Uses Subject to Permits.

A. Premises in Zone M-1 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~Bars and cocktail lounges.~~

~~Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

— Tasting rooms, remote, subject to Part 23 of Chapter 22.52.

...

SECTION 15. Section 22.32.140 is hereby amended to read as follows:

22.32.140 Uses Subject to Permits.

A. Premises in Zone M-1.5 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

— Tasting rooms, remote, subject to Part 23 of Chapter 22.52.

...

SECTION 16. Section 22.32.190 is hereby amended to read as follows:

22.32.190 Uses Subject to Permits.

A. Premises in Zone M-2 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

— Tasting rooms, remote, subject to Part 23 of Chapter 22.52.

...

SECTION 17. Section 22.40.220 is hereby amended to read as follows:

22.40.220 Uses Subject to Permits.

Premises in Zone R-R may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use or for off-site consumption as an accessory use to a campground or recreational trailer park, subject to Part 32 of Chapter 22.52.

...

— Recreation clubs, private, including tennis, polo and swimming; where specifically designated a part of an approved conditional use permit, such use may include a pro shop~~,~~ and/or restaurant ~~and bar~~ as ~~appurtenant~~accessory uses.

...

B. The following uses, provided such uses are on a lot or parcel of land having an area of not less than one acre and are within 600 feet of a recreational use permitted in the zone:

...

— Bars and cocktail lounges, subject to Part 32 of Chapter 22.52.

...

SECTION 18. Section 22.40.280 is hereby amended to read as follows:

22.40.280 Uses Subject to Permits.

Premises in Zone W may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use or for off-site consumption as an accessory use to a campground or recreational trailer park, subject to Part 32 of Chapter 22.52.

...

SECTION 19. Section 22.40.430 is hereby amended to read as follows:

22.40.430 Uses Subject to Permits.

Premises in Zone O-S may be used for the uses listed herein subject to any additional conditions which may be imposed pursuant to subsection C:

A. The following uses, provided that a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use or for off-site consumption as an accessory use to a campground or recreational trailer park, subject to Part 32 of Chapter 22.52.

...

SECTION 20. Section 22.40.475 is hereby amended to read as follows:

22.40.475 Uses Subject to Permits.

Premises in Zone MXD may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

A. The following uses may be in either a mixed use or a commercial-only development:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

~~— Bars and cocktail lounges.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 21. Section 22.40.820 is hereby amended to read as follows:

22.40.820 Uses Subject to Permits.

A. Premises in Zone MXD-RU may be used for the following uses, provided that a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges, but excluding cabarets.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 22. The Parts headings for Chapter 22.52 are hereby amended to read as follows:

Chapter 22.52

GENERAL REGULATIONS

Parts:

...

32. Alcoholic Beverage Sales

...

SECTION 23. Section 22.52.2460 is hereby amended to read as follows:

22.52.2460 Tasting Rooms—Permit Requirements.

A. Applicable Use Permit. ~~An applicant may request that the Hearing Officer or the Commission consider a~~A tasting room CUP application shall be considered in accordance with the minor CUP provisions of Section 22.56.085, unless:

1. The subject lot or parcel of land is located ~~in~~within:

a. A national recreation area, or within one mile of a national recreation area;

b. ~~An area of undue concentration for alcoholic beverage sale establishments, as undue concentration is described in Section 22.56.195.B.3 of this Title 22~~A 500-foot radius of any use selling alcoholic beverages for on-site and/or off-site consumption; or

c. A high crime reporting district, as described in the California Alcoholic Beverage Control Act and the regulations adopted under that Act; or

...

SECTION 24. Section 22.52.2480 is hereby amended to read as follows:

22.52.2480 Remote ~~t~~Tasting ~~r~~Rooms—Operating ~~r~~Regulations.

...

B. In zones C-1, C-2, C-3, C-M, ~~and~~ C-R, M-1, M-1.5, and M-2, remote tasting rooms shall comply with the operating regulations for tasting rooms set forth in Section 22.52.2450, except that they may hold a wine event, as defined in Section 22.52.2400.B.3, without a temporary use permit, provided that:

...

SECTION 25. Section 22.52.2490 is hereby amended to read as follows:

22.52.2490 Remote Tasting Rooms—Permit Requirements.

A. Applicable Use Permit. ~~An applicant may request that the Hearing Officer of the Commission consider a~~A remote tasting room CUP application shall be considered in accordance with the minor CUP provisions of Section 22.56.085 unless:

1. The subject lot or parcel of land is located ~~in~~within:

a. A national recreation area or within one mile of a national recreation area;

b. ~~An area of undue concentration for alcoholic beverage sale establishments, as undue concentration is described in Section 22.56.195.B.3 of this Title 22~~A 500-foot radius of any use selling alcoholic beverages for on-site and/or off-site consumption;

c. A high crime reporting district, as described in the California Alcoholic Beverage Control Act and~~/or~~ the regulations ~~promulgated thereunder~~adopted under that Act; or

...

SECTION 26. Part 32 of Chapter 22.52 is hereby added to read as follows:

PART 32

ALCOHOLIC BEVERAGE SALES

Sections:

22.52.3500 Purpose

22.52.3510 Definitions

22.52.3520 Alcoholic Beverage Sales within Specific Plans and Supplemental Districts

22.52.3530 Operating Regulations for Uses Subject to Conditional Use Permit

22.52.3540 Findings for Uses Subject to Conditional Use Permit

22.52.3550 Conditions of Approval for Uses Subject to Conditional Use Permit

22.52.3560 Deemed Approved Uses

22.52.3570 Performance Standards for Deemed Approved Uses

22.52.3580 Revocation of Deemed Approved Status

22.52.3500 Purpose

The purpose of this Part 32 is to provide comprehensive regulations for alcoholic beverage sales to protect and promote public health, safety, comfort, convenience and general welfare. These regulations shall not apply to tasting rooms and remote tasting rooms, which are regulated by Part 23 of this Chapter.

22.52.3510 Definitions

The following definitions apply to this Part 32:

A. "Fresh produce" means any edible portion of a fresh fruit or vegetable, whether offered for sale whole or pre-sliced.

B. "General purpose retailer" means a retail establishment, such as a big box store, supermarket, grocery store, drug store, or convenience store which sells alcoholic beverages and food products.

C. "Whole grains" means any food from either:

1. A single ingredient product, such as brown rice, whole oats, quinoa, or barley; or

2. A pre-packaged grain product, such as whole wheat bread or whole wheat crackers, in which the word "whole" appears first in the ingredients list of the product.

22.52.3520 Alcoholic Beverage Sales within Specific Plans and Supplemental Districts

If a zone or land use category within a Specific Plan or Supplemental District is silent with respect to alcoholic beverage sales, the Director may accept a conditional use permit application for alcoholic beverage sales if he determines that such sales are accessory to another use permitted within such zone or land use category. The conditional use permit application shall be subject to the provisions of this Part 32 and Part 1 of Chapter 22.56.

22.52.3530 Operating Regulations for Uses Subject to Conditional Use Permit

The following operating regulations shall apply to any use selling alcoholic beverages for off-site consumption which is the subject of a conditional use permit application filed on or after the effective date of the ordinance creating this Part 32:

A. If the use is located within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the shelf space devoted to alcoholic beverages shall be limited to five percent of the total shelf space, as depicted on the approved shelf plan.

B. The use shall offer a minimum of three varieties of fresh produce free from spoilage and a minimum of two whole grain items for sale on a continuous basis. These products shall be displayed in high-visibility areas meeting one or more of the following criteria, as depicted on the approved floor plan and/or shelf plan:

1. Within ten feet of the front door;

2. Within five feet of a cash register;

3. At eye-level on a shelf or within a cooler, refrigerator, or freezer case;

4. On an end cap of an aisle; or

5. Within a display area dedicated to produce that is easily accessible to customers.

C. All employees of the use who directly serve or are in the practice of selling alcoholic beverages, including managers and security personnel, shall participate in the License Education on Alcohol and Drugs Program provided by the California Department of Alcoholic Beverage Control or a similar program, such as Standardized Training for Alcohol Retailers. A certificate or plaque indicating participation in the training program shall be displayed in a publicly accessible area of the use, such as the lobby. Proof of employees' completion of the training program shall be available upon request.

D. The following operating regulations shall also apply if the use is an automobile service station that sells alcoholic beverages for off-site consumption:

1. Distilled spirits shall not be sold;

2. Alcoholic beverages shall not be displayed within five feet of the cash register or the front door unless the alcoholic beverages are displayed in a permanently affixed cooler;

3. Alcoholic beverages shall not be displayed in an ice tub;

4. Alcoholic beverages shall not be sold from a drive-in window;

5. Alcoholic beverage advertising shall not be displayed on motor fuel islands and self-illuminated alcoholic beverage advertising shall not be located on buildings or windows; and

6. If the conditional use permit authorizes alcoholic beverage sales between the hours of 10:00 p.m. and 2:00 a.m., employees on duty shall be at least 21 years of age in order to sell alcoholic beverages.

E. The regulations in Subsections A and B, above, may be modified by the Commission or Hearing Officer subject to Section 22.52.3540.C.

22.52.3540 Findings for Uses Subject to Conditional Use Permit

A. Additional Findings. In addition to the findings required by Section 22.56.090.A, the Commission or Hearing Officer shall approve an application for a conditional use permit for alcoholic beverage sales where the information submitted by the applicant, or presented at public hearing, substantiates the following findings:

1. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius;

2. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;

3. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and

4. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

B. Public Convenience or Necessity.

1. In addition to the findings required by Section 22.56.090.A and Subsection A, above, the Commission or Hearing Officer shall make a finding of public convenience or necessity when:

a. Such finding is required in a high crime reporting district or in an area of undue concentration pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act; or

b. A use selling alcoholic beverages for off-site consumption is proposed within a 500-foot radius of another use selling alcoholic beverages for off-site consumption.

2. A finding of public convenience or necessity shall be based upon review and consideration of relevant factors, which shall include but not be limited to the following:

a. The extent to which the requested use would duplicate services and therefore contribute to an over-concentration of similar uses;

b. The extent to which alcoholic beverage sales are related to the function of the requested use, and the possibility of the use operating in a viable manner without alcohol sales;

c. The extent to which the requested use will enhance the economic viability of the area;

d. The extent to which the requested use will enhance recreational or entertainment opportunities in the area;

e. The extent to which the requested use compliments the established or proposed businesses within a specific area;

f. The ability of the requested use to serve a portion of the market not served by other uses in the area;

g. The convenience of purchasing alcoholic beverages at the requested use in conjunction with other specialty food sales or services;

h. The aesthetic character and ambiance of the requested use; and

i. The extent to which the requested use, location, and/or operator has a history of law enforcement problems;

C. Modifications.

1. When approving a modification to the alcoholic beverage shelf space limitation provided in Section 22.52.3530.A, the Commission or Hearing Officer shall make at least one of the following additional findings:

a. The requested use is not located in a high crime reporting district as described in the California Alcoholic Beverage Control Act and the regulations adopted under that Act;

b. The requested use is a specialty retailer with a unique product mix that requires a greater allocation of shelf space to alcoholic beverages than would be the case for a general purpose retailer; or

c. The requested use involves the relocation of a use that was not previously subject to the alcoholic beverage shelf space limitation provided in Section 22.52.3530.A and the new location will allocate less shelf space to alcoholic beverages than was the case at the previous location.

2. When approving a modification to the fresh produce and whole grain sales requirement provided in Section 22.52.3530.B, the Commission or Hearing Officer shall make an additional finding that the requested use is not a general purpose retailer and is located in an area with sufficient access to fresh produce and whole grains.

22.52.3550 Conditions of Approval for Uses Subject to Conditional Use Permit

A. In addition to the conditions allowed by Section 22.56.100, the Commission or Hearing Officer may impose additional conditions to ensure that the requested use will be in accord with the findings required by Section 22.52.3540. Such conditions may involve pertinent factors affecting the establishment, operation and maintenance of the requested use, including, but not limited to:

1. Limitations on the days of the week and times of day during which alcoholic beverages may be sold;

2. Requirements to purchase existing liquor license(s) issued by the California Department of Alcoholic Beverage Control within a specified area to ensure that the number of such liquor licenses within such specified area is not increased or is reduced;

3. Restrictions on live music, live entertainment, dancing, or other similar activities;

4. Restrictions on "happy hour" specials, "two for one" alcoholic beverage specials, or other similar specials or promotions;

5. Restrictions on exterior lighting to ensure proper illumination during operating hours while preventing impacts to neighboring uses; and

6. Restrictions on the size and quantity of alcoholic beverage containers that may be sold on the premises.

B. The conditions of approval shall be retained on the premises at all times and shall be immediately produced upon request by agents of the Department of Regional Planning, the Sheriff's Department, or the California Department of Alcoholic Beverage Control. The manager and all employees shall be knowledgeable of the conditions of approval.

C. Any use which operates in violation of the conditions of approval may be subject to the modifications and revocations provisions in Part 13 of Chapter 22.56.

22.52.3560 Deemed Approved Uses

A. As of the effective date of the ordinance creating this Part 32, any legally-established use that sells alcoholic beverages without a conditional use permit, and which did not require a conditional use permit to sell alcoholic beverages pursuant to Title 22 at the time it was established, shall be considered a deemed approved alcohol sales use for the purposes of this Part 32.

B. Each deemed approved alcohol sales use shall retain its deemed approved status and shall not require a conditional use permit as long as it complies with the performance standards provided in Section 22.52.3570 and does not have its deemed approved status revoked pursuant to Section 22.52.3580.

C. Notwithstanding Subsection B, above, a deemed approved alcohol sales use shall require a conditional use permit when:

1. The use proposes to change the type of alcoholic beverages to be sold by changing the type of retail liquor license within a license classification;

2. The use substantially changes its mode or character of operation, which includes, but is not limited to:

a. A 10-percent increase in the floor area devoted to alcoholic beverage sales or inventory; or

b. A 25-percent increase in facing used for the display of alcoholic beverages; or

3. The use has been abandoned, has discontinued operation, or has ceased selling alcoholic beverages for three months.

22.52.3570 Performance Standards for Deemed Approved Uses

Each deemed approved alcohol sales use shall comply with the following performance standards:

A. The use shall be operated and maintained in accordance with Title 22 and all other applicable local, state, or federal codes, laws, rules, regulations and statutes, including those of the California Department of Alcoholic Beverage Control.

B. The premises shall be maintained free of garbage, trash, debris, or junk and salvage in exterior areas except in designated trash collection containers and enclosures.

C. All portions of the premises visible to public view, including but not limited to any structure, wall, fence, sidewalk, curb, ground surface, vehicle, rock, or other surface, shall be maintained free of graffiti. In the event of graffiti occurring, the operator shall remove such graffiti within 24 hours of such occurrence, weather permitting. Paint utilized in covering such graffiti shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

D. The premises shall be maintained with all signage required by Title 22 or other applicable state and local law, including but not limited to signs prohibiting loitering, public drinking, and/or the presence of open alcoholic beverage containers on the premises.

E. Temporary window signs shall comply with Title 22 and the view into the interior of the use from any parking lot, public street, or other right-of-way shall not be otherwise obstructed by refrigerator cases, promotional displays, equipment, or any other items.

F. The operator shall maintain a current and valid County business license and shall conduct business in full accordance with any and all conditions imposed therein.

G. The operator shall not cause, allow or permit nuisance and other unlawful activities on the premises, including, but not limited to:

1. Loitering;

2. Drinking alcoholic beverages and/or possessing open alcoholic beverage containers in exterior portions of the premises, other than in a designated patio or other area approved for on-site consumption by the California Department of Alcoholic Beverage Control and/or the Department of Regional Planning;

3. Littering;

4. Creating excessive noise that does not comply with Title 12 to the satisfaction of the Department of Public Health, especially in the late night or early morning hours;

5. Disturbing the peace;

6. Engaging in illegal tobacco sales, drug activity, gambling or prostitution;

7. Trafficking in stolen goods;

8. Harassing passerby or business patrons;

9 Panhandling;

10. Engaging in acts of vandalism; and

11. Otherwise engaging in conduct that is unlawful and/or constitutes a nuisance.

H. The operator shall take all reasonable steps to ensure that the conditions and activities on the lot or parcel of land on which the use is located do not constitute a public nuisance. For purposes of this performance standard, reasonable steps include, but are not limited to, the following:

1. Requesting that those persons engaging in conduct that constitutes a nuisance to cease such conduct, unless the operator has reasonable cause to believe such request may jeopardize his or her personal safety;

2. Calling the Sheriff's Department if the operator's attempts to abate the nuisance conduct have been unsuccessful or if the operator has reasonable cause to believe such attempts may jeopardize his or her personal safety; and

3. Timely preventive actions to address conditions that facilitate loitering and other nuisance activity on the premises, such as removing furniture from areas adjacent to the entry of the establishment, prohibiting persons from using any portion of the premises for the installation and/or operation of a temporary business or other use, and/or other preventive actions.

22.52.3580 Revocation of Deemed Approved Status

A. After a public hearing as provided in Subsection B, below, the Commission may revoke the deemed approved status of a deemed approved alcohol sales use due to non-compliance with the performance standards in Section 22.52.3570 and require a conditional use permit for any subsequent sale of alcoholic beverages on the subject premises.

B. Public Hearing.

1. A public hearing may be initiated by the Board of Supervisors, the Commission, or the Director.

2. At least 30 days before the public hearing, the Director shall provide written notice to the operator and the property owner, if different than the operator. Notice shall also be posted on the premises in accordance with Section 22.60.175, provided to all property owners within a 500-foot radius of the use, or a larger radius if determined necessary by the Director, and published once in a newspaper of general circulation in the County of Los Angeles available in the community in which the use is located.

3. After consultation with the Sheriff's Department and the California Department of Alcoholic Beverage Control, the Director shall prepare a report regarding the use's compliance with the performance standards for consideration by the Commission at the public hearing.

4. At the public hearing, the Commission shall determine whether the use is in compliance with the performance standards. In making its determination, the Commission may consider the following:

a. The length of time that the use has been out of compliance with the performance standards;

b. The impact of the violation of the applicable performance standards on the community; and

c. Any information regarding the operator's efforts to remedy the violation of the applicable performance standards.

5. The public hearing may be continued as provided in Section 22.60.178.

6. At the close of the public hearing, the Commission may allow the use to retain its deemed approved status or may revoke the deemed approved status where the information in the Director's report, or presented at public hearing, substantiates the following findings:

a. Due to non-compliance with the performance standards, the use results in adverse effects to the health, welfare, peace, or safety of persons visiting, residing, working, or conducting business in the surrounding area; and

b. Due to non-compliance with the performance standards, the use jeopardizes or endangers the public health, welfare, or safety of persons visiting, residing, working, or conducting business in the surrounding area.

7. At the close of the public hearing, the Commission shall publicly announce the appeal period for filing an appeal of its action. In addition, the Commission shall serve notice of its action upon the operator and the property owner, if different than the operator, and any persons testifying or speaking at the public hearing.

8. The Commission's action may be appealed to the Board of Supervisors or called up for review by the Board of Supervisors in accordance with Part 5 of Chapter 22.60.

C. If a use continues to sell alcoholic beverages without a conditional use permit after its deemed approved status is revoked, the operator and property owner, if different than the operator, shall be subject to the enforcement procedures of Part 6 of Chapter 22.60. In addition, the operator and property owner, if different than the

operator, shall be subject to any civil and criminal remedies necessary to ensure compliance with the County Code.

SECTION 27. Section 22.56.195 is hereby deleted as follows:

~~**22.56.195 Alcoholic beverage sales, for either on-site or off-site consumption.**~~

~~Additional Findings Prerequisite to Permit.~~

~~A. This section applies to the following uses, with the exception of tasting rooms and remote tasting rooms:~~

~~1. Establishments that do not currently, but propose to, sell alcoholic beverages, for either on-site or off-site consumption;~~

~~2. Establishments that currently sell alcoholic beverages but which propose to change the type of alcoholic beverages to be sold, by changing the type of retail liquor license within a license classification;~~

~~3. Establishments that currently sell alcoholic beverages, if the establishment substantially changes its mode or character of operation, which includes, but is not limited to:~~

~~a. A 10 percent increase in the floor area devoted to alcoholic beverage sales or inventory, or~~

~~b. A 25 percent increase in facing used for the display of alcoholic beverages; and~~

~~4. Establishments which have either been abandoned or discontinued operation for three months.~~

~~B. In addition to the findings required pursuant to subsection A of Section 22.56.090, the planning agency shall approve an application for a conditional use permit for alcoholic beverage sales where the information submitted by the applicant, or presented at public hearing, substantiates the following findings:~~

~~1. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius; and~~

~~2. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and~~

~~3. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment; and~~

~~4. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and~~

~~5. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under~~

~~construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.~~

SECTION 28. Section 22.56.245 is hereby deleted as follows:

~~**22.56.245 Sale of beer and wine in conjunction with sale of motor vehicle fuel—Additional conditions.**~~

~~In addition to the conditions imposed pursuant to Section 22.56.100, the following development standards shall be mandatory conditions of such grant:~~

~~A. No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler.~~

~~B. No advertisement of alcoholic beverages shall be displayed at motor fuel islands.~~

~~C. No sale of alcoholic beverages shall be made from a drive-in window.~~

~~D. No display or sale of beer or wine shall be made from an ice tub.~~

~~E. No beer or wine advertising shall be located on motor fuel islands and no self-illuminated advertising for beer or wine shall be located on buildings or windows.~~

~~F. If the sale of alcoholic beverages between the hours of 10:00 p.m. and 2:00 a.m. is granted as a part of the conditional use permit, employees on duty shall be at least 21 years of age in order to sell beer or wine.~~

ATTACHMENT 2

Standard Conditions

STANDARD PERMIT SPECIFIC CONDITIONS
ALCOHOLIC BEVERAGE SALES CUP

TABLE OF CONTENTS

I. **GENERAL CONDITIONS APPLICABLE TO ALL ALCOHOL CUPs**

II. **ON-SITE SALE CUP CONDITIONS**
- **A. General Conditions for On-Site Sales**
- **B. Specific Conditions for On-Site Sales at Various Establishments**
  - aa. Full Service Restaurants Including Hotel Restaurants
  - bb. Banquet Hall
  - cc. Bars/Nightclubs
- **C. Additional Optional Conditions**

III. **OFF-SITE SALE CONDITIONS**
- **A. General Conditions for Off-Site Sales**
- **B. Specific Conditions for Off-Site Sales at Various Establishments**
  - aa. Gas Station/Mini Mart
  - bb. Convenience Store/Market Under 15,000 sq ft
  - cc. Gift Shop/Specialty Store
- **C. Additional Optional Conditions**

I. GENERAL CONDITIONS APPLICABLE TO ALL ALCOHOL CUPs

1. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein;

2. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;

3. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program (insert other State mandated program if applicable) provided by the State of California Department of Alcoholic Beverage Control, or other comparable State-certified program. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request;

4. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property, including windows, walls, fences or similar structures, or within any portion of the interior of any structure that is visible from the outside.

5. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;

6. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public;

7. This grant authorizes the sale of alcoholic beverages from [_____a.m./p.m. to _____a.m./p.m. time] on [days] [Additional restrictions/conditions to operation can be added on a case-by-case basis.];

II. ON-SITE SALE CUP CONDTIONS

A. General Conditions for On-Site Sales

1. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary;

2. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu;

3. All servers of alcoholic beverages must be at least 18 years of age;

4. Music or other audible noise at the restaurant shall comply with Title 12 to the satisfaction of the Department of Public Health;

B. Specific Conditions for On-Site Sales at Various Establishments

aa. *Banquet Hall or Special Event Facility*
The operation of the facility (insert establishment) is further subject to all of the following conditions:

5. Storage of alcohol shall be allowed for a maximum of 24 hours prior to the event;

6. All alcohol shall be removed from the premises [one hour prior to closing, subsequent to closing, within 24 hours after closing];

bb. Bars/Nightclubs
The operation of the facility (insert establishment) is further subject to all of the following conditions:

7. Employees on duty after 10:00 pm shall be at least 21 years of age;

C. Additional Optional Conditions for On-Site Sales

8. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant only;

9. The sale and serving of alcoholic beverages for consumption outside the restaurant is prohibited [including patios, sidewalks, porches, etc];

10. The business shall employ not less than one full-time cook that is engaged in the preparation of meals for patrons during the permissible hours of operation;

11. a. The permittee shall not advertise or hold any "happy hour" drink specials, "two for one" specials, or similar promotions;

-OR-

b. The permittee may hold "happy hour" drink specials, specials or similar promotions from [insert allowable time and days of week] only in conjunction with food;

12. Food service shall be continuously provided during operating hours;

13. A security guard shall be provided [when, how long, etc];

14. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot;

15. No live entertainment, dancing, or dance floor is authorized in or outside the premises;

III. OFF-SITE SALE CUP CONDITIONS

A. General Conditions for Off-Site Sales

1. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises;

2. No sale of alcoholic beverages shall be made from a drive-in window;

3. Any conditions on hours of alcohol sale should be consistent with store operating hours. Alcohol sales shall be prohibited between [_____a.m./p.m. to _____a.m./p.m. time] on [days], consistent with California state law;

4. There shall be no beer sold in single containers under one quart or in less than manufacturer pre-packaged six-pack quantities [required limit for gas stations/mini-marts];

5. No display of alcoholic beverages shall be made from an ice tub;

6. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the "shelf plan" labeled Exhibit 'A'. No additional display of alcoholic beverages shall be provided elsewhere on the premises;

7. Employees on duty after 10:00 pm shall be at least 21 years of age;

B. Specific Conditions for Off-Site Sales at Various Establishments

aa. Gas Station/Mini Mart
The operation of the facility (gas station/mini-mart) is further subject to all of the following conditions:

8. Employees on duty from the hours of 10:00 p.m. and 2 a.m. who sell alcohol shall be at least 21 years old (pursuant to Title 22);

9. No beer or wine advertising shall be located on motor fuel islands (pursuant to Title 22);

10. No alcoholic beverages shall be displayed within five feet of the cash register, unless displayed securely behind the register, or within five feet of the front door unless it is in a permanently affixed cooler;

bb. Convenience Stores/Markets under 15,000 sq feet
The operation of this (insert establishment), including the sale of (beer & wine/full-line) for off-site consumption, is further subject to all of the following conditions:

11. Beer in containers of 16 ounces or less shall not be sold by single container, but must be sold in manufacturer pre-packaged multi-unit quantities. The permittee shall post signs on the coolers and cashier station stating the selling of single containers of beer is prohibited; [May be more restrictive depending on the case history];

12. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than four-pack quantities;

cc. Gift Shop/Specialty Store
The operation of this (insert establishment), including the sale of (beer & wine/full-line) for off-site consumption, is further subject to all of the following conditions:

13. The permittee shall sell small bottles of alcoholic beverages seasonally or when sold as part of a gift basket (insert ounces/volume);

14. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises and loitering;

15. Any conditions on hours of alcohol sale should be consistent with store operating hours. Alcohol sales shall be prohibited between [_____a.m./p.m. to _____a.m./p.m. time] on [days], consistent with California state law;

C. Additional Optional Conditions for Off-Site Sales

16. Malt beverages (e.g. beer, ale, stout and malt liquors) shall not be sold in a bottle or container greater than 750 milliliters or 25.4 ounces;

17. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than four-pack quantities;

18. The permittee shall provide adequate lighting above all entrances and exits to the premises and in all parking areas and walkways under control of the permittee or required [as a condition of] this grant. All lighting required by this grant shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties;

19. The sale of fortified wines shall be prohibited [only used when the CUP is for beer & wine];

20. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot;

21. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, with the exception of official State Lottery machines;

22. For projects that need to purchase an existing alcohol CUP license (East Los Angeles, etc.): The permittee is required to purchase an existing alcohol license in the (*insert community name*) community no later than **(date)**. If, despite evidence provided to the Director of Regional Planning ("Director") of best efforts to obtain an expired license, the permittee requires additional time, then the permittee may request additional time in writing from the Director. If the Director determines that the permittee has been unable to acquire an expired license despite best efforts, the Director shall grant an extension or extensions which cumulatively shall not exceed one year. The rights granted hereunder shall expire and lapse in the event that the permittee fails to acquire a license within the time frame set forth in this condition.

23. The permittee shall have a display area, as depicted on the approved floor plan and/or shelf plan, devoted to the sale of a minimum of three (3) varieties of fresh produce and a minimum of two (2) varieties of whole grains. The fresh produce offered for sale shall be free from spoilage. "Fresh produce" shall mean any edible portion of a fresh fruit or vegetable, whether offered for sale whole or pre-sliced and "whole grains" shall mean any food from either: a single ingredient product, such as brown rice, whole oats, quinoa, or barley; or a pre-packaged grain product, such as whole wheat bread or whole wheat crackers, in which the word "whole" appears first in the ingredients list of the product. These products shall be displayed in high-visibility areas, meeting one or more of the following criteria: within ten (10) feet of the front door; within five (5) feet of a cash register; at eye-level on a shelf or within a cooler, refrigerator, or freezer case; on an end cap of an aisle; or within a display area dedicated to produce that is easily accessible to customers.

ATTACHMENT 3

Project Summary

COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING

PROJECT SUMMARY

PROJECT DESCRIPTION	Safe Access to Alcohol and Food Establishments Ordinance
REQUEST	Approve Advance Planning Case No. RPPL2016005464
LOCATIONS	All unincorporated areas
STAFF CONTACT	Mitch Glaser (213) 974-4971
RPC HEARING DATE	March 8, 2017
RPC RECOMMENDATION	Board of Supervisors public hearing to consider adoption of the Safe Access to Alcohol and Food Establishments Ordinance
MEMBERS VOTING AYE	Commissioners Smith, Louie, Shell, Modugno
MEMBERS VOTING NAY	None
MEMBERS ABSENT	None
MEMBERS ABSTAINING	None
KEY ISSUES	• Provides standards for making a finding of "public convenience or necessity" in conjunction with approval of a Conditional Use Permit (CUP) for alcoholic beverage sales; • Allows modification of the five-percent alcoholic beverage shelf space limitation in certain cases; • Requires the sale of healthy food at retailers that sell alcoholic beverages for off-site consumption; and • Creates "deemed approved" provisions for legally-established businesses that currently sell alcoholic beverages without a CUP.
MAJOR POINTS FOR	• Provides a comprehensive framework to regulate alcoholic beverage sales uses to ensure they operate in a manner that enhances the surrounding area and minimizes negative impacts; • Mitigates issues of nuisance and violence associated with "deemed approved" alcohol sales uses; and • Mitigates issues of public health associated with a high density of alcohol sales uses and limited access to healthy foods.
MAJOR POINT AGAINST	None

ATTACHMENT 4

Summary of Regional Planning Commission Proceedings

REGIONAL PLANNING COMMISSION
SUMMARY OF PUBLIC HEARING PROCEEDINGS

SAFE ACCESS TO ALCOHOL AND FOOD ESTABLISHMENTS ORDINANCE

On March 8, 2017, the Los Angeles County Regional Planning Commission (Commission) conducted a duly-noticed public hearing to consider the Safe Access to Alcohol and Food Establishments (SAAFE) Ordinance, which is a comprehensive revision of alcoholic beverage sales regulations currently located in Title 22 – Planning and Zoning – of the Los Angeles County Code.

The SAAFE Ordinance was initiated by a Board of Supervisors (Board) motion on May 31, 2016. The Department of Regional Planning (Regional Planning) collaborated with the Department of Public Health (Public Health) to conduct outreach, including 14 public meetings throughout the County's unincorporated communities, surveys, and visits to businesses that currently sell alcoholic beverages. The SAAFE Ordinance adds definitions, amends permitted uses in several zoning designations, and adds a new Part 32 of Chapter 22.52 containing alcoholic beverage sales regulations. The SAAFE Ordinance also deletes Sections 22.56.195 and 22.56.245, which currently contain alcoholic beverage sales regulations that will be consolidated into the new Part 32 of Chapter 22.52.

During the March 8, 2017 hearing, Regional Planning staff presented the proposed SAAFE Ordinance and Regional Planning's standard conditions for a Conditional Use Permit (CUP) to authorize alcoholic beverage sales. The presentation highlighted the healthy food requirement for businesses selling alcoholic beverages for off-site consumption and the "deemed approved" provisions for businesses selling alcoholic beverages that did not require a CUP at the time they were legally established. The presentation also mentioned the findings necessary to make a determination of "public convenience or necessity," to modify the five-percent alcoholic beverage shelf space limitation, and to modify the aforementioned healthy food requirement.

Nine people testified in support of the SAAFE Ordinance, although some requested clarifications, revisions, or additions to the proposed regulations. Regional Planning and Public Health staff also responded to questions from the Commission.

After hearing all testimony, the Commission closed the public hearing, instructed staff to add an employee training requirement to the SAAFE Ordinance, clarify and revise other portions of the SAAFE Ordinance and two of Regional Planning's standard conditions for a CUP to authorize alcoholic beverage sales, and recommended approval of the SAAFE Ordinance by the Board.

Commissioners Smith, Louie, Shell, and Modugno voted aye.

ATTACHMENT 5

Regional Planning Commission Resolution

RESOLUTION OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. 2016-003059-(1-5)
ADVANCE PLANNING NO. RPPL 2016005464
SAFE ACCESS TO ALCOHOL AND FOOD ESTABLISHMENTS (SAAFE) ORDINANCE

WHEREAS, the Regional Planning Commission of the County of Los Angeles (County) has reviewed the matter of an ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code (Zoning Code) related to a comprehensive revision of alcoholic beverage sales regulations (SAAFE Ordinance); and

WHEREAS, pursuant to Article 1 of Chapter 4 of Division 1 of Title 7 of the Government Code (commencing with Section 65800), the County is authorized to adopt amendments to the Zoning Code; and

WHEREAS, the County proposes the adoption of Project No. 2016-003059, which includes Advance Planning No. Case RPPL 2016005464, which amends the Zoning Code; and

WHEREAS, the Regional Planning Commission finds as follows:

1. On May 31, 2016, the County Board of Supervisors introduced a motion directing the Department of Regional Planning (Regional Planning) to amend the Zoning Code by clarifying existing provisions related to alcohol sales uses currently located in Section 22.56.195, including but not limited to the following:

   "regarding undue concentration and the trigger for the alcoholic beverage shelf space limitation; allow the reviewing authority to modify the alcoholic beverage shelf space limitation pursuant to specific findings; require and incentivize the sale of healthy food at retail stores that sell alcohol; add "deemed approved" provisions for alcohol sales uses established prior to the County's Conditional Use Permit (CUP) requirement and include any additional amendments that may be recommended pursuant to further study and public outreach..."

2. In September 2016, Regional Planning staff conducted 14 public outreach meetings throughout the County to provide information about the SAAFE Ordinance and to solicit public feedback.

3. On February 4, 2017, Regional Planning staff conducted a public meeting in Downtown Los Angeles to present the draft SAAFE Ordinance and solicit public feedback. Staff received three public comments regarding the draft SAAFE Ordinance.

4. The Zoning Code presently does not contain regulations which address alcoholic beverage sales uses in possession of licenses issued by the Department of Alcohol Beverage Control prior to 1992 when the County required approval of a CUP.

5. Municipalities throughout California have enacted similar "deemed approved" ordinances as a means of regulating alcoholic beverage sales uses established prior to their CUP requirement.

6. In order to effectively regulate issues of violence and nuisance associated with "deemed approved" alcoholic beverage sales uses, the Zoning Code will be amended to impose new regulatory performance standards.

7. The SAAFE Ordinance will also amend the Zoning Code to provide more clarity on alcoholic beverage sales regulations and require the sale of healthy foods at alcoholic beverage sales uses requesting a new CUP for off-site consumption.

8. The SAAFE Ordinance intends to mitigate issues of nuisance and violence associated with "deemed approved" alcohol sales uses. According to the Prevention Research Center, there exists a correlation between rates of violence and concentration of alcohol sales outlets. The County Department of Public Health also identifies an association between alcohol sales outlet density and alcohol-related harms.

9. The SAAFE Ordinance intends to mitigate issues of public health associated with a high density of alcohol sales uses and limited access to healthy foods. Research indicates that alcohol sales outlet density is disproportionately greater in communities with higher levels of poverty and higher proportions of minority groups. Poverty, education, and race/ethnicity health disparity risk factors are all associated with alcohol sales outlet density. The existence of "food deserts" (areas with lack of access to healthy food) and "food swamps" (areas with an overabundance of unhealthy food) are environmental conditions which result in health disparities that disproportionately affect racial minority neighborhoods.

10. The SAAFE Ordinance applies to all unincorporated portions of the County over which the County has land use jurisdiction (Project Area). The proposed Project Area is bordered by Kern County to the north, Orange County to the south, San Bernardino County to the east, and Ventura County to the west, and excludes 88 incorporated cities within these boundaries. The proposed Project Area comprises approximately 2,656 square miles and includes more than 100 unincorporated communities as well as the Angeles National Forest and part of the Los Padres National Forest. The proposed Project Area also includes federal, state and County parks and recreational areas.

11. The regulations within the SAAFE Ordinance were developed with input from the appropriate County agencies, including the County Department of Public Health.

12. Regional Planning has determined that adoption of the SAAFE Ordinance is exempt from California Environmental Quality Act (CEQA) reporting requirements pursuant to Section 15061(b)(3) of the CEQA Guidelines because there is no possibility that adoption of the SAAFE Ordinance may have a significant effect on the environment.

THEREFORE, BE IT RESOLVED THAT the Regional Planning Commission recommends that the County Board of Supervisors:

1. Conduct a public hearing to consider an ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code related to a comprehensive revision of alcoholic beverage sales regulations; and

2. Certify that adoption of the ordinance is exempt from CEQA reporting requirements pursuant to Section 15061(b)(3) of the CEQA Guidelines; and

3. Adopt the attached ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code and determine that it is compatible with and supportive of the goals and policies of the Los Angeles County General Plan.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission on March 8, 2017.

By _____
Rosie O. Ruiz, Secretary
Regional Planning Commission
County of Los Angeles

APPROVED AS TO FORM:
OFFICE OF THE COUNTY COUNSEL

By _____
Starr Coleman, Deputy County Counsel
Property Division

VOTE

Concurring: Smith, Louie, Shell, Modugno

Dissenting: None

Abstaining: None

Absent: None

Action Date: March 8, 2017

ATTACHMENT 6

Regional Planning Commission Hearing Packages

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

February 23, 2017

TO: Doug Smith, Chair
David W. Louie, Vice Chair
Laura Shell, Commissioner
Pat Modugno, Commissioner

FROM: Mitch Glaser, AICP, Assistant Administator
Current Planning Division

SAFE ACCESS TO ALCOHOL AND FOOD ESTABLISHMENTS (SAAFE) ORDINANCE – PROJECT NO. 2016-003059-(1-5) – ADVANCE PLANNING CASE NO. RPPL2016005464 – HEARING DATE: MARCH 8, 2017 – ITEM NO. 5

BACKGROUND

In 1992, the Board of Supervisors (Board) adopted an ordinance amending the Zoning Code that required a Conditional Use Permit (CUP) for any business selling alcoholic beverages. The 1992 ordinance stated that a CUP could only be approved if specific findings were made, including a finding of "public convenience and necessity" in certain instances. The 1992 ordinance also established a five-percent alcoholic beverage shelf space limitation for businesses selling alcoholic beverages for off-site consumption if they were located within 500 feet of similar premises. The 1992 ordinance did not apply to businesses that were legally established without a CUP. Those businesses would need a CUP only if they changed California Department of Alcoholic Beverage Control (ABC) license types or expanded their alcoholic beverage sales.

On May 31, 2016, the Board approved a motion (Attachment A) to initiate an ordinance that would comprehensively revise alcoholic beverage sales regulations in the Zoning Code. The motion identified four key revisions to be included in the ordinance:

1. Provide standards for making a finding of "public convenience and necessity" in conjunction with approval of a CUP for alcoholic beverage sales;
2. Allow modification of the five-percent alcoholic beverage shelf space limitation in certain cases;
3. Require the sale of healthy food at retailers that sell alcoholic beverages for off-site consumption; and
4. Create "deemed approved" provisions for legally-established businesses that currently sell alcoholic beverages without a CUP.

The motion directed the Department of Regional Planning (Regional Planning) to conduct outreach to interested parties, prepare an environmental analysis and resource

assessment related to the ordinance, and to review and update the standard conditions that it recommends for alcoholic beverage sales CUPs. The motion directed Regional Planning to present the ordinance and related documents to your Commission at a public hearing within nine months.

The motion also directed the Department of Public Health (Public Health) to prepare a report to the Board (Attachment B) regarding existing efforts and best practices to support healthy food retail in underserved neighborhoods.

EXISTING ALCOHOLIC BEVERAGE SALES USES

After obtaining a database of existing ABC licenses, Regional Planning conducted a Geographic Information System (GIS) mapping analysis to determine the number and location of existing alcoholic beverage sales uses in the unincorporated areas of the County. A total of 932 locations were identified.

The following is a list of the 932 locations sorted by Supervisorial District:

1st District	236
2nd District	216
3rd District	24
4th District	202
5th District	254
Total	932

These locations were then compared to Regional Planning's database of locations currently operating with a CUP. A total of 574 locations were identified as currently operating without a CUP. Presumably these locations were legally established prior to the County's CUP requirement and would be considered "deemed approved" uses if the proposed ordinance were to be adopted. The following is a list of the 574 locations operating without a CUP, sorted by Supervisorial District, with an additional column listing the percentage of the total existing alcoholic beverage sale uses within each Supervisorial District, and Countywide, which are operating without a CUP:

1st District	180	76.3%
2nd District	163	75.5%
3rd District	16	66.7%
4th District	91	45%
5th District	124	48.8%
Total	574	61.6%

Although 61.6% of the total existing alcoholic beverage sales uses within the unincorporated areas of the County are operating without a CUP, the percentage varies between Supervisorial Districts. For example, 76.3% of existing alcoholic beverage sales

uses within the First Supervisorial District are operating without a CUP while only 45% of existing alcoholic beverage sales uses within the Fourth Supervisorial District are operating without a CUP.

PROPOSED ORDINANCE

The proposed ordinance (Attachment C) adds definitions, amends permitted uses in several zoning designations, and adds a new Part 32 of Chapter 22.52 containing alcoholic beverage sales regulations. The proposed ordinance also deletes Sections 22.56.195 and 22.56.245, which currently contain alcoholic beverage sales regulations that will be consolidated into the new Part 32 of Chapter 22.52.

Definitions

Bars and cocktail lounges are currently listed as permitted uses in the Zoning Code but are not defined. The proposed ordinance defines these uses as establishments selling alcoholic beverages for on-site consumption as a principal use.

Permitted Uses

In Zones A-1, A-2, R-R, W, and O-S, the proposed ordinance allows the sale of alcoholic beverages for on-site consumption as an accessory use (e.g. at restaurants and recreation clubs) with a CUP. Bars and cocktail lounges are not allowed. In these zones, the proposed ordinance also allows the sale of alcoholic beverages for off-site consumption as an accessory use to a campground or recreational trailer park with a CUP.

In Zone C-H, the proposed ordinance allows the sale of alcoholic beverages for on-site consumption as an accessory use (e.g. at restaurants and recreation clubs) with a CUP. Bars and cocktail lounges, and the sale of alcoholic beverages for off-site consumption, are not allowed.

In Zones C-1, C-2, C-3, C-M, C-R, C-RU, and C-MJ, the proposed ordinance allows the sale of alcoholic beverages for on-site consumption and/or off-site consumption, including bars and cocktail lounges, with a CUP.

In Zones M-1, M-1.5, and M-2, the proposed ordinance allows the sale of alcoholic beverages for on-site consumption and/or off-site consumption, including bars and cocktail lounges, with a CUP. In these zones, the proposed ordinance also allows remote tasting rooms with a CUP.

In Zones MXD and MXD-RU, the proposed ordinance allows the sale of alcoholic beverages for on-site consumption and/or off-site consumption, including bars and cocktail lounges, with a CUP.

The proposed ordinance includes language that allows the Director to accept a CUP application for alcoholic beverage sales as an accessory use in zones and land use categories within Specific Plans and Supplemental Districts that are silent with respect to alcoholic beverage sales.

Operating Regulations

The proposed ordinance includes the five-percent alcoholic beverage shelf space limitation currently located in Section 22.56.195 and allows this regulation to be modified if specific findings are made.

The proposed ordinance includes healthy food provisions that were developed in partnership with Public Health. A business selling alcoholic beverages for off-site consumption that obtains a CUP would be required to also sell five varieties of fresh produce and three varieties of whole grains on a continuous basis. These healthy food products would need to be displayed in high-visibility areas meeting at least one of five criteria and the display areas would need to be depicted on the floor plan and/or shelf plan approved concurrently with the CUP. The proposed ordinance allows this regulation to be modified if a specific finding is made.

The proposed ordinance includes several additional operating regulations currently located in Section 22.56.245 that apply to a business selling both motor vehicle fuel and alcoholic beverages for off-site consumption. The proposed ordinance does not allow these regulations to be modified.

Findings

The proposed ordinance includes the five findings currently located in Section 22.56.195 that must be made to approve any alcoholic beverage sales CUP. The proposed ordinance identifies the circumstances in which an additional finding of "public convenience and necessity" must be made and provides nine standards to assist the reviewing authority in making such a finding.

The proposed ordinance also includes the findings that must be made to modify the five-percent shelf space limitation or to modify the healthy food provisions.

"Deemed Approved" Provisions

The proposed ordinance identifies a "deemed approved" alcohol sales use as any legally-established use that sells alcoholic beverages without a CUP, and which did not require a CUP at the time it was established. The proposed ordinance includes the requirement currently located in Section 22.56.195 that such uses must obtain a CUP if they change ABC license types or expand their alcoholic beverage sales.

The proposed ordinance provides eight performance standards for "deemed approved" uses. After a public hearing, your Commission may revoke the use's "deemed approved" status due to non-compliance with these performance standards and require a CUP for

any subsequent sale of alcoholic beverages on the subject premises. The proposed ordinance states that such a public hearing may be initiated by the Board, your Commission, or the Director of Regional Planning and provides procedures for such a public hearing, including required notification and findings.

If your Commission revokes a use's "deemed approved" status and the use continues to sell alcoholic beverages without a CUP, the proposed ordinance subjects the operator and property owner, if different than the operator, to the enforcement procedures in Part 6 of Chapter 22.60 as well as any civil and criminal remedies necessary to ensure compliance.

STANDARD CONDITIONS

The proposed ordinance includes language that authorizes the reviewing authority to impose additional conditions on any alcoholic beverage sales CUP, consistent with current practice, and provides six examples of such conditions.

Pursuant to the Board motion, Regional Planning has reviewed and updated the standard conditions that it recommends for alcoholic beverage sales CUPs (Attachment D). These standard conditions will be posted on Regional Planning's Web Site and made available to prospective applicants and the public after they have been reviewed and considered by your Commission and the Board in conjunction with the proposed ordinance.

STAFF ANALYSIS

Supportive Documents and Studies

Municipalities throughout California have enacted similar "deemed approved" ordinances as a means of regulating alcohol outlets established prior to their CUP requirement.[1] The proposed ordinance intends to mitigate issues of nuisance and violence associated with "deemed approved" alcohol sales uses. According to the Prevention Resource Center[2], there exists a correlation between rates of violence and concentration of alcohol sales outlets. Public Health also identifies an association between alcohol sales outlet density and alcohol-related harms.[3]

The proposed ordinance also intends to mitigate issues of public health associated with a high density of alcohol sales uses and limited access to healthy foods. Research indicates that alcohol sales outlet density is disproportionately greater in communities with higher levels of poverty and higher proportions of minority groups. Poverty,

---

[1] Mosher, James F. et al. "Reducing Community Alcohol Problems Associated with Alcohol Sales: The Case of Deemed Approved Ordinances in California." Alcohol Policy Consultations.
[2] Kathryn Stewart, "How Alcohol Outlets Affect Neighborhood Violence," *Pacific Institute for Research and Evaluation.*
[3] Substance Abuse Prevention and Control, "Reducing Alcohol-Related Harms in Los Angeles County," County of Los Angeles Department of Public Health.

education, and race/ethnicity health disparity risk factors are all associated with alcohol sales outlet density.[4] The existence of "food deserts" (areas with lack of access to healthy food) and "food swamps" (areas with an overabundance of unhealthy food) are environmental conditions which result in health disparities that disproportionately affect racial minority neighborhoods.[5]

The documents and studies referenced in the footnotes are provided in Attachment E.

General Plan Consistency

The proposed ordinance is consistent with the following goals and policies in the General Plan:

Goal LU 5: *Vibrant, livable and healthy communities with a mix of land uses, services and amenities.*

Policy LU 5.2: *Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.*

Policy LU 5.7: *Direct resources to areas that lack amenities, such as transit, clean air, grocery stores, bikeways, parks, and other components of a healthy community.*

Policy LU 5.8: *Encourage farmers markets, community gardens, and proximity to other local food sources that provide access to healthful and nutritious foods.*

Goal LU 9: *Land use patterns and community infrastructure that promote health and wellness.*

Policy LU 9.1: *Promote community health for all neighborhoods.*

Policy LU 9.3: *Encourage patterns of development that increase convenient, safe access to healthy foods, especially fresh produce, in all neighborhoods.*

The healthy food provisions in the proposed ordinance will ensure that retailers provide a diverse range of products for sale in addition to alcoholic beverages, promoting better health outcomes throughout all unincorporated communities, consistent with these goals and policies. These provisions are especially important in "food desert" and "food swamp" areas that lack amenities such as grocery stores and therefore do not have sufficient access to healthy foods.

---

[4] Berke, Ethan M. et al. "Alcohol Retail Density and Demographic Predictors of Health Disparities: A Geographic Analysis." American journal of public health 100.10 (2010): 1967–1971. PMC. Web. 3 Feb. 2017.

[5] Walker, Renee E. et al. "Disparities and access to healthy food in the United States: A review of food deserts literature." Health & Place.

The "deemed approved" provisions in the proposed ordinance will promote community health throughout all unincorporated communities, consistent with these goals and policies, by providing a tool to address issues of nuisance and violence associated with alcohol sales outlets, especially in areas with a high density of such outlets. Many "deemed approved" alcohol sales businesses also sell food and the performance standards in the proposed ordinance will ensure that these businesses can be safely accessed and will not result in adverse effects to the health, welfare, peace or safety of persons visiting, residing, working, or conducting business in the surrounding area.

Environmental Analysis

The project has been determined to be exempt from California Environmental Quality Act (CEQA) reporting requirements pursuant to CEQA Guidelines Section 15061(b)(3) which states, "A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

The proposed project is an ordinance and not a development project. The "deemed approved" provisions within the proposed ordinance pertain to existing businesses. The proposed ordinance does not authorize any additional "by right" uses and instead provides procedures for the review of alcohol beverage sales CUPs as well as operating regulations that would apply in the event that such CUPs are approved. Future CUP requests will require project-level CEQA review to determine potential impacts. The number, location, and specific characteristics of future CUP requests will largely depend on economic market factors so any attempt to analyze indirect physical changes would be speculative at this time. The proposed ordinance does not preclude the County from denying a future CUP request that may have a significant effect on the environment. Therefore adoption of the proposed ordinance will not result in any direct physical change in the environment and will not result in any indirect physical change in the environment that is reasonably foreseeable at this time.

Resource Assessment

At this time, Regional Planning staff does not anticipate that additional resources will be required to implement and enforce the "deemed approved" provisions within the proposed ordinance. However, if the Board, your Commission, or the Director of Regional Planning initiates a public hearing to consider revoking a business's "deemed approved" status due to non-compliance with the performance standards, the subsequent investigation and report preparation will require coordination with ABC, the Sheriff's Department, and other interested parties, such as members of the public and the relevant Board office. If the proposed ordinance is adopted, Regional Planning staff will monitor implementation and enforcement and may identify additional resources in future budget requests.

OUTREACH

In September 2016, Regional Planning hosted 14 public meetings throughout the unincorporated areas of the County. A brochure advertising the meetings (Attachment F) was mailed to approximately 200 individuals and organizations who previously signed up for Regional Planning's courtesy mailing list and to approximately 900 businesses that currently sell alcoholic beverages throughout the unincorporated areas of the County. The meetings were also promoted through email and social media.

At the September 2016 meetings, attendees were able to complete a survey regarding their alcohol beverage and healthy food purchase behaviors and their concerns about the sale of alcoholic beverages at various establishments. The survey was also made available on Regional Planning's Web Site. 108 individuals completed the survey at the meetings or online and the survey results are provided in Attachment G.

In late 2016, fellows of the Women's Policy Institute conducted outreach to community residents and retailers in the unincorporated Antelope Valley and prepared survey results and a policy brief (Attachment H).

In January 2017, Regional Planning released its first draft of the proposed ordinance for review and comment. A brochure advertising the release, a survey to solicit comments on the proposed ordinance, an upcoming public meeting, and your Commission's public hearing (Attachment I), was mailed to approximately 200 individuals and organizations who previously signed up for Regional Planning's courtesy mailing list and to approximately 900 businesses that currently sell alcoholic beverages throughout the unincorporated areas of the County. A hard copy version of the survey was included in the mailings to the businesses. The release was also promoted through email and social media.

Also in January 2017, Regional Planning Zoning Enforcement planners and groups and individuals associated with Public Health's Substance Abuse Prevention and Control unit hand delivered brochures to businesses that currently sell alcoholic beverages throughout the unincorporated areas of the County and encouraged them to provide feedback on the proposed ordinance through the survey or other means.

On February 4, 2017, Regional Planning hosted a public meeting at the Hall of Records. Approximately 10 individuals attended the meeting and it was also streamed live online and stored on Regional Planning's Web Site for future viewing. Three individuals asked questions or provided verbal comments at the meeting.

As of the date of this staff report, 12 hard copy versions of the January 2017 survey were mailed back to Regional Planning and approximately 10 additional individuals completed the online survey. Since the online survey is available until February 27, 2017, the survey results will be provided to your Commission in a supplemental package on March 2, 2017.

PUBLIC NOTIFICATION AND COMMENTS

Public hearing notices were mailed to approximately 200 individuals and organizations who previously signed up for Regional Planning's courtesy mailing list and to approximately 900 businesses that currently sell alcoholic beverages throughout the unincorporated areas of the County. A copy of the public hearing notice and proposed ordinance were also sent to six public libraries throughout the County. A legal advertisement was published in the *Los Angeles Times*, a newspaper of general circulation. All project materials were posted on the Regional Planning Web Site at http://planning.lacounty.gov/saafe.

As of the date of this staff report, one public comment has been received (Attachment J).

STAFF RECOMMENDATION

Staff recommends that your Commission close the public hearing, find that the project is exempt from CEQA reporting requirements pursuant to Section 15061(b)(3) of the CEQA guidelines, adopt the attached resolution (Attachment K) recommending adoption of the proposed ordinance by the Board, and forward the proposed ordinance to the Board for consideration in a public hearing.

RECOMMENDED MOTION

I move that the Regional Planning Commission close the public hearing, find that the project is exempt from CEQA reporting requirements pursuant to Section 15061(b)(3) of the CEQA Guidelines, adopt the resolution recommending adoption of the proposed ordinance by the Board of Supervisors, and forward the proposed ordinance to the Board of Supervisors for consideration in a public hearing.

If you have any questions, you may contact me at mglaser@planning.lacounty.gov or (213) 974-4971 Monday through Thursday.

MWG:mwg

Attachments:

A. Board of Supervisors Motion
B. Department of Public Health Report
C. Proposed Ordinance
D. Standard Conditions
E. Supportive Documents and Studies
F. September 2016 Brochure
G. Fall 2016 Survey Results
H. Women's Policy Institute Survey Results and Policy Brief
I. January 2017 Brochure
J. Public Comment
K. Resolution for Commission Adoption

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

March 8, 2017

TO: Doug Smith, Chair
David W. Louie, Vice Chair
Laura Shell, Commissioner
Pat Modugno, Commissioner

FROM: Mitch Glaser, AICP, Assistant Administator
Current Planning Division

SUPPLEMENTAL PUBLIC HEARING MATERIALS – SAFE ACCESS TO ALCOHOL AND FOOD ESTABLISHMENTS (SAAFE) ORDINANCE – PROJECT NO. 2016-003059-(1-5) – ADVANCE PLANNING CASE NO. RPPL2016005464 – HEARING DATE: MARCH 8, 2017 – ITEM NO. 5

Staff has received an additional public comment letter from Stephen Jamieson (attached). The letter correctly notes that State law refers to "public convenience ***or*** necessity" instead of "public convenience ***and*** necessity" (emphasis added). Therefore, if your Commission takes the recommended action, staff will revise the proposed ordinance accordingly before it is forwarded to the Board of Supervisors for consideration in a public hearing.

If you have any questions, you may contact me at mglaser@planning.lacounty.gov or (213) 974-4971 Monday through Thursday.

MWG:mwg

SOLOMON SALTSMAN & JAMIESON
A Partnership of Professional Corporations
426 Culver Boulevard | Playa del Rey, CA 90293
Telephone: 310-822-9848 | Facsimile: 310-822-3512
Toll Free: 800.405.4222
www.ssjlaw.com

STEPHEN ALLEN JAMIESON
Partner
Email: sjamieson@ssjlaw.com

Via E-Mail:
saafe@planning.lacounty.gov

March 3, 2017

Los Angeles County Department of Regional Planning
ATTN: SAAFE Team
320 W Temple St 13th Floor
Los Angeles CA 90012

RE: SAAFE

To Whom It May Concern:

The draft SAAFE is using an incorrect standard as the language in the Ordinance states "Public Convenience *And* Necessity", when Business and Professions Code 23958.4 states instead in the disjunctive "*Or*", rather than the conjunctive "And". See attached.

Very truly yours,

SOLOMON SALTSMAN & JAMIESON

STEPHEN ALLEN JAMIESON
Licensed in California and Wisconsin

SAJ/ew

Enclosure

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 9. ALCOHOLIC BEVERAGES [23000 - 25762] *(Division 9 added by Stats. 1953, Ch. 152.)*

CHAPTER 6. Issuance and Transfer of Licenses [23950 - 24082] *(Chapter 6 added by Stats. 1953, Ch. 152.)*

ARTICLE 1. Applications for Licenses [23950 - 23962] *(Article 1 added by Stats. 1953, Ch. 152.)*

23958.4. (a) For purposes of Section 23958, "undue concentration" means the case in which the applicant premises for an original or premises-to-premises transfer of any retail license are located in an area where any of the following conditions exist:

(1) The applicant premises are located in a crime reporting district that has a 20 percent greater number of reported crimes, as defined in subdivision (c), than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.

(2) As to on-sale retail license applications, the ratio of on-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises are located.

(3) As to off-sale retail license applications, the ratio of off-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.

(b) Notwithstanding Section 23958, the department may issue a license as follows:

(1) With respect to a nonretail license, a retail on-sale bona fide eating place license, a retail license issued for a hotel, motel, or other lodging establishment, as defined in subdivision (b) of Section 25503.16, a retail license issued in conjunction with a beer manufacturer's license, or a winegrower's license, if the applicant shows that public convenience or necessity would be served by the issuance.

(2) With respect to any other license, if the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

If the local governing body, or its designated subordinate officer or body, does not make a determination within the 90-day period, then the department may issue a license if the applicant shows the department that public convenience or necessity would be served by the issuance. In making its determination, the department shall not attribute any weight to the failure of the local governing body, or its designated subordinate officer or body, to make a determination regarding public convenience or necessity within the 90-day period.

(c) For purposes of this section, the following definitions shall apply:

(1) "Reporting districts" means geographical areas within the boundaries of a single governmental entity (city or the unincorporated area of a county) that are identified by the local law enforcement agency in the compilation and maintenance of statistical information on reported crimes and arrests.

(2) "Reported crimes" means the most recent yearly compilation by the local law enforcement agency of reported offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations.

(3) "Population within the census tract or census division" means the population as determined by the most recent United States decennial or special census. The population determination shall not operate to prevent an applicant from establishing that an increase of resident population has occurred within the census tract or census division.

(4) "Population in the county" shall be determined by the annual population estimate for California counties published by the Population Research Unit of the Department of Finance.

(5) "Retail licenses" shall include the following:

(A) Off-sale retail licenses: Type 20 (off-sale beer and wine) and Type 21 (off-sale general).

(B) On-sale retail licenses: All retail on-sale licenses, except Type 43 (on-sale beer and wine for train), Type 44 (on-sale beer and wine for fishing party boat), Type 45 (on-sale beer and wine for boat), Type 46 (on-sale beer and wine for airplane), Type 53 (on-sale general for train and sleeping car), Type 54 (on-sale general for boat), Type 55 (on-sale general for airplane), Type 56 (on-sale general for vessels of more than 1,000 tons burden), and Type 62 (on-sale general bona fide public eating place intermittent dockside license for vessels of more than 15,000 tons displacement).

(6) A "premises-to-premises transfer" refers to each license being separate and distinct, and transferable upon approval of the department.

(d) For purposes of this section, the number of retail licenses in the county shall be established by the department on an annual basis.

(e) The enactment of this section shall not affect any existing rights of any holder of a retail license issued before April 29, 1992, whose premises were destroyed or rendered unusable as a result of the civil disturbances occurring in Los Angeles from April 29 to May 2, 1992, to reopen and operate those licensed premises.

(f) This section shall not apply if the premises have been licensed and operated with the same type license within 90 days of the application.

(Amended by Stats. 2013, Ch. 76, Sec. 6. Effective January 1, 2014.)

ATTACHMENT A – BOARD OF SUPERVISORS MOTION

STATEMENT OF PROCEEDINGS FOR THE

REGULAR MEETING OF THE BOARD OF SUPERVISORS

OF THE COUNTY OF LOS ANGELES HELD IN ROOM 381B

OF THE KENNETH HAHN HALL OF ADMINISTRATION

500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

Tuesday, May 31, 2016

1:00 PM

2. Revised recommendation as submitted by Supervisors Ridley-Thomas and Solis: Instruct the Director of Planning, in consultation with the Interim Director of Public Health and County Counsel, to prepare an ordinance amending County Code, Title 22 -Planning and Zoning, to clarify existing provisions related to alcohol sales uses currently located in Section 22.56.195, including but not limited to those regarding undue concentration and the trigger for the alcoholic beverage shelf space limitation; allow the reviewing authority to modify the alcoholic beverage shelf space limitation pursuant to specific findings; require and incentivize the sale of healthy food at retail stores that sell alcohol; add "deemed approved" provisions for alcohol sales uses established prior to the County's Conditional Use Permit (CUP) requirement and include any additional amendments that may be recommended pursuant to further study and public outreach; and take the following related actions: (Continued from the meeting of 5-24-16)

In consultation with County Counsel, conduct an appropriate environmental analysis for such an ordinance pursuant to the California Environmental Quality Act (CEQA), the County's CEQA Guidelines and the County's Environmental Document Reporting Procedures and Guidelines;

In consultation with the Sheriff, County Counsel, District Attorney and representatives from other agencies involved with nuisance abatement, conduct an assessment of any additional resources necessary to properly implement and enforce the "deemed approved" provisions for alcohol sales uses established prior to the County's CUP requirement;

Review and update the standard conditions that the Department of Regional Planning recommends for CUPs for alcohol sales uses and reformat them into a document that will be posted on the Department's website and made available to prospective applicants and the public;

Conduct outreach to interested parties, including but not limited to

neighborhood organizations, Town Councils, Chambers of Commerce and merchants' associations, public health advocates and other stakeholders;

Present the ordinance, environmental analysis, additional resource assessment, and standard conditions document to the Regional Planning Commission at a duly-noticed public hearing within the next nine months and, if necessary to complete any required studies or analysis, the Director of Planning may separate the healthy food component of the ordinance and present that final proposed ordinance to the Regional Planning Commission at a later time; in addition, if the Director of Planning determines that separating the healthy food component of the ordinance is necessary, the Director shall make a presentation to the Regional Planning Commission within the next nine months describing the efforts to date and any remaining studies or analysis which must be completed, and an estimated timeframe for presenting the completed healthy food component of the proposed ordinance to the Regional Planning Commission; and

Instruct the Interim Director of Public Health to report back to the Board in 90 days with information on existing efforts coordinated by the Department of Public Health to support healthy food sales in retail stores located in food deserts and food swamps within the County, the additional resources that would be needed to expand efforts targeting these retailers, best practices from other jurisdictions addressing healthy food sales in retail stores, and a strategy and methodology to receive input from community members and stakeholders. (16-2552)

Hina Sheikh, Tobey Robertson, Robert Williams, Albert Melena, Henry Porter, David Louie, Socorro Chacon, John Howland, Eric Preven, Arnold Sachs, Breanna Hawkins and Dr. Diana Beard-Williams addressed the Board.

After discussion, on motion of Supervisor Ridley-Thomas, seconded by Supervisor Solis, this item was approved.

Ayes: 5 - Supervisor Ridley-Thomas, Supervisor Kuehl, Supervisor Knabe, Supervisor Antonovich and Supervisor Solis

Attachments: Motion by Supervisor Ridley-Thomas
Revised Motion by Supervisors Ridley-Thomas and Solis
Report
Video
Audio

The foregoing is a fair statement of the proceedings of the regular meeting, May 31, 2016, by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.

Lori Glasgow, Executive Officer
Executive Officer-Clerk
of the Board of Supervisors

By Lori Glasgow

Lori Glasgow
Executive Officer

AGN. NO.

REVISED MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND CHAIR HILDA L. SOLIS **MAY 24, 2016**

"Deemed Approved" Provisions for Pre-1992 Liquor Licenses

In 1992, the Board of Supervisors (Board) adopted an ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code that required a Conditional Use Permit (CUP) for any business that wants to start selling alcohol for the first time, or expand existing alcohol sales, for either on-site or off-site consumption. The ordinance specified that such CUPs could only be approved if the reviewing authority made specific findings regarding neighborhood compatibility, potential effects on nearby sensitive uses, and undue concentration of similar premises. Such CUPs can include conditions to ensure neighborhood compatibility, such as limitations on signage, operating hours, and the display of retail items. Due to limitations placed on the Los Angeles County (County) by State law, the ordinance's CUP requirements did not apply to businesses which were already selling alcohol at the time the ordinance was adopted.

The 1992 ordinance recognized that alcohol sales uses, such as retail stores, restaurants, bars, and nightclubs, can have negative impacts on the surrounding neighborhood and provided a regulatory framework to prevent those effects. Over the last 24 years, the requirement of a CUP has proven to be a valuable tool for achieving the goals of the 1992 ordinance, but after 24 years of implementing this policy, there is broad agreement that it is now necessary to amend Title 22 to incorporate lessons learned and to address emerging issues that continue to impact neighborhoods in the County. These amendments fall into four categories.

-MORE-

	MOTION
RIDLEY-THOMAS	
KUEHL	
KNABE	
ANTONOVICH	
SOLIS	

First, existing Title 22 provisions~~, especially those related to undue concentration of similar premises, are difficult for the public to understand and should be clarified~~ require in some circumstances that the hearing officer determine whether an "undue concentration" of similar premises exists. However, the understanding of the land use impacts resulting from a concentration of alcohol sales uses has evolved significantly since 1992, and the ordinance should be updated to provide additional standards for making an "undue concentration" finding based on the current understanding of those land use impacts. ~~However~~ In addition, these ~~amendments~~ updated standards must not change the intent of the 1992 ordinance to require additional findings for CUPs that establish and regulate new alcohol sales uses located within a ~~6~~500-foot radius of an existing alcohol sales use.

Second, existing Title 22 provisions limit the display of alcoholic beverages to five percent of the shelf space within new retail stores that are located within a ~~6~~500-foot radius of an existing ~~retail store~~ facility that sells alcoholic beverages. This shelf space limitation ensures that the store sells other products for neighborhood residents. However, ~~one size does not fit all~~ as written, Title 22 provisions do not differentiate between types of alcohol uses, such as restaurants and retail outlets, which often have different land use impacts. In addition, the five-percent shelf-space has, in some circumstances, discouraged existing retail outlets from altering their alcohol sales in ways that would improve land use impacts for fear of triggering a five-percent shelf-space limitation. The ordinance should provide the reviewing authority with standards to apply in determining the appropriate shelf-space limitation in certain cases. For example, it may be appropriate to allow the reviewing authority to modify this limitation if ~~it makes specific findings such as that~~ the store is not in a high crime area ~~or that~~, if it is a specialty retailer with a unique product mix, or if it is an existing retailer seeking to reduce overall alcohol sales. A CUP requirement with a public hearing must continue to be required to allow for neighborhood input, and the Regional Planning Commission would have discretion to determine appropriate shelf space limitations.

Third, there is growing awareness of how "food deserts" (lack of access to healthy food) and "food swamps" (overabundance of unhealthy food) in urban areas like unincorporated South Los Angeles, as well as rural areas such as portions of the unincorporated Antelope Valley, affect the health and well-being of County residents. Those areas also typically have the highest concentration of retailers selling alcoholic beverages. Requiring retailers who request an entitlement to sell alcoholic beverages, to also sell healthy foods, such as fresh produce and whole grains, could be a major step toward improving access to healthy foods in impacted communities. ~~At a minimum,~~ It also makes sense to offer incentives, such as additional signage or longer operating hours, for retailers who do so.

Lastly, and most importantly, the existing Title 22 provisions do not address alcohol sales uses that were established prior to 1992. Since these uses did not require a CUP, they are not subject to conditions to ensure neighborhood compatibility and prevent negative effects. Generally, the County's experience has been that the most problematic alcohol sales uses are those established prior to 1992. A recent shooting at a liquor store in Willowbrook is a tragic reminder of the public safety issues at stake. Although there are limitations in State law, other jurisdictions, such as the City of Oakland, have adopted "deemed approved" provisions, which have withstood legal challenge, and if adopted, will help the County stop detrimental land use impacts caused by problematic and irresponsible alcohol sales uses established before the County's CUP requirements. Title 22 must include "deemed approved" provisions to provide more tools to County staff so that they can better protect our unincorporated neighborhoods.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

Direct the Director of Regional Planning to take the following actions:

1. In consultation with the Acting or Interim Director of the Department of Public Health and County Counsel, prepare an ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code to clarify existing provisions related

to alcohol sales uses currently located in Section 22.56.195, including but not limited to those regarding undue concentration and the trigger for the alcoholic beverage shelf space limitation; allow the reviewing authority to modify the alcoholic beverage shelf space limitation pursuant to specific findings; require ~~or~~ and incentivize the sale of healthy food at retail stores that sell alcohol; add "deemed approved" provisions for alcohol sales uses established prior to the County's Conditional Use Permit (CUP) requirement; and include any additional amendments that may be recommended pursuant to further study and public outreach;

2. In consultation with County Counsel, conduct an appropriate environmental analysis for such an ordinance pursuant to the California Environmental Quality Act (CEQA), the County's CEQA Guidelines, and the County's Environmental Document Reporting Procedures and Guidelines;
3. In consultation with the Sheriff, County Counsel, District Attorney or their designees, and representatives from other agencies involved with nuisance abatement, conduct an assessment of any additional resources necessary to properly implement and enforce the "deemed approved" provisions for alcohol sales uses established prior to the County's CUP requirement;
4. Review and update the standard conditions that the Department of Regional Planning (Department) recommends for CUPs for alcohol sales uses and reformat them into a document that will be posted on the Department's Website and made available to prospective applicants and the public;
5. Conduct outreach to interested parties, including but not limited to neighborhood organizations, Town Councils, chambers of commerce and merchants' associations, public health advocates, and other stakeholders; and
6. Present the ordinance, environmental analysis, additional resource assessment, and standard conditions document to the Regional Planning Commission at a duly-noticed public hearing within the next nine months. If necessary to complete

any required studies or analysis, the Director of Regional Planning may separate the healthy food component of the ordinance and present that final proposed ordinance to the Regional Planning Commission at a later time. If the Director of Regional Planning determines that separating the healthy food component of the ordinance is necessary, the Director of Regional Planning shall make a presentation to the Regional Planning Commission within the next nine months describing the efforts to date and any remaining studies or analysis which must be completed, and an estimated timeframe for presenting the completed healthy food component of the proposed ordinance to the Regional Planning Commission.

WE FURTHER MOVE TO:

7. Direct the Interim Director of Public Health to report back to the Board in 90 days with information on existing efforts coordinated by the Department of Public Health to support healthy food sales in retail stores located in food deserts and food swamps within the County, the additional resources that would be needed to expand efforts targeting these retailers, best practices from other jurisdictions addressing healthy food sales in retail stores, and on a strategy and methodology to receive input from community members and stakeholders.

# # # #

(DR)

ATTACHMENT B – DEPARTMENT OF PUBLIC HEALTH REPORT

COUNTY OF LOS ANGELES
Public Health

CYNTHIA A. HARDING, M.P.H.
Interim Director

JEFFREY D. GUNZENHAUSER, M.D., M.P.H.
Interim Health Officer

313 North Figueroa Street, Room 708
Los Angeles, California 90012
TEL (213) 240-8156 • FAX (213) 481-2739

www.publichealth.lacounty.gov

BOARD OF SUPERVISORS

Hilda L. Solis
First District

Mark Ridley-Thomas
Second District

Sheila Kuehl
Third District

Don Knabe
Fourth District

Michael D. Antonovich
Fifth District

August 31, 2016

TO: Each Supervisor

FROM: Cynthia A. Harding, M.P.H. Cynthia A Harding
Interim Director

SUBJECT: **EXISTING EFFORTS AND BEST PRACTICES TO SUPPORT HEALTHY FOOD RETAIL IN UNDERSERVED NEIGHBORHOODS**

On May 31, 2016, your Board instructed the Department of Public Health (DPH) to report back with information on healthy food sales in retail stores, including: 1) best practices from other jurisdictions addressing healthy food sales in retail stores, 2) existing efforts coordinated by DPH to support healthy food sales in retail stores and the resources that could expand them, and 3) a strategy and methodology to receive input from community members and stakeholders about these issues.

Background

A substantial volume of research identifies the importance of neighborhood level food environment to diet and overall health. Availability of healthy foods in neighborhoods has thus been an area of significant focus for obesity prevention efforts in Los Angeles County and jurisdictions throughout the country. While individuals access foods from many types of venues, like grocery stores, corner stores, and restaurants, there are areas in the County where there are few healthy food options available. Therefore, it is important to identify ways to increase the availability of heathy foods, such as produce and whole grains, at existing retail stores.

Best Practices for Addressing Healthy Food Sales in Retail Stores

Efforts within jurisdictions across the country to increase healthy options available in retail settings, especially corner stores or other small neighborhood stores, generally fall into two categories: voluntary public recognition programs and stocking requirements in ordinances or other policies. Most voluntary programs take a two-pronged approach that aims to build awareness and increase demand for healthier foods and beverages among community members, while also recruiting and supporting small food retailers to increase the availability of healthy foods. Local

and state health departments implement both approaches with the support of a wide range of partners including community groups, non-profit organizations, university researchers, and local economic and workforce development agencies. These efforts are often grant funded and have also been supported with redevelopment funds. A representative selection of programs, task forces, and ordinances highlighting best practices for addressing healthy food sales in retail stores are summarized in Attachment 1.

Voluntary Public Recognition Programs
An example of a voluntary program is the Pennsylvania Healthy Corner Stores Initiative. The Initiative takes a comprehensive approach that includes technical assistance, incentives, and public recognition. First, store owners are recruited, an assessment of in-store environments is completed, and healthier foods are introduced into the existing product mix. Store owners are provided with a variety of materials to be used for stocking and displaying healthy products, including window decals and shelving equipment. Store owners receive a $100 incentive for successfully stocking new healthy products and are also eligible for mini-grants to make minor infrastructure changes to help improve storage and display of healthy products. Store owners participating in the program are able to attend trainings on topics such as displaying healthier items and general business management skills. Store owners completing these steps can become certified as part of the state's Healthy Corner Store network. Certified stores may also serve as "champion stores" that provide model examples for other stores. Stores participating in the initiative are reassessed periodically to ensure continued stocking of the healthy products. Participating stores are also linked to local community organizations and media events to engage residents and increase awareness of the availability of healthy options.

Healthy Food Stocking Requirements
Stocking requirements are an approach that require retailers to carry minimum amounts of certain food products, such as produce and whole grains. Such requirements can be included as a condition of participating in federal nutrition assistance programs, such as the Special Supplemental Nutrition Program for Women Infants and Children (WIC), or as part of obtaining a business license.

In 2008, Minneapolis became the first city in the nation to adopt an ordinance that requires food stores, as a condition of obtaining and maintaining their business license, to stock certain categories of healthful foods. The Staple Foods Ordinance amended Minneapolis city codes to require corner and grocery stores to stock a minimum number of perishable and non-perishable "staple foods" from the following categories: vegetables and fruits; meat, poultry, fish and/or vegetable proteins; bread and/or cereal; and dairy products and/ or substitutes. The Regulatory Services Department is the agency responsible for inspecting stores for compliance with other health and safety laws and issuing business licenses. This agency checks for compliance with stocking requirements during their regular visits to each store, roughly three times each year.

Store compliance with the ordinance has been periodically assessed, and many stores struggle to meet stocking requirements, especially for fresh produce. To support store owners in meeting stocking requirements and also in increasing their capacity to successfully sell healthy foods as part of their business, the Minneapolis Department of Health and Family Support operates the Healthy Corner Store Program. Through this program, store owners receive technical assistance and resources.

Best Practices
Through the review of existing programs, as well as documents on healthy retail programs and ordinances authored by national experts, a set of best practices has been identified. Characteristics of successful interventions include: development of educational documents and provision of training for retail store owners related to both program or ordinance requirements and business development; efforts to influence community demand for health food, such as health education, social marketing, and community outreach; and provision of technical assistance on such topics as produce procurement and handling, healthy food promotion, and display and merchandizing of products to capitalize on concepts of behavioral economics.

Efforts should be tailored to both the community and individual store levels. For example, policy experts suggest that licensing ordinances may be a better fit for larger communities, where developing personal relationships with all qualified retailers is challenging. In smaller jurisdictions with fewer stores, voluntary efforts based on relationship-building may be able to increase availability of healthy foods in retail stores.

In addition, government support of participating stores through financial incentives, such as access to grants for improving in-store infrastructure or reduced licensing fees, and public recognition opportunities like certifications and awards have been identified as important components of successful efforts. To measure impact, evaluation of programs and ordinances should be included in planning. Retail programs across the country differ in their specific approaches to evaluation, but most conduct a baseline evaluation of the store, identify areas for improvement, and assess post-implementation store environments.

Existing Efforts coordinated by DPH to Support Healthy Food Sales in Retail Stores

DPH currently receives federal grant funding from the United States Department of Agriculture (USDA) Supplemental Nutrition Assistance Program - Education (SNAP-Ed) and the Centers for Disease Control and Prevention (CDC) to support community prevention strategies that promote healthy behaviors, while making healthy choices easier, with a focus on underserved communities. A primary strategy for these grants is to promote and improve the availability of healthy foods sold in retail venues, such as small retailers, neighborhood markets, and corner stores, in communities that are disproportionately impacted by obesity and obesity-related chronic diseases. These strategies are incorporated into grant deliverables and are therefore subject to the requirements of the funder. For example, SNAP-Ed must take place in qualifying census tracts in which at least 50% of residents are at or below 185% of the federal poverty level, and therefore qualify to receive SNAP (CalFresh) benefits. CDC retail efforts are limited to store locations within the City of Los Angeles.

SNAP-Ed Retail Program
The Nutrition and Physical Activity Program in the DPH Division of Chronic Disease and Injury Prevention houses the SNAP-Ed funded Retail Program. The primary goal of the program is to facilitate partnerships with neighborhood stores in qualifying areas as described above to help increase the consumption and purchase of fruits and vegetables among individuals that are eligible for CalFresh. One staff member oversees the program and currently eight neighborhood stores are participating.

Because federal SNAP-Ed guidance includes restrictions on capital and infrastructure improvements, lobbying, and cash value of financial incentives, the focus of the program is provision of technical assistance. Retail Program staff work with store owners to address their needs and assess areas of improvement within stores, such as marketing, product mix, and the nutritional quality of foods near the checkout area. Action plans are developed for each participating neighborhood store and include a variety of strategies, including the placement of healthier food products at eye level on store shelves, removing/replacing signage that promotes unhealthy foods with signage that promotes fruits and vegetables, and recruiting store owners to participate in local food purchasing cooperatives in order to keep costs down and increase profitability of healthier foods. Training and technical assistance is provided on a variety of topics including the storing and handling of fresh produce to increase shelf life, food safety, and improving marketing practices. The process is labor-intensive and requires long-term relationship building and follow-through. Once a store owner is recruited and agrees to participate in the program, a period of at least six months is required for program implementation.

The program utilizes a pre-and post-assessment tool to measure changes in participating stores. The California Department of Public Health's (CDPH) Communities of Excellence in Nutrition, Physical Activity and Obesity Prevention (CX3) Food Availability and Marketing Survey tool is used to measure such factors as availability and quality of heathy foods, interior and exterior marketing, and nutritional quality of foods near checkout. In 2014-15, participating stores demonstrated a 43% improvement in CX3 scores.

Purchasing Cooperative and Trainings for Retailers
The Division of Chronic Disease and Injury Prevention in DPH has worked in partnership with the Centers for Disease Control and Prevention (CDC) for the past several years on a number of local initiatives that promote access to healthy foods in retail establishments across Los Angeles. Among these retail efforts include the recent development of a food purchasing cooperative and training series that are designed to improve the capacity of small retailers to purchase and sell healthy foods. These retail efforts are being accomplished through a subcontract with the Los Angeles Food Policy Council (LAFPC), which supports the scale and spread of the Community Markets Purchasing Real and Affordable (COMPRA) foods program.

COMPRA is a group purchasing cooperative project and alternative food distribution system that serves small retailers in areas with high rates of poverty and low access to full-service grocery stores. COMPRA staff compile orders from participating stores and help make connections to produce wholesalers. In many cases, COMPRA staff also provide delivery from the wholesaler to participating stores with no minimum order requirements or price mark-ups. Participating retailers also receive technical assistance in merchandising fresh produce and on using equipment required for food preparation and storage. Additionally, LAFPC administers the Healthy Neighborhood Market Network, which provides business and leadership development trainings to corner store and neighborhood market owners to help them build their capacity to operate as successful healthy food retailers in underserved communities.

Expansion of Efforts
Current program efforts in DPH are largely grant-funded and at capacity, and in most instances, would benefit from additional resources. None-the-less, opportunities to work with new partners combined with additional resources could allow for expansion to engage more stores and provide assistance that is currently not a part of DPH programs. For example, with additional staff support,

more resources could be directed toward recruitment of stores, provision of technical assistance, and engagement in outreach within communities. Existing efforts would benefit from these new partnerships and/or funding that address implementation barriers related to infrastructure and capital improvements. Lack of resources to make these infrastructure improvements within stores has been identified as an important barrier to successfully increasing availability and merchandizing of healthy food options. Current efforts are restricted in this area by virtue of their state and federal funding sources, which all have prescribed scopes and requirements.

Strategy and Methodology to Receive Input from Community Members and Stakeholders

As part of its efforts to gather input on updating the County's alcohol-related zoning ordinances, the Department of Regional Planning is convening two rounds of meetings to gather community input. The dates and locations of meetings are detailed in Attachment 2. The meetings will take place throughout September and then again in November. These meetings will have an interactive component intended to gather feedback from community members on the types of changes they would like to see in stores in their neighborhoods. Questions will address such topics as frequency of shopping, types of products purchased, and likelihood of buying new products in the future. Survey data on healthy food in retail stores will be aggregated from the meetings and then analyzed to yield information that can shape future efforts to increase availability of healthy foods at retails stores.

If you have any questions or need additional information, please let me know.

CAH:wlf

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors
Director of Regional Planning

Programs and Ordinances Addressing Healthy Food Sales in Retail Stores

Program Name	Jurisdiction	Focus	Method	Requirements/ Components	Incentives/ Support	Impact
Minneapolis Healthy Corner Store Program	City-wide	Food , Tobacco	Stocking Ordinance	MSP, MSSF, AS, MM, T, AS	F, SI, TA, M, CO,	≈ 40 Stores
New Jersey Healthy Corner Store Initiative	State-wide	Food	Stocking Policy	MSP, MSSF (WIC)	F, TA, M, CO	≈ 900 Stores
Change the Future WV	State-wide	Food	Incentive Policy	MSP	F, TA	≈ 10 Stores
San Francisco Healthy Food Retailer Incentives Program	County-wide	Food, Tobacco, Alcohol	Incentive Ordinance	MM, MSP, NHP, T, AS	F, SI, TA, M, CO	≈ 10 Stores
Philadelphia Healthy Corner Store Initiative	City-wide	Food, Tobacco	Voluntary Program	NHP, MM, T	F, SI, TA, M, CO	≈ 660 Stores
LAC Champions for Change Retail Program	County-wide (eligible census tracts)	Food	Voluntary Program	MM, AS	TA, CO, NE	15 Stores
Baltimore Healthy Stores	City-wide	Food	Voluntary Program	MSP, NHP, MM	F, M, CO, NE	≈ 20 Stores
Missouri Stock Healthy, Shop Healthy	State-wide	Food	Voluntary Program	MSP, NHP	TA, M, CO, NE	≈ 10 Stores
Pennsylvania Healthy Corner Stores Initiative	State-wide	Food	Voluntary Program	NHP, MM, T, AS	F, SI, TA, M, CO, NE	≈ 50 Stores
Shop Healthy NYC	City-Wide	Food	Voluntary Program	MSP, MSSF	SI, TA, M, CO	≈ 1,000 Stores

Requirements: Minimum Stocking Produce (MSP), Staple Foods (MSSF), New Healthy Products (NHP), Display Marketing Materials (MM), Attend Training (T), Assessment (AS)

Incentives/Support: Financial (F), Store improvements/infrastructure (SI), Technical Assistance (TA), Marketing (M), Community Outreach (including store tours and events) (CO), Nutrition education classes (NE)

Community Meetings: Engaging Stakeholders on Healthy Food Availapbility at Retail Stores

DISTRICT	COMMUNITY LOCATION	VENUE	MEETING #1 DATE	MEETING #2 DATE
1	Avocado Heights	San Angelo Park - Community Room	Sep 13	Nov 3
1	East Los Angeles	East Los Angeles Library - Community Room	Sep 14	Nov 15
2	Lennox	Lennox Park	Sep 12	Nov 10
2	Willowbrook	MLK Center for Public Health - Community Engagement Room	Sep 15	Nov 16
2	West Athens-Westmont	Chester Washington Golf Course - Clubhouse	Sep 20	Nov 15
2	Florence-Firestone	Washington Park - Community Room	Sep 27	Nov 17
3	Santa Monica Mountains	Agoura Hills/Calabasas Community Center - Calabasas Room	Sep 19	Nov 9
4	Whittier	Adventure Park	Sep 7	Nov 2
4	Marina del Rey	Burton Chace Park - Community Room	Sep 26	Nov 14
4	Hacienda Heights	Hacienda Heights Community Center - Auditorium	Sep 28	Nov 9
5	Santa Clarita	The Centre Complex - Sycamore Room	Sep 12	Nov 14
5	Altadena	Altadena Community Center	Sep 19	Nov 7
5	Littlerock	Jackie Robinson Park - Carrol Building	Sep 26	Nov 3

* All meetings scheduled to run 6:00-8:00 PM

ATTACHMENT C – PROPOSED ORDINANCE

ORDINANCE NO. _____

An ordinance amending Title 22 – Planning and Zoning – of the Los Angeles County Code related to a comprehensive revision of alcoholic beverage sales regulations.

SECTION 1. Section 22.08.020 is hereby amended to read as follows:

22.08.020 **B.**

...

"Bar" means an establishment selling alcoholic beverages for on-site consumption as a principal use.

...

SECTION 2. Section 22.08.030 is hereby amended to read as follows:

22.08.030 **C.**

...

~~Cabaret.~~

~~A. "Cabaret" means any bar, cocktail lounge or restaurant, wherein entertainment, as described in Sections 143.2, 143.3 and 143.4 of the Rules and Regulations, Chapter 1, Title 4, California Administrative Code (California State Department of Alcoholic Beverage Control) is provided, except that this subsection shall not be construed to authorize any entertainment, conduct or activity prohibited by said Rules and Regulations.~~

~~B. "Cabaret" shall also include any establishment which provides any entertainment and/or activity described in the aforesaid Rules and Regulations, whether or not alcoholic beverages are dispensed.~~

...

— "Cocktail lounge" means an establishment selling alcoholic beverages for on-site consumption as a principal use.

...

SECTION 3. Section 22.08.140 is hereby amended to read as follows:

22.08.140 **N.**

...

— "Nightclub" means any bar, cocktail lounge or restaurant~~, other than a cabaret,~~ wherein live entertainment is provided and an occupant load of at least 200 people is established.

...

SECTION 4. Section 22.24.100 is hereby amended to read as follows:

22.24.100 **Uses Subject to Permits.**

Property in Zone A-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use or for off-site consumption as an accessory use to a campground or recreational trailer park, subject to Part 32 of Chapter 22.52.

...

— Recreation clubs, private, including tennis, polo and swimming; where specifically designated a part of an approved conditional use permit, such use may include a pro shop~~,~~ and/or restaurant ~~and bar~~ as ~~appurtenant~~accessory uses.

...

SECTION 5. Section 22.24.150 is hereby amended to read as follows:

22.24.150 Uses Subject to Permits.

Property in Zone A-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use or for off-site consumption as an accessory use to a campground or recreational trailer park, subject to Part 32 of Chapter 22.52.

...

— Recreation clubs, private, including tennis, polo and swimming; where specifically designated a part of an approved conditional use permit, such use may include a pro shop~~,~~ and/or restaurant ~~and bar~~ as ~~appurtenant~~accessory uses.

...

SECTION 6. Section 22.28.060 is hereby amended to read as follows:

22.28.060 Uses Subject to Permits.

Premises in Zone C-H may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use, subject to Part 32 of Chapter 22.52.

...

— Recreation clubs, private, including tennis, polo and swimming; where specifically designated a part of an approved conditional use permit, such use may include a pro shop~~,~~ and/or restaurant ~~and bar~~ as ~~appurtenant~~accessory uses.

...

SECTION 7. Section 22.28.110 is hereby amended to read as follows:

22.28.110 Uses Subject to Permits.

Premises in Zone C-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges, but excluding cabarets.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 8. Section 22.28.160 is hereby amended to read as follows:

22.28.160 Uses Subject to Permits.

Premises in Zone C-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 9. Section 22.28.210 is hereby amended to read as follows:

22.28.210 Uses Subject to Permits.

Premises in Zone C-3 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 10. Section 22.28.260 is hereby amended to read as follows:

22.28.260 Uses Subject to Permits.

Premises in Zone C-M may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 11. Section 22.28.320 is hereby amended to read as follows:

22.28.320 Uses Subject to Permits.

Premises in Zone C-R may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 12. Section 22.28.390 is hereby amended to read as follows:

22.28.390 Uses Subject to Permits.

A. Premises in Zone C-RU may be used for the following uses, provided that a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56,

and while such permit is full force and effect and in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges, but excluding cabarets.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 13. Section 22.28.450 is hereby amended to read as follows:

22.28.450 Uses Subject to Permits.

A. Premises in Zone C-MJ may be used for the following uses, provided that a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is full force and effect and in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges, excluding cabarets.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 14. Section 22.32.070 is hereby amended to read as follows:

22.32.070 Uses Subject to Permits.

A. Premises in Zone M-1 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

— Tasting rooms, remote, subject to Part 23 of Chapter 22.52.

...

SECTION 15. Section 22.32.140 is hereby amended to read as follows:

22.32.140 Uses Subject to Permits.

A. Premises in Zone M-1.5 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

— Tasting rooms, remote, subject to Part 23 of Chapter 22.52.

...

SECTION 16. Section 22.32.190 is hereby amended to read as follows:

22.32.190 Uses Subject to Permits.

A. Premises in Zone M-2 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

— Tasting rooms, remote, subject to Part 23 of Chapter 22.52.

...

SECTION 17. Section 22.40.220 is hereby amended to read as follows:

22.40.220 Uses Subject to Permits.

Premises in Zone R-R may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use or for off-site consumption as an accessory use to a campground or recreational trailer park, subject to Part 32 of Chapter 22.52.

...

— Recreation clubs, private, including tennis, polo and swimming; where specifically designated a part of an approved conditional use permit, such use may include a pro shop~~,~~ and/or restaurant ~~and bar~~ as ~~appurtenant~~accessory uses.

...

B. The following uses, provided such uses are on a lot or parcel of land having an area of not less than one acre and are within 600 feet of a recreational use permitted in the zone:

...

— Bars and cocktail lounges, subject to Part 32 of Chapter 22.52.

...

SECTION 18. Section 22.40.280 is hereby amended to read as follows:

22.40.280 Uses Subject to Permits.

Premises in Zone W may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use or for off-site consumption as an accessory use to a campground or recreational trailer park, subject to Part 32 of Chapter 22.52.

...

SECTION 19. Section 22.40.430 is hereby amended to read as follows:

22.40.430 Uses Subject to Permits.

Premises in Zone O-S may be used for the uses listed herein subject to any additional conditions which may be imposed pursuant to subsection C:

A. The following uses, provided that a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use or for off-site consumption as an accessory use to a campground or recreational trailer park, subject to Part 32 of Chapter 22.52.

...

SECTION 20. Section 22.40.475 is hereby amended to read as follows:

22.40.475 Uses Subject to Permits.

Premises in Zone MXD may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

A. The following uses may be in either a mixed use or a commercial-only development:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

~~— Bars and cocktail lounges.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 21. Section 22.40.820 is hereby amended to read as follows:

22.40.820 Uses Subject to Permits.

A. Premises in Zone MXD-RU may be used for the following uses, provided that a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges, but excluding cabarets.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 22. The Parts headings for Chapter 22.52 are hereby amended to read as follows:

Chapter 22.52

GENERAL REGULATIONS

Parts:

...

32. Alcoholic Beverage Sales

...

SECTION 23. Section 22.52.2460 is hereby amended to read as follows:

22.52.2460 Tasting Rooms—Permit Requirements.

A. Applicable Use Permit. ~~An applicant may request that the Hearing Officer or the Commission consider a~~A tasting room CUP application shall be considered in accordance with the minor CUP provisions of Section 22.56.085, unless:

1. The subject lot or parcel of land is located ~~in~~within:

a. A national recreation area, or within one mile of a national recreation area;

b. ~~An area of undue concentration for alcoholic beverage sale establishments, as undue concentration is described in Section 22.56.195.B.3 of this Title 22~~A 500-foot radius of any use selling alcoholic beverages for on-site and/or off-site consumption; or

c. A high crime reporting district, as described in the California Alcoholic Beverage Control Act and the regulations adopted under that Act; or

...

SECTION 24. Section 22.52.2480 is hereby amended to read as follows:

22.52.2480 Remote ~~t~~Tasting ~~r~~Rooms—Operating ~~r~~Regulations.

...

B. In zones C-1, C-2, C-3, C-M, ~~and~~ C-R, M-1, M-1.5, and M-2, remote tasting rooms shall comply with the operating regulations for tasting rooms set forth in Section 22.52.2450, except that they may hold a wine event, as defined in Section 22.52.2400.B.3, without a temporary use permit, provided that:

…

SECTION 25. Section 22.52.2490 is hereby amended to read as follows:

22.52.2490 Remote Tasting Rooms—Permit Requirements.

A. Applicable Use Permit. ~~An applicant may request that the Hearing Officer of the Commission consider a~~A remote tasting room CUP application shall be considered in accordance with the minor CUP provisions of Section 22.56.085 unless:

1. The subject lot or parcel of land is located ~~in~~within:

a. A national recreation area or within one mile of a national recreation area;

b. ~~An area of undue concentration for alcoholic beverage sale establishments, as undue concentration is described in Section 22.56.195.B.3 of this Title 22~~A 500-foot radius of any use selling alcoholic beverages for on-site and/or off-site consumption;

c. A high crime reporting district, as described in the California Alcoholic Beverage Control Act and~~/or~~ the regulations ~~promulgated thereunder~~adopted under that Act; or

…

SECTION 26. Part 32 of Chapter 22.52 is hereby added to read as follows:

PART 32

ALCOHOLIC BEVERAGE SALES

Sections:

22.52.3500 Purpose

22.52.3510 Definitions

22.52.3520 Alcoholic Beverage Sales within Specific Plans and Supplemental Districts

22.52.3530 Operating Regulations for Uses Subject to Conditional Use Permit

22.52.3540 Findings for Uses Subject to Conditional Use Permit

22.52.3550 Conditions of Approval for Uses Subject to Conditional Use Permit

22.52.3560 Deemed Approved Uses

22.52.3570 Performance Standards for Deemed Approved Uses

22.52.3580 Revocation of Deemed Approved Status

22.52.3500 Purpose

The purpose of this Part 32 is to provide comprehensive regulations for alcoholic beverage sales to protect and promote public health, safety, comfort, convenience and general welfare. These regulations shall not apply to tasting rooms and remote tasting rooms, which are regulated by Part 23 of this Chapter.

22.52.3510 Definitions

The following definitions apply to this Part 32:

A. "Fresh produce" means any edible portion of a fresh fruit or vegetable, whether offered for sale whole or pre-sliced.

B. "General purpose retailer" means a retail establishment, such as a big box store, supermarket, grocery store, drug store, or convenience store which sells alcoholic beverages and food products.

C. "Whole grains" means any food from either:

1. A single ingredient product, such as brown rice, whole oats, quinoa, or barley; or

2. A pre-packaged grain product, such as bread, crackers, or cereal, in which the word "whole" appears first in the ingredients list of the product. Examples include whole wheat bread, whole wheat tortillas, whole oats, or whole wheat pasta.

22.52.3520 Alcoholic Beverage Sales within Specific Plans and Supplemental Districts

If a zone or land use category within a Specific Plan or Supplemental District is silent with respect to alcoholic beverage sales, the Director may accept a conditional use permit application for alcoholic beverage sales if he determines that such sales are accessory to another use permitted within such zone or land use category. The conditional use permit application shall be subject to the provisions of this Part 32 and Part 1 of Chapter 22.56.

22.52.3530 Operating Regulations for Uses Subject to Conditional Use Permit

The following operating regulations shall apply to any use selling alcoholic beverages for off-site consumption which is the subject of a conditional use permit application filed on or after the effective date of the ordinance creating this Part 32:

A. If the use is located within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the shelf space devoted to alcoholic beverages shall be limited to five percent of the total shelf space, as depicted on the approved shelf plan.

B. The use shall offer a minimum of five varieties of fresh produce free from spoilage and a minimum of three varieties of whole grains for sale on a continuous basis to the satisfaction of the Department of Public Health. These products shall be displayed in high-visibility areas meeting one or more of the following criteria, as depicted on the approved floor plan and/or shelf plan:

1. Within ten feet of the front door;
2. Within five feet of a cash register;
3. At eye-level on a shelf or within a cooler or a refrigerator case;
4. On an end cap of an aisle; or
5. Within a display area dedicated to produce that is easily accessible to customers.

C. The following operating regulations shall also apply if the use sells both motor vehicle fuel and alcoholic beverages for off-site consumption:

1. Distilled spirits shall not be sold;
2. Alcoholic beverages shall not be displayed within five feet of the cash register or the front door unless the alcoholic beverages are displayed in a permanently affixed cooler;
3. Alcoholic beverages shall not be displayed in an ice tub;
4. Alcoholic beverages shall not be sold from a drive-in window;
5. Alcoholic beverage advertising shall not be displayed on motor fuel islands and self-illuminated alcoholic beverage advertising shall not be located on buildings or windows; and

6. If the conditional use permit authorizes alcoholic beverage sales between the hours of 10:00 p.m. and 2:00 a.m., employees on duty shall be at least 21 years of age in order to sell alcoholic beverages.

D. The regulations in Subsections A and B, above, may be modified by the Commission or Hearing Officer subject to Section 22.52.3540.C.

22.52.3540 Findings for Uses Subject to Conditional Use Permit

A. Additional Findings. In addition to the findings required by Section 22.56.090.A, the Commission or Hearing Officer shall approve an application for a conditional use permit for alcoholic beverage sales where the information submitted by the applicant, or presented at public hearing, substantiates the following findings:

1. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius;

2. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;

3. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and

4. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

B. Public Convenience and Necessity.

1. In addition to the findings required by Section 22.56.090.A and Subsection A, above, the Commission or Hearing Officer shall make a finding of public convenience and necessity when:

a. Such finding is required in a high crime reporting district or in an area of undue concentration pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act; or

b. A use selling alcoholic beverages for off-site consumption is proposed within a 500-foot radius of another use selling alcoholic beverages for off-site consumption.

2. A finding of public convenience and necessity shall be based upon review and consideration of relevant factors, which shall include but not be limited to the following:

a. The extent to which the requested use would duplicate services and therefore contribute to an over-concentration of similar uses;

b. The extent to which alcoholic beverage sales are related to the function of the requested use, and the possibility of the use operating in a viable manner without alcohol sales;

c. The extent to which the requested use will enhance the economic viability of the area;

d. The extent to which the requested use will enhance recreational or entertainment opportunities in the area;

e. The extent to which the requested use compliments the established or proposed businesses within a specific area;

f. The ability of the requested use to serve a portion of the market not served by other uses in the area;

g. The convenience of purchasing alcoholic beverages at the requested use in conjunction with other specialty food sales or services;

h. The aesthetic character and ambiance of the requested use; and

i. The extent to which the requested use, location, and/or operator has a history of law enforcement problems;

C. Modifications.

1. When approving a modification to the alcoholic beverage shelf space limitation provided in Section 22.52.3530.A, the Commission or Hearing Officer shall make at least one of the following additional findings:

a. The requested use is not located in a high crime reporting district as described in the California Alcoholic Beverage Control Act and the regulations adopted under that Act;

b. The requested use is a specialty retailer with a unique product mix that requires a greater allocation of shelf space to alcoholic beverages than would be the case for a general purpose retailer; or

c. The requested use involves the relocation of a use that was not previously subject to the alcoholic beverage shelf space limitation provided in Section 22.52.3530.A and the new location will allocate less shelf space to alcoholic beverages than was the case at the previous location.

2. When approving a modification to the fresh produce and whole grain sales requirement provided in Section 22.52.3530.B, the Commission or Hearing Officer shall make an additional finding that the requested use is not a general purpose retailer.

22.52.3550 Conditions of Approval for Uses Subject to Conditional Use Permit

A. In addition to the conditions allowed by Section 22.56.100, the Commission or Hearing Officer may impose additional conditions to ensure that the requested use will be in accord with the findings required by Section 22.52.3540. Such conditions may involve pertinent factors affecting the establishment, operation and maintenance of the requested use, including, but not limited to:

1. Limitations on the days of the week and times of day during which alcoholic beverages may be sold;

2. Requirements to purchase existing liquor license(s) issued by the California Department of Alcoholic Beverage Control within a specified area to ensure there is either no net increase, or a net decrease, of such liquor licenses within such specified area;

3. Restrictions on live music, live entertainment, dancing, or other similar activities;

4. Restrictions on "happy hour" specials, "two for one" alcoholic beverage specials, or other similar specials or promotions;

5. Restrictions on exterior lighting to ensure proper illumination during operating hours while preventing impacts to neighboring uses; and

6. Restrictions on the size and quantity of alcoholic beverage containers that may be sold on the premises.

B. The conditions of approval shall be retained on the premises at all times and shall be immediately produced upon request by agents of the Department of Regional Planning, the Sheriff's Department, or the California Department of Alcoholic Beverage Control. The manager and all employees shall be knowledgeable of the conditions of approval.

C. Any use which operates in violation of the conditions of approval may be subject to the modifications and revocations provisions in Part 13 of Chapter 22.56.

22.52.3560 Deemed Approved Uses

A. As of the effective date of the ordinance creating this Part 32, any legally-established use that sells alcoholic beverages without a conditional use permit, and which did not require a conditional use permit to sell alcoholic beverages pursuant to Title 22 at the time it was established, shall be considered a deemed approved alcohol sales use for the purposes of this Part 32.

B. Each deemed approved alcohol sales use shall retain its deemed approved status and shall not require a conditional use permit as long as it complies with the performance standards provided in Section 22.52.3570 and does not have its deemed approved status revoked pursuant to Section 22.52.3580.

C. Notwithstanding Subsection B, above, a deemed approved alcohol sales use shall require a conditional use permit when:

1. The use proposes to change the type of alcoholic beverages to be sold by changing the type of retail liquor license within a license classification;

2. The use substantially changes its mode or character of operation, which includes, but is not limited to:

a. A 10-percent increase in the floor area devoted to alcoholic beverage sales or inventory; or

b. A 25-percent increase in facing used for the display of alcoholic beverages; or

3. The use has been abandoned, has discontinued operation, or has ceased selling alcoholic beverages for three months.

22.52.3570 Performance Standards for Deemed Approved Uses

Each deemed approved alcohol sales use shall comply with the following performance standards:

A. The use shall be operated and maintained in accordance with Title 22 and all other applicable local, state, or federal codes, laws, rules, regulations and statutes, including those of the California Department of Alcoholic Beverage Control.

B. The premises shall be maintained free of garbage, trash, debris, or junk and salvage in exterior areas except in designated trash collection containers and enclosures.

C. All portions of the premises visible to public view, including but not limited to any structure, wall, fence, sidewalk, curb, ground surface, vehicle, rock, or other surface, shall be maintained free of graffiti. In the event of graffiti occurring, the operator shall remove such graffiti within 24 hours of such occurrence, weather permitting. Paint utilized in covering such graffiti shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

D. The premises shall be maintained with all signage required by Title 22 or other applicable state and local law, including but not limited to signs prohibiting loitering, public drinking, and/or the presence of open alcoholic beverage containers on the premises.

E. Temporary window signs shall comply with Title 22 and the view into the interior of the use from any parking lot, public street, or other right-of-way shall not be otherwise obstructed by refrigerator cases, promotional displays, equipment, or any other items.

F. The operator shall maintain a current and valid County business license and shall conduct business in full accordance with any and all conditions imposed therein.

G. The operator shall not cause, allow or permit nuisance and other unlawful activities on the premises, including, but not limited to:

1. Loitering;

2. Drinking alcoholic beverages and/or possessing open alcoholic beverage containers in exterior portions of the premises, other than in a designated patio or other area approved for on-site consumption by the California Department of Alcoholic Beverage Control and/or the Department of Regional Planning;

3. Littering;

4. Creating excessive noise that does not comply with Title 12 to the satisfaction of the Department of Public Health, especially in the late night or early morning hours;

5. Disturbing the peace;

6. Engaging in illegal tobacco sales, drug activity, gambling or prostitution;

7. Trafficking in stolen goods;

8. Harassing passerby or business patrons;

9 Panhandling;

10. Engaging in acts of vandalism; and

11. Otherwise engaging in conduct that is unlawful and/or constitutes a nuisance.

H. The operator shall take all reasonable steps to ensure that the conditions and activities on the lot or parcel of land on which the use is located do not constitute a public nuisance. For purposes of this performance standard, reasonable steps include, but are not limited to, the following:

1. Requesting that those persons engaging in conduct that constitutes a nuisance to cease such conduct, unless the operator has reasonable cause to believe such request may jeopardize his or her personal safety;

2. Calling the Sheriff's Department if the operator's attempts to abate the nuisance conduct have been unsuccessful or if the operator has reasonable cause to believe such attempts may jeopardize his or her personal safety; and

3. Timely preventive actions to address conditions that facilitate loitering and other nuisance activity on the premises, such as removing furniture from areas adjacent to the entry of the establishment, prohibiting persons from using any portion of the premises for the installation and/or operation of a temporary business or other use, and/or other preventive actions.

22.52.3580 Revocation of Deemed Approved Status

A. After a public hearing as provided in Subsection B, below, the Commission may revoke the deemed approved status of a deemed approved alcohol sales use due to non-compliance with the performance standards in Section 22.52.3570 and require a conditional use permit for any subsequent sale of alcoholic beverages on the subject premises.

B. Public Hearing.

1. A public hearing may be initiated by the Board of Supervisors, the Commission, or the Director.

2. At least 30 days before the public hearing, the Director shall provide written notice to the operator and the property owner, if different than the operator. Notice shall also be provided to all property owners within a 500-foot radius of the use and published once in a newspaper of general circulation in the County of Los Angeles available in the community in which the use is located.

3. After consultation with the Sheriff's Department and the California Department of Alcoholic Beverage Control, the Director shall prepare a report regarding the use's compliance with the performance standards for consideration by the Commission at the public hearing.

4. At the public hearing, the Commission shall determine whether the use is in compliance with the performance standards. In making its determination, the Commission may consider the following:

a. The length of time that the use has been out of compliance with the performance standards;

b. The impact of the violation of the applicable performance standards on the community; and

c. Any information regarding the operator's efforts to remedy the violation of the applicable performance standards.

5. The public hearing may be continued as provided in Section 22.60.178.

6. At the close of the public hearing, the Commission may allow the use to retain its deemed approved status or may revoke the deemed approved status where the information in the Director's report, or presented at public hearing, substantiates the following findings:

a. Due to non-compliance with the performance standards, the use results in adverse effects to the health, welfare, peace, or safety of persons visiting, residing, working, or conducting business in the surrounding area; and

b. Due to non-compliance with the performance standards, the use jeopardizes or endangers the public health, welfare, or safety of persons visiting, residing, working, or conducting business in the surrounding area.

7. At the close of the public hearing, the Commission shall publicly announce the appeal period for filing an appeal of its action. In addition, the Commission shall serve notice of its action upon the operator and the property owner, if different than the operator, and any persons testifying or speaking at the public hearing.

8. The Commission's action may be appealed to the Board of Supervisors or called up for review by the Board of Supervisors in accordance with Part 5 of Chapter 22.60.

C. If a use continues to sell alcoholic beverages without a conditional use permit after its deemed approved status is revoked, the operator and property owner, if different than the operator, shall be subject to the enforcement procedures of Part 6 of Chapter 22.60. In addition, the operator and property owner, if different than the operator, shall be subject to any civil and criminal remedies necessary to ensure compliance with the County Code.

SECTION 27. Section 22.56.195 is hereby deleted as follows:

~~**22.56.195 Alcoholic beverage sales, for either on-site or off-site consumption.**~~

~~Additional Findings Prerequisite to Permit.~~

~~A. This section applies to the following uses, with the exception of tasting rooms and remote tasting rooms:~~

~~1. Establishments that do not currently, but propose to, sell alcoholic beverages, for either on-site or off-site consumption~~;

~~2. Establishments that currently sell alcoholic beverages but which propose to change the type of alcoholic beverages to be sold, by changing the type of retail liquor license within a license classification;~~

~~3. Establishments that currently sell alcoholic beverages, if the establishment substantially changes its mode or character of operation, which includes, but is not limited to:~~

~~a. A 10 percent increase in the floor area devoted to alcoholic beverage sales or inventory, or~~

~~b. A 25-percent increase in facing used for the display of alcoholic beverages; and~~

~~4. Establishments which have either been abandoned or discontinued operation for three months.~~

~~B. In addition to the findings required pursuant to subsection A of Section 22.56.090, the planning agency shall approve an application for a conditional use permit for alcoholic beverage sales where the information submitted by the applicant, or presented at public hearing, substantiates the following findings:~~

~~1. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius; and~~

~~2. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and~~

~~3. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment; and~~

~~4. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and~~

~~5. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.~~

SECTION 28. Section 22.56.245 is hereby deleted as follows:

~~**22.56.245 Sale of beer and wine in conjunction with sale of motor vehicle fuel—Additional conditions.**~~

~~In addition to the conditions imposed pursuant to Section 22.56.100, the following development standards shall be mandatory conditions of such grant:~~

~~A. No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler.~~

~~B. No advertisement of alcoholic beverages shall be displayed at motor fuel islands.~~

~~C. No sale of alcoholic beverages shall be made from a drive-in window.~~

~~D. No display or sale of beer or wine shall be made from an ice tub.~~

~~E. No beer or wine advertising shall be located on motor fuel islands and no self-illuminated advertising for beer or wine shall be located on buildings or windows.~~

~~F. If the sale of alcoholic beverages between the hours of 10:00 p.m. and 2:00 a.m. is granted as a part of the conditional use permit, employees on duty shall be at least 21 years of age in order to sell beer or wine.~~

ATTACHMENT D – STANDARD CONDITIONS

STANDARD PERMIT SPECIFIC CONDITIONS
ALCOHOLIC BEVERAGE SALES CUP

TABLE OF CONTENTS

I. **GENERAL CONDITIONS APPLICABLE TO ALL ALCOHOL CUPs**

II. **ON-SITE SALE CUP CONDITIONS**
- **A. General Conditions for On-Site Sales**
- **B. Specific Conditions for On-Site Sales at Various Establishments**
  - aa. Full Service Restaurants Including Hotel Restaurants
  - bb. Banquet Hall
  - cc. Bars/Nightclubs
- **C. Additional Optional Conditions**

III. **OFF-SITE SALE CONDITIONS**
- **A. General Conditions for Off-Site Sales**
- **B. Specific Conditions for Off-Site Sales at Various Establishments**
  - aa. Gas Station/Mini Mart
  - bb. Convenience Store/Market Under 15,000 sq ft
  - cc. Gift Shop/Specialty Store
- **C. Additional Optional Conditions**

I. GENERAL CONDITIONS APPLICABLE TO ALL ALCOHOL CUPs

1. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein;

2. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;

3. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program (insert other State mandated program if applicable) provided by the State of California Department of Alcoholic Beverage Control, or other comparable State-certified program. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request;

4. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property, including windows, walls, fences or similar structures, or within any portion of the interior of any structure that is visible from the outside.

5. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;

6. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public;

7. This grant authorizes the sale of alcoholic beverages from [_____a.m./p.m. to _____a.m./p.m. time] on [days] [Additional restrictions/conditions to operation can be added on a case-by-case basis.];

II. ON-SITE SALE CUP CONDTIONS

A. General Conditions for On-Site Sales

1. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary;

2. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu;

3. All servers of alcoholic beverages must be at least 18 years of age;

4. There shall be no music or other noise audible beyond the restaurant premises;

B. Specific Conditions for On-Site Sales at Various Establishments

aa. *Banquet Hall or Special Event Facility*
The operation of the facility (insert establishment) is further subject to all of the following conditions:

5. Storage of alcohol shall be allowed for a maximum of 24 hours prior to the event;

6. All alcohol shall be removed from the premises one hour prior or subsequent to closing;

bb. Bars/Nightclubs
The operation of the facility (insert establishment) is further subject to all of the following conditions:

7. Employees on duty after 10:00 pm shall be at least 21 years of age;

C. Additional Optional Conditions for On-Site Sales

8. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant only;

9. The sale and serving of alcoholic beverages for consumption outside the restaurant is prohibited [including patios, sidewalks, porches, etc];

10. The business shall employ not less than one full-time cook that is engaged in the preparation of meals for patrons during the permissible hours of operation;

11. a. The permittee shall not advertise or hold any "happy hour" drink specials, "two for one" specials, or similar promotions;

-OR-

b. The permittee may hold "happy hour" drink specials, specials or similar promotions from [insert allowable time and days of week] only in conjunction with food;

12. Food service shall be continuously provided during operating hours;

13. A security guard shall be provided [when, how long, etc];

14. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot;

15. No live entertainment, dancing, or dance floor is authorized in or outside the premises;

III. OFF-SITE SALE CUP CONDITIONS

A. General Conditions for Off-Site Sales

1. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises;

2. No sale of alcoholic beverages shall be made from a drive-in window;

3. Any conditions on hours of alcohol sale should be consistent with store operating hours. Alcohol sales shall be prohibited between [_____a.m./p.m. to _____a.m./p.m. time] on [days], consistent with California state law;

4. There shall be no beer sold in single containers under one quart or in less than manufacturer pre-packaged six-pack quantities [required limit for gas stations/mini-marts];

5. No display of alcoholic beverages shall be made from an ice tub;

6. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the "shelf plan" labeled Exhibit 'A'. No additional display of alcoholic beverages shall be provided elsewhere on the premises;

7. Employees on duty after 10:00 pm shall be at least 21 years of age;

B. Specific Conditions for Off-Site Sales at Various Establishments

aa. Gas Station/Mini Mart
The operation of the facility (gas station/mini-mart) is further subject to all of the following conditions:

8. Employees on duty from the hours of 10:00 p.m. and 2 a.m. who sell alcohol shall be at least 21 years old (pursuant to Title 22);

9. No beer or wine advertising shall be located on motor fuel islands (pursuant to Title 22);

10. No alcoholic beverages shall be displayed within five feet of the cash register, unless displayed securely behind the register, or within five feet of the front door unless it is in a permanently affixed cooler;

bb. Convenience Stores/Markets under 15,000 sq feet
The operation of this (insert establishment), including the sale of (beer & wine/full-line) for off-site consumption, is further subject to all of the following conditions:

11. Beer in containers of 16 ounces or less shall not be sold by single container, but must be sold in manufacturer pre-packaged multi-unit quantities. The permittee shall post signs on the coolers and cashier station stating the selling of single containers of beer is prohibited; [May be more restrictive depending on the case history];

12. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than four-pack quantities;

cc. Gift Shop/Specialty Store
The operation of this (insert establishment), including the sale of (beer & wine/full-line) for off-site consumption, is further subject to all of the following conditions:

13. The permittee shall sell small bottles of alcoholic beverages seasonally or when sold as part of a gift basket (insert ounces/volume);

14. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises and loitering;

15. Any conditions on hours of alcohol sale should be consistent with store operating hours. Alcohol sales shall be prohibited between [_____a.m./p.m. to _____a.m./p.m. time] on [days], consistent with California state law;

C. Additional Optional Conditions for Off-Site Sales

16. Malt beverages (e.g. beer, ale, stout and malt liquors) shall not be sold in a bottle or container greater than 750 milliliters or 25.4 ounces;

17. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than four-pack quantities;

18. The permittee shall provide adequate lighting above all entrances and exits to the premises and in all parking areas and walkways under control of the permittee or required [as a condition of] this grant. All lighting required by this grant shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties;

19. The sale of fortified wines shall be prohibited [only used when the CUP is for beer & wine];

20. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot;

21. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, with the exception of official State Lottery machines;

22. For projects that need to purchase an existing alcohol CUP license (East Los Angeles, etc.): The permittee is required to purchase an existing alcohol license in the (*insert community name*) community no later than **(date)**. If, despite evidence provided to the Director of Regional Planning ("Director") of best efforts to obtain an expired license, the permittee requires additional time, then the permittee may request additional time in writing from the Director. If the Director determines that the permittee has been unable to acquire an expired license despite best efforts, the Director shall grant an extension or extensions which cumulatively shall not exceed one year. The rights granted hereunder shall expire and lapse in the event that the permittee fails to acquire a license within the time frame set forth in this condition.

23. The permittee shall have a shelf display area, as depicted on the approved shelf plan, devoted to the sale of a minimum of five (5) varieties of fresh produce and a minimum of three (3) varieties of whole grains. The fresh produce offered for sale shall be free from spoilage. "Fresh produce" shall mean any edible portion of a fresh fruit or vegetable, whether offered for sale whole or pre-sliced and "whole grains" shall mean any food from either: a single ingredient product, such as brown rice, whole oats, quinoa, or barley; or a pre-packaged grain product, such as bread, crackers, or cereal, in which the word "whole" appears first in the ingredients list of the product. These products shall be displayed in high-visibility areas, meeting one or more of the following criteria: within ten (10) feet of the main customer entrance to the store; within five (5) feet of the main point of sale; at eye-level on a shelf, including within a refrigerator or freezer case; on an end cap of an aisle; or within a display area dedicated to produce that is easily accessible to customers.

ATTACHMENT E – SUPPORTIVE DOCUMENTS AND STUDIES

Reducing Problems with Existing Alcohol Outlets: Deemed Approved Ordinances

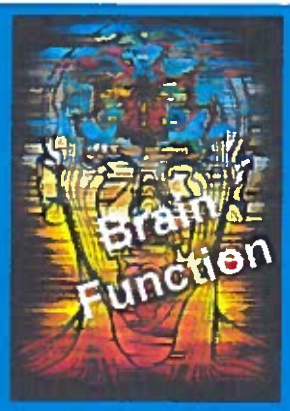
James F. Mosher, JD
Alcohol Policy Consultations
October 12, 2010

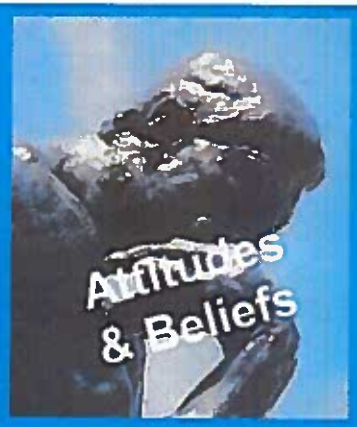
Workshop presentation at the 2010 Training Conference entitled "Strongest Together: Building Quality Services during challenging times" sponsored by the California Department of Alcohol and Drug Programs

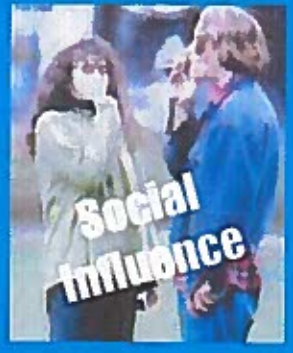
CHANGE IN FOCUS OF INTERVENTIONS

INDIVIDUALS → POPULATIONS

Change in Point of Intervention







Products/Availability/Marketing

Costs/Alcohol Taxes

Individual Characteristics → Community/Environmental Factors

The 4 Ps of Total Marketing

Product

Promotion

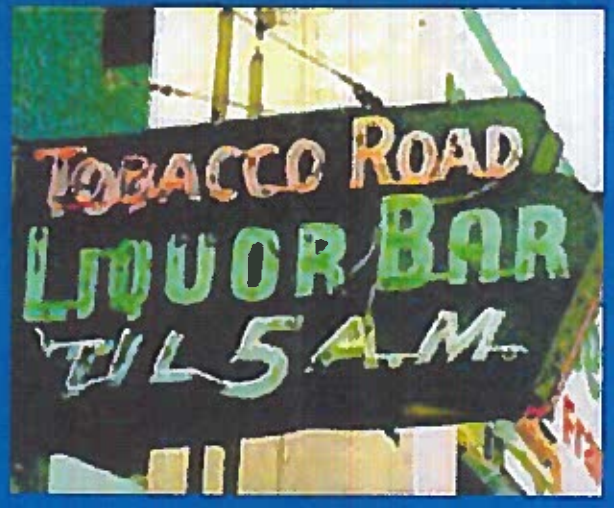
Place

Price

"Total Marketing… combines all the key marketing elements into a single orchestrated thrust."

The "P" of Place

- Commercial
  - Liquor Stores
  - Bars
  - Gas Stations



- Noncommercial
  - House parties
  - Public lands

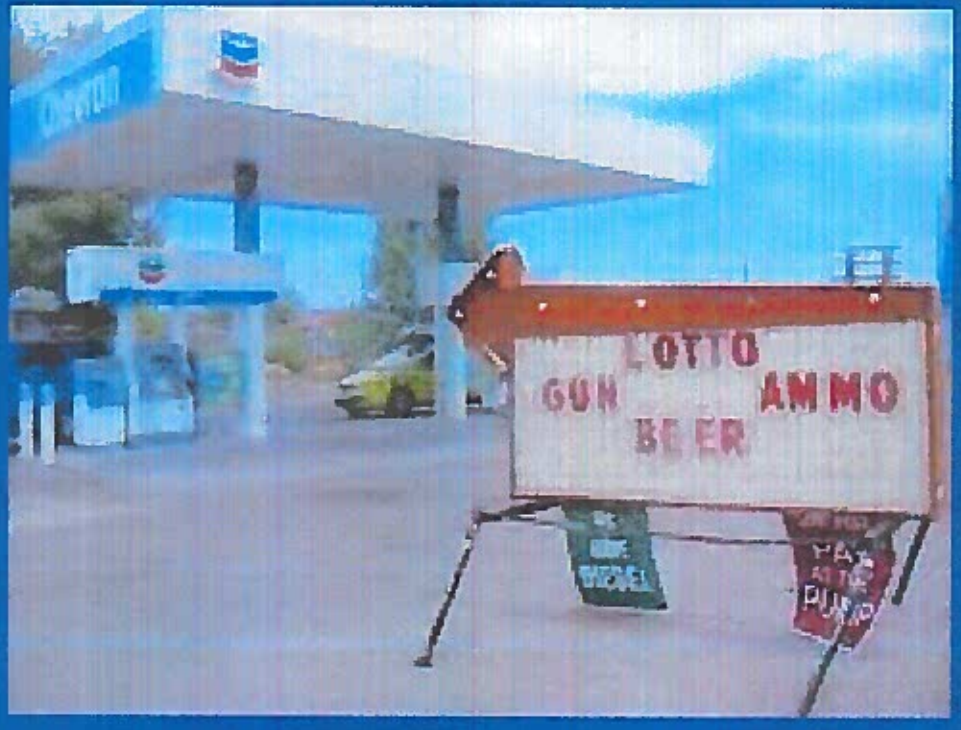
Location of Alcohol Outlets

- Near schools
- Other youth-sensitive locations (e.g. parks)

New and Expanding

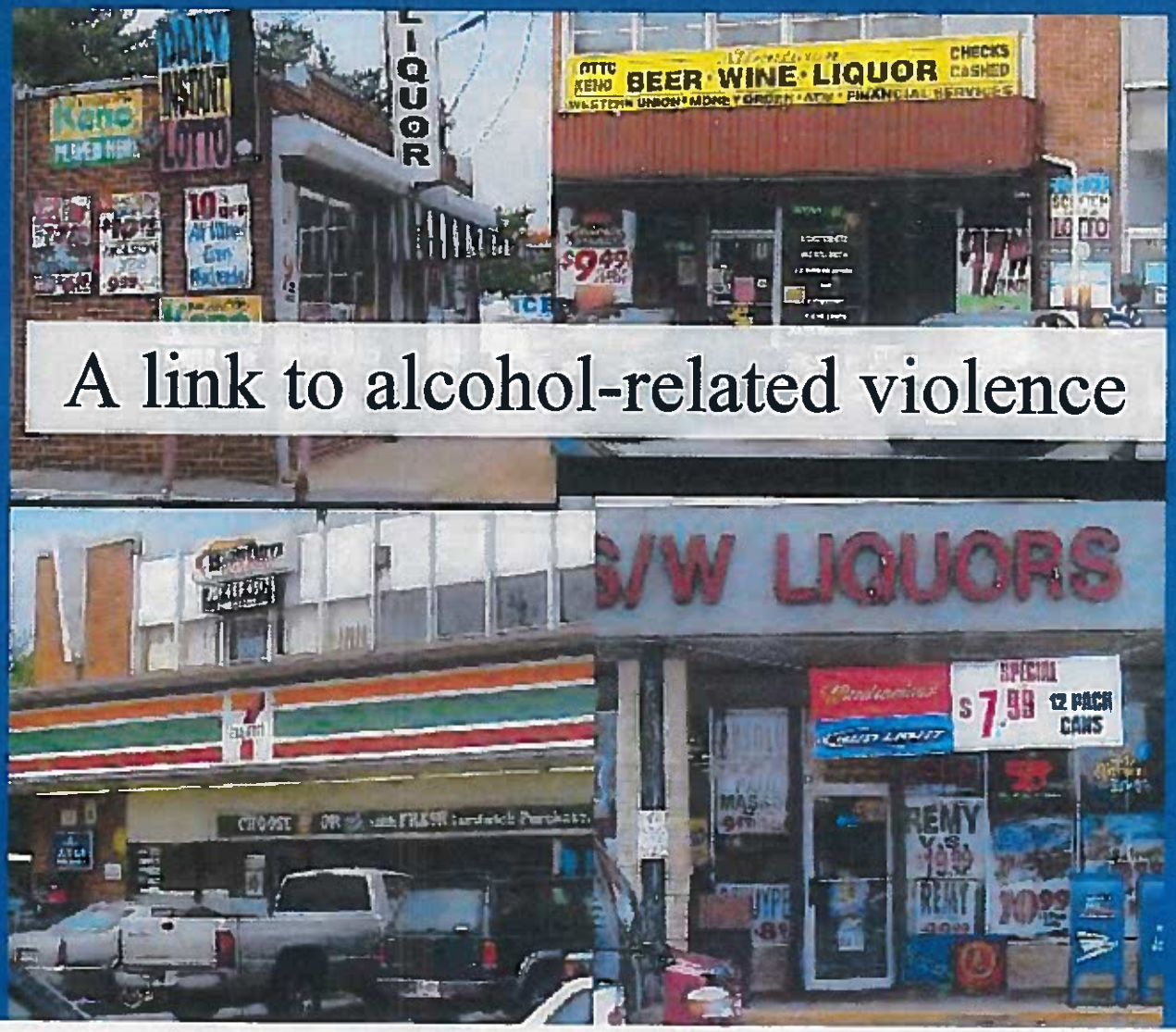
Types of Alcohol Outlets

- Gas stations
- Laundromats
- Beauty salons
- Movie theaters
- Fast food outlets



Overconcentration

of Alcohol Outlets

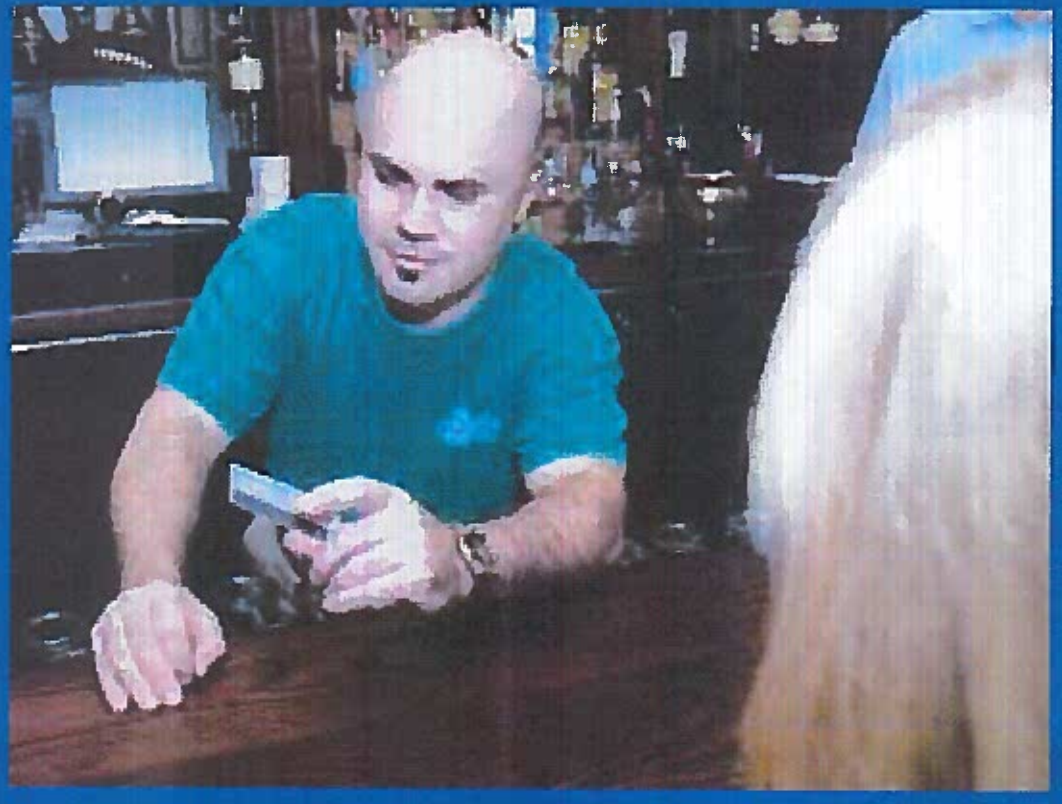


A link to alcohol-related violence

Serving and Selling Practices

Avoid:

- Sales to minors
- Sales to intoxicated persons
- Public nuisance activities



State Preemption in California

- State has "exclusive" authority to regulate alcohol sales in California
- Zoning ordinance exception applies to new outlets only
- Pre-existing ("grandfathered") outlets are not subject to local zoning restrictions.

Deemed Approved Ordinances:

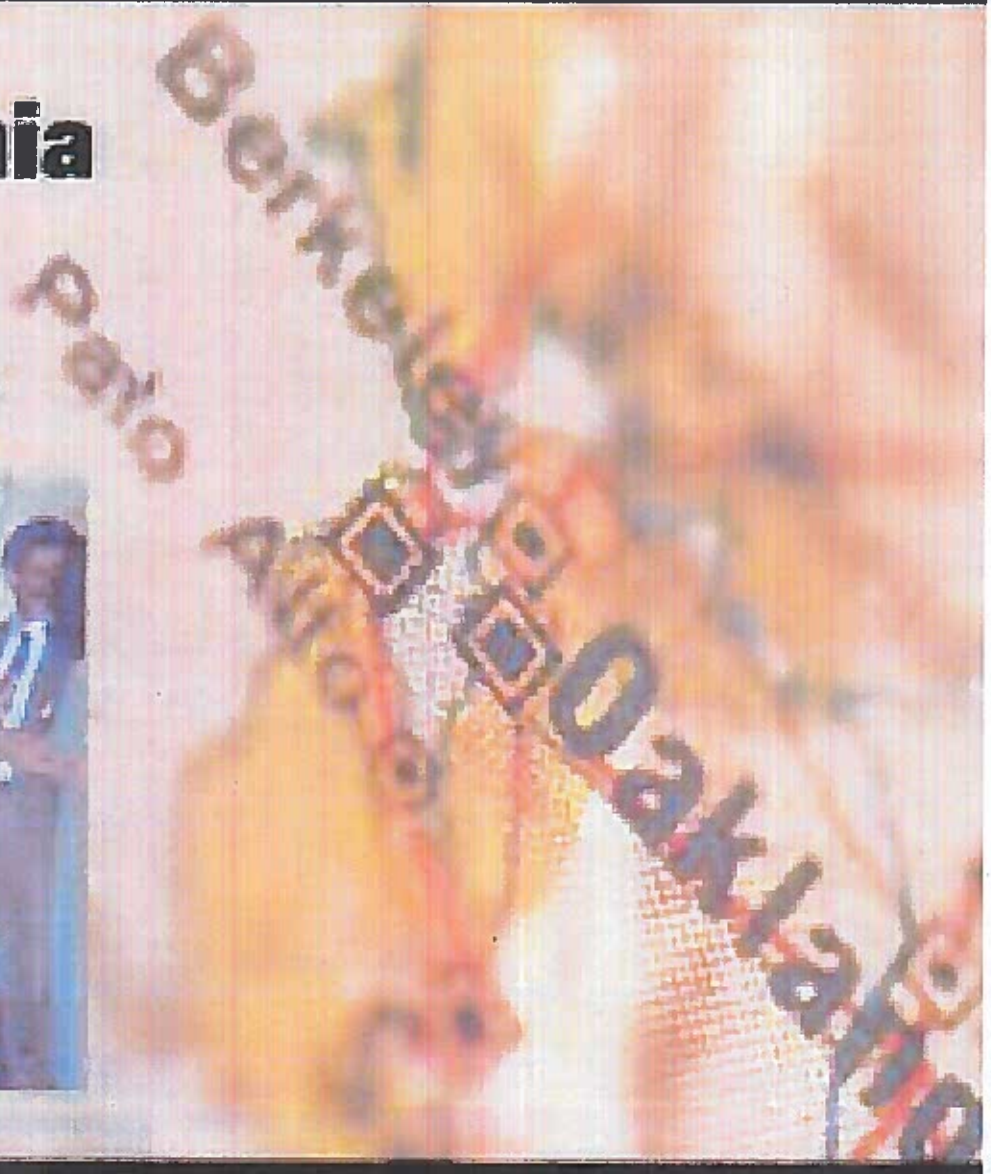
A Response to California Legal Restraints on Local Control

Deemed Approved Ordinances

- Cannot regulate alcohol sales directly
- Can regulate public nuisance problems, entertainment, or other non-alcohol related activities
- Can include a fee to cover costs incurred by the local jurisdiction as a result of these non-alcohol related problems

Oakland, California

- A systematic approach to control problem outlets



DAOs: Key Variables

- Types of alcohol outlets
- Performance standards
- Enforcement and administration
- Penalties
- Fee schedule
- Type of ordinance (public nuisance/land use)

Types of Alcohol Outlets

- Off sale
- On sale
  - Bars
  - Restaurants

Recommended practice: Include all alcohol outlets in jurisdiction.

Performance Standards

- Listing of nuisance activities
- Close proximity to business
- Federal/state/local law violations
- Compatibility with neighborhood

Recommended practice: Include a comprehensive list of performance standards covering all four categories.

Enforcement and Administration

- Community engagement
- Dedicated enforcement officer
- Dedicated hearing officer
- RBS training component
- Appeal

Recommended practice: Specify a team that has specific responsibility to monitor, administer and enforce the ordinance; include RBS training component.

Penalties

- Remedy opportunity
- Civil fines
- Criminal fines/imprisonment
- Costs
- Revocation

Recommended practice: Provide remedy opportunity; prioritize civil fines; increase severity of penalty for multiple offenses, with revocation as most severe outcome.

Fee Schedule

- Risk: hours, type of outlet, volume of sales
- Prior violations
- Re-inspection
- Minimum/maximum

Importance of Data Collection

Fee Schedule

Recommended practice:

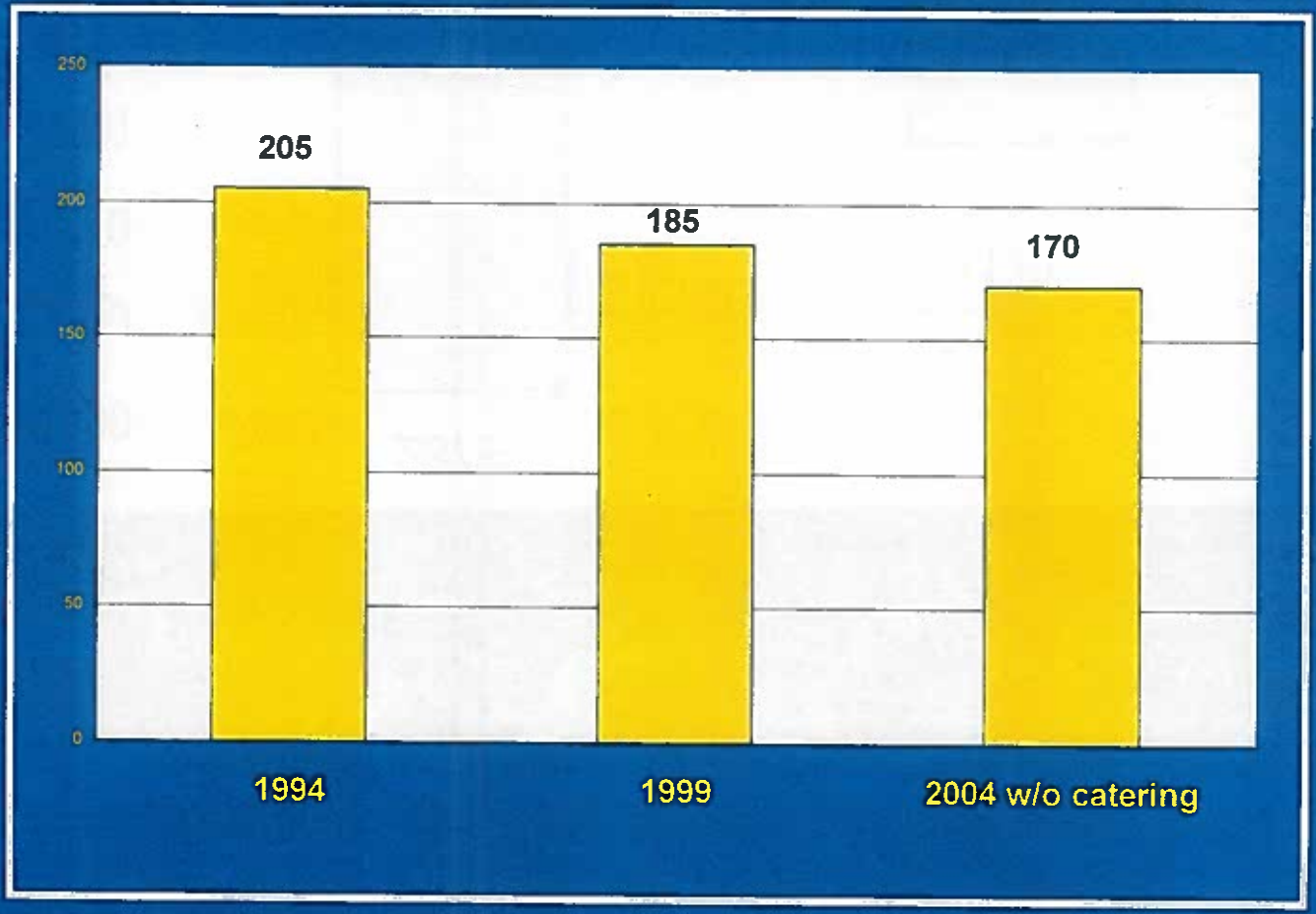
Fees should vary based on relative risks of alcohol outlets and should cover all costs associated with:

- Administration
- Regulation and enforcement
- Health care and emergency response

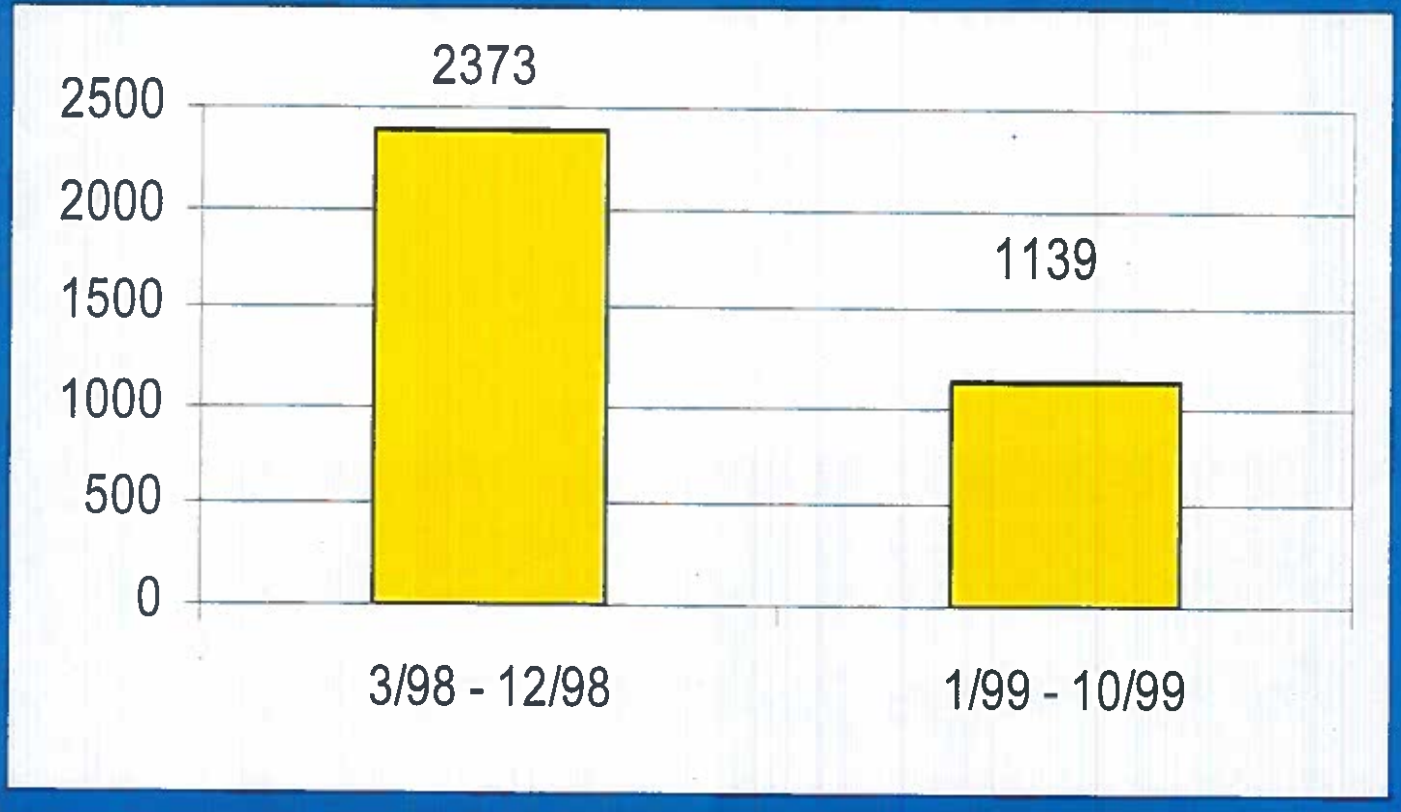
Community Tools for Addressing the Alcohol Environment

- Land use regulation
  - Conditional use permits
  - Deemed Approved ordinances
  - Teen Party ordinances
  - Restrictions on uses of public property
- Voluntary Agreements with Retailers – Responsible Beverage Service
- Enforcement

Vallejo Outcomes - Change in Total Number of Outlet Licenses (CUP)



Vallejo Outcomes - Change in Nuisance CFS at Outlets (Deemed Approved)



53% Reduction in CFS

Pacific Institute
FOR RESEARCH AND EVALUATION

PIRE

Translating Science *into* Practice

How Alcohol Outlets Affect Neighborhood Violence

Kathryn Stewart

Prevention Research Center
PACIFIC INSTITUTE FOR RESEARCH AND EVALUATION

www.resources.prev.org

Pacific Institute for Research and Evaluation is one of the nation's preeminent independent, nonprofit organizations merging scientific knowledge and proven practice to create solutions that improve the health, safety and well-being of individuals, communities, nations, and the world.

Introduction

Neighborhoods where bars, restaurants and liquor and other stores that sell alcohol are close together suffer more frequent incidences of violence and other alcohol-related problems, according to recent research by the Prevention Research Center and others. The strong connection between alcohol and violence has been clear for a long time – but now we know that this connection also relates to the location of places that sell alcohol.

Government agencies with authority over land-use and/or liquor licenses can help fight crime and blight and improve quality of life by controlling licenses to sell alcohol and the location of licensees. Governments can make rules that set minimum distances between alcohol outlets; they can limit new licenses for areas that already have outlets too close together; they can stop issuing licenses when a particular location goes out of business; and they can permanently close outlets that repeatedly violate liquor laws.

This paper presents some of the questions and answers about alcohol sales outlets and alcohol problems – especially the relationship between outlet location and violence.

What is the relationship between outlet density and violence?

A number of studies have found that in and near neighborhoods where there is a high density of places that sell alcohol, there is a higher rate of violence. That is, when bars, liquor stores, and other businesses that sell alcohol are close together, more assaults and other violent crimes occur.

Some of the important findings about outlet density and violence are described below.

- In a study of Camden, New Jersey, neighborhoods with alcohol outlet density had more violent crime (including homicide, rape, assault, and robbery). This association was strong even when other neighborhood characteristics such as poverty and age of residents were taken into account.[1]

- In a study of 74 cities in Los Angeles County, California, a higher density of alcohol outlets was associated with more violence, even when levels of unemployment, age, ethnic and racial characteristics and other community characteristics were taken into account.[2]

- In a six-year study of changes in numbers of alcohol outlets in 551 urban and rural zip code areas in California, an increase in the number of bars and off-premise places (e.g., liquor, convenience

and grocery stores) was related to an increase in the rate of violence. These effects were largest in poor, minority areas of the state, those areas already saturated with the greatest numbers of outlets.[3]

- Violence committed by youth was more common in minority neighborhoods where there are many outlets that sell alcohol for consumption off the premises (such as liquor and convenience stores).[4] This finding makes sense because underage drinkers are more likely to purchase alcohol in a store than in a bar or restaurant.

- In neighborhoods where there are many outlets that sell high-alcohol beer and spirits, more violent assaults occur.[5]

- Large taverns and nightclubs and similar establishments that are primarily devoted to drinking have higher rates of assaults among customers.[6]

A larger number of alcohol outlets and a higher rate of violence might be expected in poorer neighborhoods or in neighborhoods with a larger population young people. But as the research described above shows, even when levels of poverty and the age and the ethnic background of residents are taken into account, a high density of outlets is strongly related to violence regardless of a neighborhood's economic, ethnic or age status.

All of the characteristics of alcohol outlet location can be important. It is easy to see that a town with many bars, restaurants, and stores that sell alcohol could be different from one that has fewer outlets. It is also easy to see that a neighborhood that has a bar on each corner and a liquor store on each block has a completely different environment than one that has few outlets or none at all. Other characteristics of the environment make a difference, too. For example, a strip of bars near a college campus presents a different environment from a similar density of bars in an upscale city center and also different from a similar density in a poor neighborhood. But in each case, some form of increased violence would be expected as compared to comparable areas with fewer alcohol outlets. A study of changes in outlet density over time as related to violence in California found that regardless of other neighborhood characteristics, an increase in outlets increased violence. In neighborhoods with a high minority population and low incomes, the effect was more than four times greater than for the statewide sample of communities.

What accounts for the relationship between outlet density and violence?

The research that has been done so far cannot pinpoint exactly why having more outlets in a small area seems to result in more violence. Various explanations have been proposed. One is that alcohol outlets can be a source of social disorder. A liquor store parking lot full of people drinking in their cars or on the curb and broken bottles littering the area outside a bar may send a message that this is a neighborhood in which normal rules about orderly behavior are not enforced. Another possible explanation is that a neighborhood with a large number of outlets acts as a magnet for people who are more inclined to be violent or more vulnerable to being assaulted. It is also possible that a high number of outlets results in a large number of people under the influence of alcohol – which makes them both more likely to be violent and less able to defend themselves.[7] It is most probable that all of these factors come into play.

What is the relationship of outlet density to other alcohol problems?

The density of alcohol outlets has also been found to be related to other alcohol problems such as drinking and driving, higher rates of motor vehicle-related pedestrian injuries, and child abuse and neglect.[8,9]

How do governments regulate outlet density?

States and communities can regulate the number of bars, restaurants, and stores that sell alcohol in a given area. Sometimes the number and location of alcohol outlets is not limited at all. In some jurisdictions, the number of alcohol outlets is limited based on the population of the area – only so many outlets per thousand residents, for example. In other cases, the location of outlets is regulated – for example, some states or communities set minimum distances from schools or churches. Research increasingly finds, however, that geographic density is the key aspect of outlet location – that is, the distance between outlets. Where over-concentrations of outlets occur, greater problems arise.

Governments can use their regulatory powers to reduce violence by:

- Making rules that set minimum distances between alcohol outlets;
- Limiting new licenses for areas that already have outlets too close together;
- Not issuing a new license when a particular location goes out of business;
- Permanently closing outlets that repeatedly violate liquor laws (such as by selling alcohol to minors or to intoxicated persons or allowing illicit drug sales or prostitution on the premises).

What implications do these findings have for state and local licensing policies?

The research strongly suggests that limits on outlet density may be an effective means of reducing alcohol problems, especially violence. States and communities can use controls on the number and location of alcohol outlets as a tool for reducing violence, creating a safer and healthier alcohol environment, and improving the quality of life of a community.

What other alcohol policies are important?

Alcohol is a legal and widely consumed commodity; but it is also a commodity that can create a variety of serious health and social problems. Alcohol policies are an important tool for preventing these problems. Every day, states and communities make decisions about the sale of alcohol: who can sell it, when and where it can be sold, who it can be sold to. State and local laws and policies control many aspects of the system by which alcohol is manufactured, marketed, sold, purchased, and consumed.

Regulations serve a variety of purposes, for example, they help ensure that tax revenues are collected. But the regulation of the business of selling alcohol goes beyond economic concerns. Each element of the regulatory system provides opportunities for creating a healthier social environment with respect to alcohol. For example, regulations can prevent unsafe sales practices – such as prohibiting all-you-can-drink specials that encourage intoxication. Regulations can control advertising and promotion that appeals to minors and establish the minimum age and training qualifications for people who sell and serve alcohol. Each type of regulation has the potential to ensure that alcohol is consumed in a safe and healthy manner.

What aspects of alcohol availability can be regulated?

The regulation of alcohol sales can have an impact on the availability of alcohol – that is, how easy and convenient it is to buy. Some states and communities try to make alcohol less available by selling it only in limited places – for example, state liquor stores. Other communities sell it more freely – making it available in grocery stores, convenience stores, gas stations, laundromats, drive-through windows, and so forth. States and communities can also limit the hours and days of sale, and other aspects of the conditions of sale. The regulation of availability is important because research generally shows that when alcohol is more easily available, people drink more and more alcohol problems occur.

References

[1] Gorman. D., Speer. P., Gruenewald, P., and Labouvie, E. (2001) *Journal of Studies on Alcohol,* 62: 628-636.
[2] Scribner, R. et al. (1995) The risk of assaultive violence and alcohol availability in LA County, *American Journal of Public Health,* 85:335-340.
[3] Gruenewald, P.J. and Remer, L. Changes in outlet densities affect violence rates. In review, Alcoholism: Clinical and Experimental Research, 2004.
[4] Alaniz, M., Cartmill, R., and Parker, R. (1998) Immigrants and violence, *Hispanic Journal of Behavioral Sciences,* 20, 155-174.
[5] Stevenson, R., Lind., B. and Weatherburn, D. (1999). The relationship between alcohol sales and assault in New South Wales, Australia, *Addiction,* 94(3):397-410.
[6] Stockwell, T. et al. (1992) Levels of drunkenness of customers leaving licensed premises in Perth, Western Australia: a comparison of high and low "risk" premises. *British Journal of Addiction*, 87: 873-881.
[7] Gorman, et al. (2001).
[8] Freisthler, B., Midanik, L.T. and Gruenewald, P.J. Alcohol outlets and child physical abuse and neglect: Applying routine activities theory to the study of child maltreatment. Journal of Studies on Alcohol, 65, 586-592, 2004.
[9] Stockwell, T. and Gruenewald. P. (2001) Controls on Physical Availability of Alcohol, in Heather, N., Peters. T., and Stockwell, T. (eds.), *International Handbook of Alcohol Dependence and Problems,* John Wiley and Sons, Ltd.

Reducing Alcohol-Related Harms in Los Angeles County

A Cities and Communities Health Report

Excessive alcohol consumption costs LA County 2,500 lives and $10.8 billion each year.

Alcohol misuse and abuse is not only treatable, but preventable!

How communities can take action:

- Stop alcohol sales to minors
- Reduce youth exposure to alcohol advertising
- Limit the density of alcohol outlets
- Increase youth awareness of the hazards of alcohol

Substance Abuse Prevention and Control
Office of Health Assessment and Epidemiology
Revised Edition, December 2011

County of Los Angeles Public Health

Message from the Health Officer

As the second-leading cause of premature death and disability in Los Angeles County,[1] excessive alcohol consumption continues to be a serious public health concern. Each year 2,500 people in the county die from alcohol-related causes, with the loss of approximately 78,000 years of potential life. In addition to the devastating personal and societal effects of alcohol abuse on individuals, families, and communities, excessive alcohol consumption costs Los Angeles County an estimated $10.8 billion annually, or roughly $1,000 for every resident.[2]

More than half of adults in Los Angeles County report drinking alcohol in the past month. When used in moderation, alcohol use may have modest health benefits. However, excessive alcohol consumption, which includes binge drinking[3] and heavy drinking,[4] leads to serious medical illnesses, impaired mental health, increased motor vehicle crashes, increased rates of violent crime, and a multitude of other harmful social consequences on family interactions, work productivity, and school performance.

An estimated 16.2% (or 1,190,000) of county adults are binge drinkers (Figure 1) and an additional 3.3% (or 242,000) are heavy drinkers (Figure 2). Both binge drinking and heavy drinking are more common among males and young adults; heavy drinking is also more common among whites and those of higher socioeconomic status.[5] The high rates of binge drinking among teens and young adults are a particular cause for concern, as close to 1 in 5 high school students in Los Angeles reported at least one episode of binge drinking in the past month.

A high density of alcohol outlets increases alcohol consumption,[6] motor vehicle crashes,[7] alcohol-related hospital admissions,[8] injury deaths,[9] assaults and violent crime,[10] suicides,[7] drinking and driving,[11,12] child maltreatment,[13] and neighborhood disturbances.[14] In this report, we examined the relationship between the density of alcohol outlets and three alcohol-related harms in 117 cities and communities across Los Angeles County and found similar results; increased rates of violent crime, alcohol-involved motor vehicle crashes, and alcohol-related deaths were all associated with having a high density of alcohol outlets in that city or community.

Limiting the density of alcohol outlets is one effective approach to reducing excessive alcohol consumption and alcohol-related harms.[15] To assist communities in designing strategies and in policy making efforts to prevent alcohol-related harms, this report provides a profile of alcohol outlet density and alcohol-related consequences by city and community. We hope the information provided will help support and strengthen efforts to prevent alcohol-related diseases and injuries throughout the county.

Jonathan E. Fielding

Jonathan E. Fielding, MD, MPH
Director of Public Health and Health Officer

Figure 1. **Percent of Adults Who Reported Binge Drinking in the Past Month, by Age Group, 2007**
Binge drinking for females is drinking 4 or more drinks, and for males 5 or more drinks, on one occasion at least one time in the past month. *Source: 2007 Los Angeles County Health Survey*

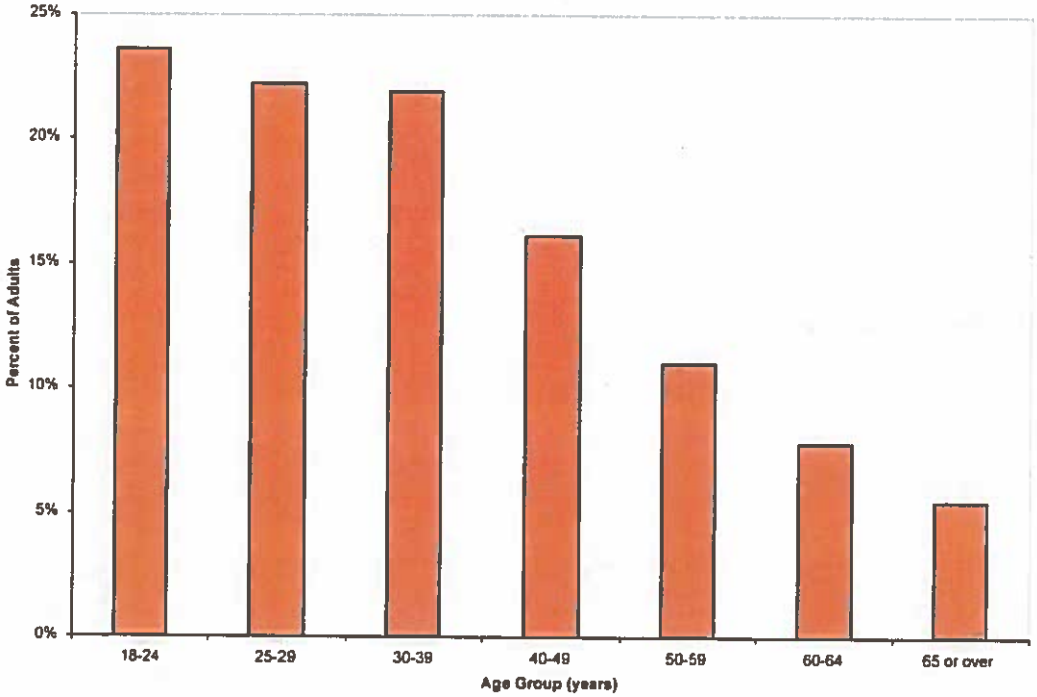
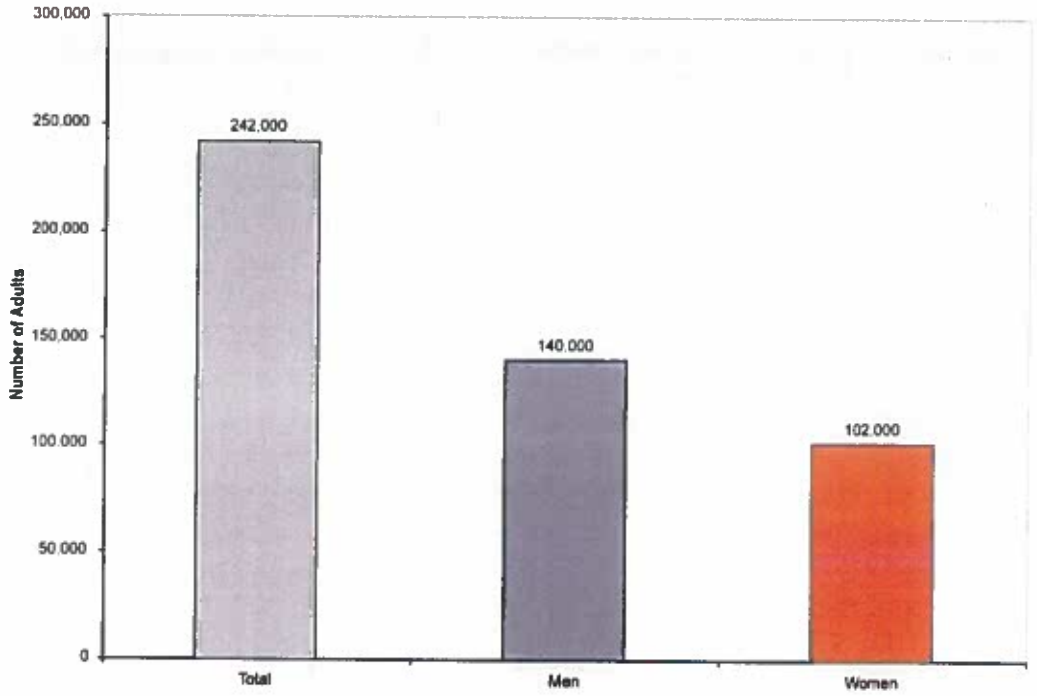


Figure 2. **Number of Adults Who Reported Heavy Drinking in the Past Month, by Gender, 2007**
Heavy drinking for males is consuming more than 60 drinks, and for females more than 30 drinks, in the past month. *Source: 2007 Los Angeles County Health Survey*



Study Methods

Defining Cities and Communities within Los Angeles County

Cities and communities (unincorporated areas) in Los Angeles County were defined using the Census 2000 Incorporated Places and Census Designated Places. The city of Los Angeles was further divided into its 15 city council districts to provide more local information.[16]

The 2007 population estimates for Los Angeles County[17] were used to determine density and those at risk for alcohol-related harms. Cities and communities with less than 10,000 residents are excluded from this report because estimates for these areas are unreliable. For each of the remaining 117 cities and communities, the density of alcohol outlets and the rates of several alcohol-related harms were examined.

Determining Alcohol Outlet Density

Information on alcohol outlets within Los Angeles County was obtained from the California Department of Alcoholic Beverage Control (ABC).[18] ABC categorizes alcohol outlets as:

- *on-premises* – outlets where alcohol is served to be consumed on site, e.g. bars and restaurants.
- *off-premises* – outlets where alcohol is sold to be consumed off site, e.g. liquor stores and grocery stores.[19]

A total of 16,039 alcohol outlets in LA County were identified and included in the analysis. The densities (number of outlets per 10,000 residents) of on-premises and off-premises alcohol outlets were calculated separately, and categorized into tertiles of "low," "medium," or "high" density.

Measuring Alcohol-Related Harms

In this report, three alcohol-related harms were examined: alcohol-involved motor vehicle crashes,[20] violent crimes,[21] and alcohol-related deaths.[22] These three harms were analyzed because city/community-level data were available and because they have been found in other studies to be related to alcohol outlet density.

Data Analysis

As the intent of this report was to explore the potential impact of the density of alcohol outlets on cities and communities, all data were aggregated at the city and community level. The density of on-premises and off-premises alcohol outlets and the rates of alcohol-related harms (motor vehicle crashes, violent crime, and deaths) were calculated for each city/community. Each city/community was then ranked relative to others in Los Angeles County, where a low ranking indicates fewer alcohol outlets per resident and a high ranking indicates more alcohol outlets per resident. While the relative rankings are listed, alcohol outlet density was also categorized into three groups (low/medium/high) by tertile, and alcohol-related harms were categorized into four groups (lowest/low/high/highest) by quartile, to allow for more stable and easily interpretable comparisons.

Logistic regression modeling was performed to examine the associations between alcohol outlet density and alcohol-related harms, adjusting for economic hardship to account for neighborhood socioeconomic conditions. Details regarding the economic hardship index have been published elsewhere.[23] No adjustments were made for other neighborhood characteristics; e.g., population density, neighborhood diversity, or urban versus rural.

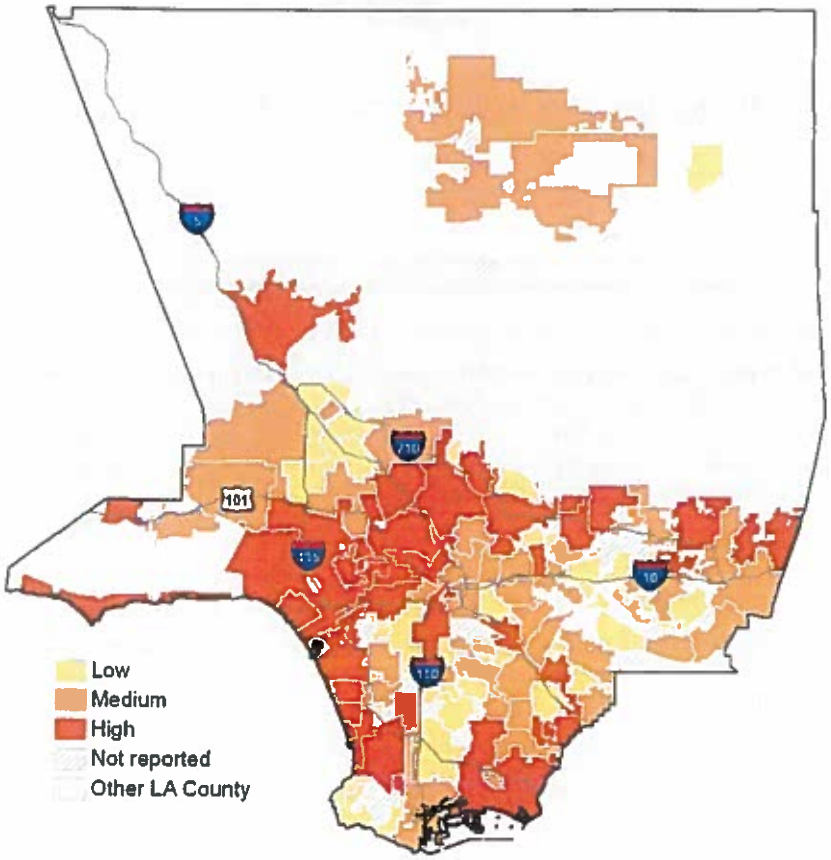
Findings

Alcohol Outlet Density

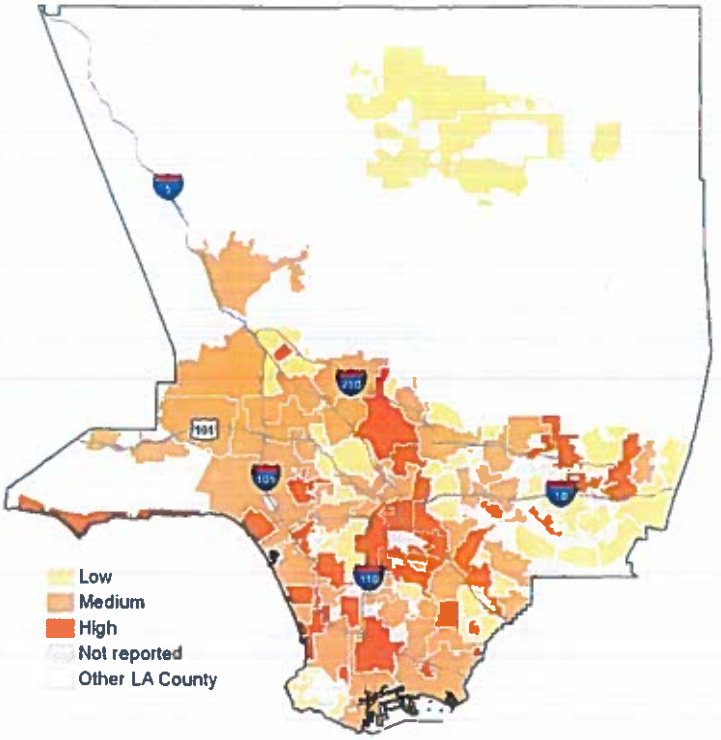
In Los Angeles County, there is an average of 16 alcohol outlets (on- and off-premises combined) per 10,000 people and about four alcohol outlets per square mile. This is slightly lower than the statewide average for California of 18 outlets per 10,000 people. However, outlet density varies widely among cities and communities across the county, ranging from 0 to 47.3 (West Hollywood) on-premises alcohol outlets, and 0 to 23.8 (Commerce) off-premises alcohol outlets per 10,000 residents. *Table 1* presents the density of on-premises and off-premises alcohol outlets for each city and community.

The geographic distribution of on- and off-premises outlets differs (Maps 1 and 2). There is a higher density of *on*-premises outlets in affluent communities, including the Beach Cities, West Hollywood, and some Foothill communities (Map 1, $p<0.001$). On the other hand, a higher density of *off*-premises outlets was only weakly associated with less affluent communities (Map 2, $p=0.076$), with higher density seen in some central and south Los Angeles communities, as well as the cities of Commerce, Malibu, and Sante Fe Springs.

Map 1. On-Premises Alcohol Outlet Density among Los Angeles County Cities and Communities, 2009



Map 2. Off-Premises Alcohol Outlet Density among Los Angeles County Cities and Communities, 2009



Association Between Alcohol Outlet Density and Alcohol-Related Harms

Using logistic regression to adjust for community-level economic hardship, we found that having a high density of either on-premises or off-premises outlets was associated with significantly higher rates of alcohol-related harms.

Violent Crime

Communities with a high density* of either On- or Off-Premises outlets were...

- **9 to 10 times more likely to have increased rates of violent crime ($p<0.01$)**
- While rates of Violent Crime were generally lower in areas of low economc hardship (i.e. more affluent areas), areas with higher *on-* or *off*-premises outlet density were much more likely to have increased rates of violent crime, when comparing communities with similar levels of economic hardship.

Alcohol-involved Motor Vehicle Crashes

Communities with a high density of On-Premises alcohol outlets were...

- **4 times more likely to have increased rates of alcohol-involved crashes ($p=0.008$)**

Alcohol-related Deaths

Communities with a high density of Off-Premises alcohol outlets were...

- **5 times more likely to have increased rates of alcohol-related deaths ($p=0.004$)**

* compared to low density

The rates of violent crimes, alcohol-involved motor vehicle crashes, and alcohol-related deaths for each city and community are presented in *Table 2*.

Table 1. On-Premises and Off-Premises Alcohol Outlet Density, by City and Community, Los Angeles County, 2009[18,19]

City/Community Name	On-Premises AOD	Rank/Tertile		Off-Premises AOD	Rank/Tertile	
Los Angeles County	8.9	—	—	6.7	—	—
Agoura Hills	15.5	101		6.9	62	
Alhambra	8.1	71		4.6	22	
Altadena	1.6	9		4.6	22	
Arcadia	13.5	95		7.1	70	
Artesia	23.1	111		8.4	91	
Avocado Heights	4.0	28		6.2	53	
Azusa	8.9	75		9.3	101	
Baldwin Park	3.7	25		5.6	38	
Bell	5.4	44		8.5	93	
Bell Gardens	3.5	23		9.9	105	
Bellflower	5.6	47		7.7	81	
Beverly Hills	41.4	116		10.3	107	
Burbank	13.6	96		7.3	72	
Calabasas	8.4	73		6.7	59	
Carson	4.3	33		8.3	88	
Cerritos	12.4	94		5.3	33	
Citrus	0.0	1		0.8	3	
Claremont	11.9	91		3.5	13	
Commerce	10.4	85		23.8	117	
Compton	1.5	7		6.4	55	
Covina	9.9	82		8.3	88	
Cudahy	2.7	18		6.6	57	
Culver City	20.6	109		11.3	109	
Del Aire	8.9	75		8.9	99	
Diamond Bar	6.8	56		4.5	21	
Downey	8.8	74		5.9	46	
Duarte	6.9	62		9.1	100	
East Compton	0.8	5		4.1	18	
East La Mirada	2.0	13		3.0	7	
East Los Angeles	4.2	32		8.0	83	
East San Gabriel	1.9	12		3.1	9	
El Monte	4.5	36		6.8	60	
El Segundo	38.7	115		12.3	112	
Florence-Graham	3.2	21		8.3	88	
Gardena	15.8	102		8.4	91	
Glendale	9.2	79		8.2	86	
Glendora	9.9	82		4.8	26	
Hacienda Heights	4.6	38		3.9	17	
Hawaiian Gardens	11.9	91		11.9	111	
Hawthorne	5.1	41		6.2	53	
Hermosa Beach	38.6	114		11.3	109	
Huntington Park	6.8	56		9.7	104	
Inglewood	5.5	45		8.7	96	
La Canada Flintridge	10.4	85		5.7	40	
La Crescenta-Montrose	2.2	14		3.3	10	
La Mirada	7.7	66		6.6	57	
La Puente	5.6	47		8.1	84	
La Verne	10.8	89		5.7	40	
Lake Los Angeles	2.5	16		4.2	19	
Lakewood	6.6	54		7.0	67	
Lancaster	7.8	67		5.4	35	
Lawndale	4.5	36		8.7	96	
Lennox	1.5	7		5.8	42	
Lomita	17.1	106		7.6	79	
Long Beach	10.7	88		7.0	67	
Los Angeles, All Districts	8.7	—	—	6.5	—	—
LA City Council District 01	6.3	50		7.3	72	
LA City Council District 02	6.8	56		7.3	72	
LA City Council District 03	9.1	78		6.1	50	
LA City Council District 04	14.3	99		5.4	35	
LA City Council District 05	18.5	108		5.8	42	
LA City Council District 06	4.1	31		6.5	56	
LA City Council District 07	2.8	19		4.7	24	
LA City Council District 08	1.7	10		4.9	30	
LA City Council District 09	10.4	85		8.5	93	
LA City Council District 10	10.3	84		5.9	46	
LA City Council District 11	14.5	100		7.0	67	
LA City Council District 12	7.1	63		6.1	50	
LA City Council District 13	12.1	93		6.9	62	
LA City Council District 14	5.9	49		8.2	86	
LA City Council District 15	6.5	52		7.2	71	
Lynwood	3.4	22		5.3	33	
Malibu	27.0	113		12.4	113	
Manhattan Beach	22.5	110		7.4	77	
Maywood	4.7	39		10.1	106	
Monrovia	14.0	98		6.9	62	
Montebello	6.7	55		6.9	62	
Monterey Park	7.9	68		5.0	31	
Norwalk	4.3	33		5.4	35	
Palmdale	6.8	56		3.6	15	
Palos Verdes Estates	3.6	24		4.3	20	
Paramount	5.5	45		7.3	72	
Pasadena	16.6	104		5.9	46	
Pico Rivera	6.3	50		8.1	84	
Pomona	6.5	52		5.6	38	
Rancho Palos Verdes	4.0	28		3.5	13	
Redondo Beach	18.0	107		8.6	95	
Rosemead	6.8	56		5.8	42	
Rowland Heights	8.0	69		3.0	7	
San Dimas	8.1	71		7.6	79	
San Fernando	6.8	56		9.5	103	
San Gabriel	16.9	105		7.3	72	
San Marino	3.7	25		0.7	2	
Santa Clarita	9.8	81		6.9	62	
Santa Fe Springs	16.3	103		23.6	116	
Santa Monica	25.5	112		8.7	96	
Sierra Madre	10.9	90		3.6	15	
Signal Hill	8.0	69		12.5	114	
South El Monte	7.1	63		13.4	115	
South Gate	4.7	40		7.9	82	
South Pasadena	9.7	80		4.7	24	
South San Jose Hills	0.4	4		1.7	4	
South Whittier	2.5	16		4.8	26	
Temple City	5.3	42		5.9	46	
Torrance	13.6	96		7.5	78	
Valinda	1.8	11		3.3	10	
View Park-Windsor Hills	3.9	27		4.8	26	
Vincent	2.2	14		2.2	5	
Walnut	4.0	28		2.8	6	
Walnut Park	4.3	33		4.8	26	
West Carson	5.3	42		9.3	101	
West Covina	7.2	65		5.1	32	
West Hollywood	47.3	117		11.0	108	
West Puente Valley	0.0	1		0.0	1	
West Whittier-Los Nietos	2.8	19		3.4	12	
Westmont	0.0	1		6.1	50	
Whittier	9.0	77		6.8	60	
Willowbrook	0.8	5		5.8	42	

Low Medium High

Excludes cities/communities with populations less than 10,000.
AOD = Alcohol Outlet Density/10,000 population

Table 2. Alcohol-Related Harms, by City and Community, Los Angeles County[20-22]

City/Community Name	Violent Crime Rate (/1,000)	Rank/Quartile		Motor Vehicle Crash Rate (/10,000)	Rank/Quartile		Alcohol-Related Death Rate (/100,000)	Rank/Quartile	
Los Angeles County	6.1	—	—	12.8	—	—	8.9	—	—
Agoura Hills	1.9	15		12.9	86		3.2	6	
Alhambra	3.2	37		7.8	29		6.3	27	
Altadena	4.1	57		7.5	26		5.8	22	
Arcadia	2.6	30		10.2	56		6.2	25	
Artesia	4.7	68		8.4	35		9.8	69	
Avocado Heights	3.2	37		18.5	113		10.6	85	
Azusa	4.1	57		14.9	100		11.6	99	
Baldwin Park	3.6	45		13.0	88		10.0	71	
Bell	4.5	63		15.2	104		8.0	40	
Bell Gardens	5.4	76		5.6	10		8.6	48	
Bellflower	6.4	86		9.3	41		11.4	95	
Beverly Hills	3.9	53		8.0	33		2.1	5	
Burbank	2.4	27		11.5	71		8.1	43	
Calabasas	0.8	2		9.0	38		4.2	9	
Carson	6.8	90		10.8	64		7.9	39	
Cerritos	2.7	32		15.2	103		3.2	6	
Citrus	3.0	34		7.8	32		7.8	38	
Claremont	2.2	21		11.3	67		9.1	58	
Commerce	10.1	110		50.2	117		15.8	116	
Compton	16.8	115		9.7	47		10.8	88	
Covina	3.6	45		6.9	22		9.3	62	
Cudahy	5.4	76		6.3	15		5.3	15	
Culver City	4.3	61		13.7	94		8.6	48	
Del Aire	3.5	42		7.3	24		11.1	94	
Diamond Bar	1.8	13		12.7	82		4.6	12	
Downey	4.2	59		15.4	105		9.0	56	
Duarte	4.0	55		5.2	8		9.2	60	
East Compton	14.5	112		10.1	54		7.2	35	
East La Mirada	2.2	21		4.6	7		14.8	112	
East Los Angeles	7.3	98		14.2	98		15.2	115	
East San Gabriel	1.5	9		2.5	1		6.2	25	
El Monte	5.6	79		11.7	75		9.2	60	
El Segundo	2.1	19		17.6	111		10.3	77	
Florence-Graham	12.2	111		10.3	59		10.9	90	
Gardena	7.1	95		15.9	106		8.5	47	
Glendale	1.8	13		9.8	51		7.0	33	
Glendora	1.4	7		11.6	72		10.7	87	
Hacienda Heights	2.3	23		10.9	65		5.7	21	
Hawaiian Gardens	9.1	108		7.5	27		13.4	110	
Hawthorne	8.0	102		13.2	90		9.4	63	
Hermosa Beach	3.5	42		12.5	80		5.2	14	
Huntington Park	8.8	106		15.0	102		10.4	79	
Inglewood	8.6	103		7.8	30		10.8	88	
La Canada Flintridge	1.0	4		6.6	17		5.3	15	
La Crescenta-Montrose	1.9	15		8.2	34		6.8	31	
La Mirada	2.4	27		10.7	61		8.1	43	
La Puente	5.8	84		9.6	43		10.4	79	
La Verne	2.0	18		8.9	37		7.1	34	
Lake Los Angeles	5.9	83		7.8	31		11.5	98	
Lakewood	4.9	70		6.4	16		6.4	28	

Lowest (1st to 29th) Low (30th to 58th) High (59th to 88th) Highest (89th to 117th)

Excludes cities/communities with populations less than 10,000

Table 2. Alcohol-Related Harms, by City and Community, Los Angeles County[20-22]

City/Community Name	Violent Crime Rate (/1,000)	Rank/Quartile		Motor Vehicle Crash Rate (/10,000)	Rank/Quartile		Alcohol-Related Death Rate (/100,000)	Rank/Quartile	
Lancaster	8.8	106		9.8	50		10.4	79	
Lawndale	6.7	88		11.6	74		10.1	76	
Lennox	6.5	87		11.6	73		10.9	90	
Lomita	5.3	73		5.7	11		9.5	65	
Long Beach	6.8	90		13.8	96		9.4	63	
Los Angeles, All Districts	6.5	—	—	11.6	—	—	9.4	—	—
LA City Council District 01	6.8	90		14.6	99		12.1	103	
LA City Council District 02	4.9	70		12.9	87		9.0	56	
LA City Council District 03	1.7	12		10.5	60		7.5	37	
LA City Council District 04	4.6	67		13.3	91		6.5	29	
LA City Council District 05	2.9	33		10.0	57		4.3	11	
LA City Council District 06	4.5	63		12.8	85		9.7	68	
LA City Council District 07	3.1	35		9.4	42		10.9	90	
LA City Council District 08	15.3	113		11.1	66		10.5	82	
LA City Council District 09	17.0	116		15.0	101		12.7	107	
LA City Council District 10	6.8	90		12.0	76		8.4	46	
LA City Council District 11	3.9	53		9.7	49		8.1	43	
LA City Council District 12	2.6	30		10.1	55		6.9	32	
LA City Council District 13	7.1	95		11.5	70		9.9	70	
LA City Council District 14	6.9	94		10.8	63		12.4	104	
LA City Council District 15	8.6	103		10.7	58		11.4	95	
Lynwood	9.5	109		9.7	48		10.3	77	
Malibu	1.9	15		25.0	114		5.5	17	
Manhattan Beach	1.4	7		11.4	68		5.5	17	
Maywood	5.7	80		6.7	18		8.8	51	
Monrovia	3.3	41		12.6	81		11.8	101	
Montebello	3.7	50		11.4	69		13.9	111	
Monterey Park	2.5	29		9.1	40		5.6	20	
Norwalk	5.1	72		12.8	84		10.6	85	
Palmdale	6.7	88		10.2	57		8.0	40	
Palos Verdes Estates	0.3	1		5.5	9		1.8	2	
Paramount	7.3	98		9.7	46		8.6	48	
Pasadena	4.5	63		13.7	93		4.2	9	
Pico Rivera	4.0	55		6.8	19		12.5	105	
Pomona	7.5	101		17.1	109		8.8	51	
Rancho Palos Verdes	0.9	3		3.7	4		5.8	22	
Redondo Beach	3.1	35		16.7	108		8.9	53	
Rosemead	4.2	59		7.3	23		9.6	67	
Rowland Heights	3.2	37		6.2	14		1.6	1	
San Dimas	2.3	23		10.1	53		9.5	65	
San Fernando	4.8	69		13.8	95		16.9	117	
San Gabriel	4.5	63		12.0	77		10.0	71	
San Marino	1.0	4		8.7	36		1.9	3	
Santa Clarita	2.3	23		6.8	21		5.8	22	
Santa Fe Springs	7.2	97		45.8	116		13.3	109	
Santa Monica	6.3	85		18.1	112		10.0	71	
Sierra Madre	1.1	6		3.0	2		9.1	58	
Signal Hill	5.8	81		17.6	110		10.0	71	
South El Monte	6.0	84		7.6	28		15.1	114	
South Gate	5.5	78		13.2	89		11.8	101	
South Pasadena	1.5	9		10.7	62		3.9	8	

Lowest (1st to 29th) Low (30th to 58th) High (59th to 88th) Highest (89th to 117th)

Excludes cities/communities with populations less than 10,000

continued from page 9

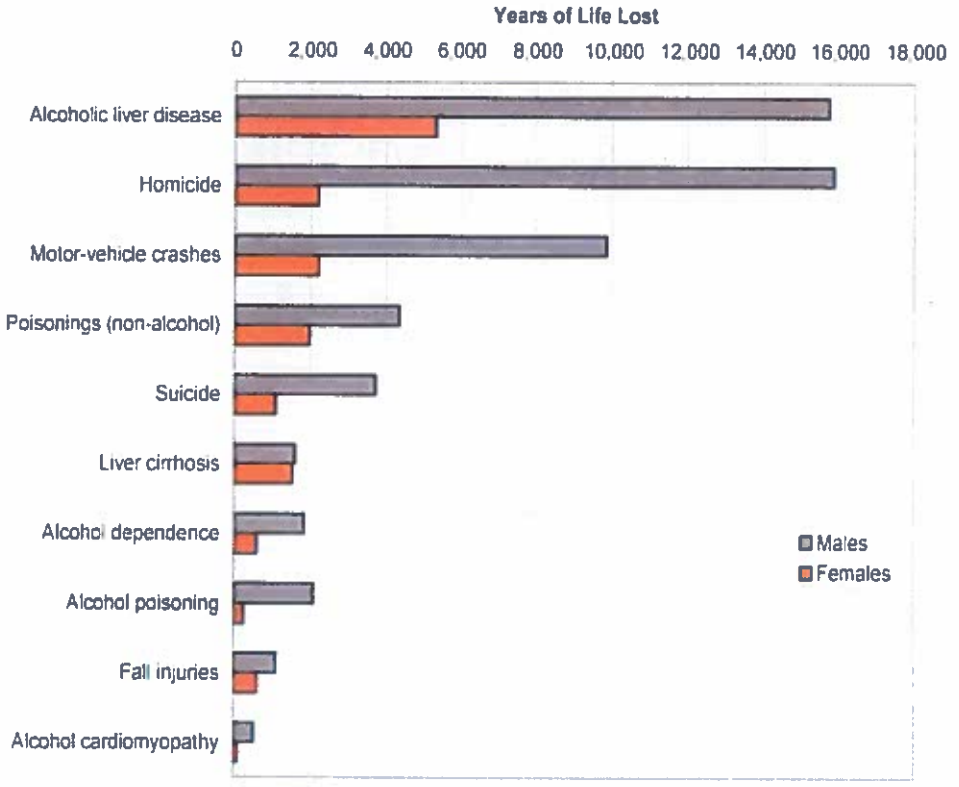
Table 2. Alcohol-Related Harms, by City and Community, Los Angeles County[20-22]

City/Community Name	Violent Crime Rate (/1,000)	Rank/Quartile		Motor Vehicle Crash Rate (/10,000)	Rank/Quartile		Alcohol-Related Death Rate (/100,000)	Rank/Quartile	
South San Jose Hills	4.3	67		7.4	25		[illegible]	95	
South Whittier	3.6	45		9.1	39		12.7	107	
Temple City	2.1	19		3.2	3		6.7	30	
Torrance	2.3	23		3.8	5		7.3	36	
Valinda	3.5	42		6.1	12		5.5	17	
View Park-Windsor Hills	7.3	98		13.9	97		4.8	13	
Vincent	3.2	37		6.8	20		8.9	53	
Walnut	1.6	11		4.2	6		1.9	3	
Walnut Park	5.3	73		9.6	44		8.0	40	
West Carson	5.3	73		9.6	45		15.0	113	
West Covina	3.6	45		16.1	107		8.9	53	
West Hollywood	8.7	105		35.1	115		10.0	71	
West Puente Valley	3.6	45		6.1	13		10.9	90	
West Whittier-Los Nietos	3.8	52		12.2	78		11.6	99	
Westmont	20.8	117		12.5	79		10.5	87	
Whittier	3.7	50		12.7	83		12.6	106	
Willowbrook	15.4	114		13.3	92		10.5	82	

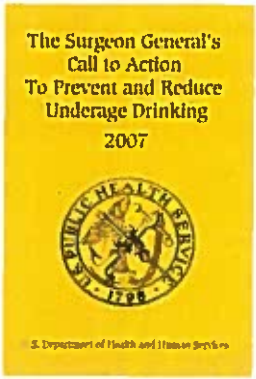
Lowest (1st to 29th) Low (30th to 58th) High (59th to 88th) Highest (89th to 117th)

Excludes cities/communities with populations less than 10,000

Figure 3. Leading Causes of Years of Life Lost Due to Alcohol for Males and Females, Los Angeles County, 2007[24]



Discussion



Alcohol is the third-leading cause of preventable death in the United States,[18] and accounts for 2,500 deaths in Los Angeles County each year, 75% of which occur in men.[24] It also results in 78,000 years of potential life lost due to premature death from alcohol use (Figure 3), with premature deaths among young people (less than age 21) accounting for more than 12% of the years of life lost. Excessive consumption of alcohol is a major public health concern among teenagers and adults in Los Angeles County, with significant health and economic impacts. These include societal harms not only from illnesses, but also due to injuries, violent crimes and property crimes, traffic accidents, work loss, and community and family disruptions.

The findings in this analysis are consistent with previous studies which have shown significant associations between alcohol availability and alcohol-related harms. For example, environmental factors such as the density of alcohol outlets have been found to play an important role in teenage drinking. Among teenagers in California, binge drinking and driving after drinking have been associated with the availability of alcohol outlets within a half-mile from home.[25]

Preventing alcohol misuse and abuse among teenagers and young adults is especially critical. Attitudes toward drinking and drinking behaviors are formed during youth, and alcohol is the most frequently used drug among teenagers. Underage drinking is a major cause of death from injuries among persons under the age of 21, and the early onset of drinking increases the risk of alcohol-related problems later in life.[26] The seriousness of this problem led the U.S. Surgeon General to issue a "Call to Action to Prevent and Reduce Underage Drinking" in 2007.

Excessive alcohol use also disproportionately affects some racial/ethnic groups. For example, although rates of heavy drinking are highest among whites, the death rate from alcohol-related liver disease and cirrhosis is much higher among Hispanics.[22]

Fortunately, alcohol misuse and abuse is not only highly treatable, but largely preventable. Drinking among youth and adults is strongly influenced by alcohol control policies,[27] and the findings in this report emphasize the need to take preventive actions at the community level and to implement targeted interventions that reduce alcohol outlet density.

In California, laws and regulations that determine alcohol access and availability primarily rest with the state, and to a lesser degree, local government. The California Department of Alcoholic Beverage Control (ABC), has the authority to license and regulate the manufacture, importation, and sale of alcoholic beverages. This includes reviewing and approving new outlet licenses, ensuring compliance with laws and regulations, and conducting limited prevention and education programs. Local governments can influence the licensing and compliance process and help minimize harms associated with problem alcohol outlets through their land use policies (e.g., zoning, conditional use permits, ordinances). Communities can also participate in public hearings and work with ABC to identify outlets that fail to comply with requirements.

The State has the sole authority to impose alcohol taxes. State excise taxes are levied on the sale of specific goods or commodities (e.g., alcohol), and are controlled at the State level, with revenues benefiting the State General Fund. Recently, State and local policy-makers have considered mitigation fees as a way to address adverse affects on public health by funding programs to address or prevent those harms at the State or local level. The passage of Proposition 26 in 2010 will make adoption of mitigation fees more difficult to enact because the measure increased the vote requirement to enact from a simple majority to a $^2/_3$ majority. It is important for communities to understand these processes and authorities so they can best effect needed changes.

Strategies to Reduce Alcohol-Related Harms in Our Cities and Communities

The following are eight recommendations that policymakers, communities, businesses, schools, and health care providers can use to reduce alcohol-related consequences in our cities and communities.

1. Take actions to limit alcohol outlet density.

ABC has the authority to license and regulate the sale of alcoholic beverages. As part of the licensing process, ABC is required to inform local government of applications. Local government and communities can play an important role in the ABC decision-making process, including commenting on or protesting an application. Additionally, as recommend by the Community Guide,[28] local government can use land use powers to influence the process by limiting the number of new alcohol outlets allowed by the city or county general plans, or by imposing operating restrictions on new or existing outlets.

New Alcohol Outlets: Local jurisdictions can implement zoning ordinances or require applicants to obtain a "conditional use permit" prior to ABC license approval that includes conditions such as restrictions on location/density, hours of sale, types of beverages sold, and licensee conduct. Community members can also participate in public hearings for new outlets, e.g., by highlighting areas where on-premises or off-premises outlets are oversaturated.

Existing Alcohol Outlets: Local jurisdictions can implement "deemed approved" ordinances that require off-premises outlets to comply with performance standards (e.g., properly maintained premises that do not adversely affect the surrounding community), and require that owners/employees do not permit or facilitate unlawful behavior (e.g., sales to minors, public consumption on the property or surrounding sidewalk, or other illegal activity). Community members can inform or collaborate with ABC in identifying problem outlets or encouraging revocation of a license for continued violations.[28,29]

2. Change the economics of alcoholic beverages.

Despite the clear link between alcohol consumption and alcohol-related harms (e.g., motor vehicle crashes, alcohol-impaired driving, liver cirrhosis, illness/injury, crime), California's alcohol taxes per gallon are below the national average for beer (20¢ vs. 28¢), liquor ($3.30 vs. $3.70), and wine (20¢ vs. 79¢); only Louisiana has a lower wine tax than California.[30,31] California's last increase in alcohol taxes occurred in 1991: the increase was 1¢ per glass of wine and 2¢ per serving of beer and liquor. Alcohol-related harms cost California $38.0 billion annually, including $10.8 billion in Los Angeles County.[2] The Community Guide has found that higher alcohol taxes can reduce over-consumption and youth access, as well as provide funds for prevention and health care.[28,29] In California, efforts to raise taxes begin at the state level, but communities can inform legislators regarding the benefits of such legislation and mobilize support around related ballot initiatives.

3. Restrict alcohol availability and accessibility to minors.

Underage drinking and early initiation of alcohol use are associated with greater alcohol-related problems in adulthood. Restricting the ability of minors to obtain alcohol in the home and community can change social norms regarding the permissibility of underage drinking and delay early initiation of alcohol use. Parents and guardians should closely monitor alcoholic beverages in the home and ensure underage drinking does not occur at family events. Furthermore, communities can implement and enforce social host ordinances that increase consequences for adults who knowingly permit underage drinking in private settings, such as parties.

Communities can also support the implementation of policies to limit the consumption of alcohol in public places (e.g., parks, beaches) and to decrease the possibility of minors obtaining alcohol at events highly attended by youth (e.g., by requiring ID bracelets).[32]

4. Reduce alcohol advertising in public places and in areas commonly seen by minors.

Exposure to alcohol advertising influences youths' beliefs about alcohol and their intention to drink. Restricting alcohol advertising in public places (e.g., billboards, sporting events) and enforcing signage restrictions at liquor and convenience stores (e.g., no more than 33% of square footage of window advertisements, specific area for alcohol product placement) reduces youth exposure to alcohol marketing.

5. Ensure compliance with responsible sales and serving practices.

Requiring regular retailer/vendor education to deter sales to underage youth (e.g., Responsible Beverage Sales and Service training, ID checks) in combination with compliance checks has been effective in limiting underage alcohol access and use. In California, completion of a Responsible Beverage Sales and Service training is voluntary, but it can be required locally through Conditional Use Permits. The Los Angeles Police Department's Standardized Training for Alcohol Retailers "STAR" training is one no-cost option for those employed in the alcoholic beverage service industry; additional trainers are listed on ABC's website.[33,34] The Community Guide has also identified maintaining limits on hours of alcohol sales as effective in reducing excessive alcohol consumption and related harms.[29] In California, city and county governments have the authority to set different sale hours.

6. Provide educational services.

Providing alcohol education and training to youth in school and community settings can raise awareness, develop refusal skills, and reduce the likelihood they will ride with alcohol-impaired drivers. Information about the hazards of alcohol and the legal and social consequences of use can be disseminated through school and community programs. This will help change students' perceptions, decrease the public's acceptance of underage drinking, and support the message that underage drinking is not acceptable.[29,35]

7. Increase screening by health care providers for alcohol use and misuse.

The U.S. Preventive Services Task Force recommends screening and behavioral counseling to reduce alcohol misuse by adults, including pregnant women. The 5A's framework may be helpful for behavioral counseling: ASSESS alcohol consumption with a brief screening tool followed by clinical assessment as needed; ADVISE patients to reduce alcohol consumption to moderate levels; AGREE on individual goals for reducing alcohol use or abstinence (if indicated); ASSIST patients with acquiring the motivations, self-help skills, or supports needed for behavior change, and ARRANGE follow-up support and repeated counseling, including referring dependent drinkers for specialty treatment. In addition, all pregnant women and women contemplating pregnancy should be informed of the harmful effects of alcohol on the fetus.[36]

8. Provide access to mental health and substance abuse services.

Health care providers who are unable to directly provide substance abuse treatment should refer patients who screen positive for further assessment and treatment services, and then follow-up to ensure that the patient received needed services. In LA County, persons without insurance can call the Community Assessment Services Centers at (800) 564-6600 to find the nearest appropriate treatment center.

Helpful Online Resources

Substance Abuse Prevention and Control, LA County Department of Public Health
www.publichealth.lacounty.gov/sapc/

National Institute on Drug Abuse
www.nida.nih.gov/

Federal Resources to Stop Underage Drinking
www.stopalcoholabuse.gov/

Substance Abuse and Mental Health Services Administration
Center for Substance Abuse Prevention
www.samhsa.gov/prevention/

Centers for Disease Control and Prevention's Alcohol Program
www.cdc.gov/Alcohol/

The Guide to Community Preventive Services
www.thecommunityguide.org

Join Together: Advancing Effective Alcohol and Drug Policy, Prevention, and Treatment
www.jointogether.org

References

1. Kominski GF, Simon PA, Ho AY, Fielding JE. Financial burdens and disability-adjusted life years in Los Angeles County. In: Preedy VR, Watson RR, eds. Handbook of Disease Burdens and Quality of Life Measures. Springer, 2010.

2. The Annual Catastrophe of Alcohol in California – Los Angeles County. 2008. Marin Institute.

3. Binge drinking for females is drinking 4 or more drinks and for males 5 or more drinks on one occasion at least one time in the past month.

4. Heavy drinking for males is consuming more than 60 drinks and for females more than 30 drinks in the past month.

5. 2007 Los Angeles County Health Survey. www.lapublichealth.org/ha.

6. Truong KD and Sturm R. Alcohol outlets and problem drinking among adults in California. *J Stud Alcohol Drugs* 2007;68(6): 923-33.

7. Escobedo LG and Ortiz M. The relationship between liquor outlet density and injury and violence in New Mexico. *Accid Anal Prev* 2002;34(5):689-94.

8. Tatlow JR, Clapp JD, Hohman MM. The relationship between the geographic density of alcohol outlets and alcohol-related hospital admissions in San Diego County. *J Community Health* 2000;25(1):79-88.

9. Landen MG, et.al. Alcohol-related injury death and alcohol availability in remote Alaska. *JAMA* 1997;278(21):1755-8.

10. Lipton R and Gruenwald P. The spatial dynamics of violence and alcohol outlets. *J Stud Alcohol* 2002;63(2):187-95.

11. Gruenewald PJ, et.al. Beverage sales and drinking and driving: the role of on-premise drinking places. *J Stud Alcohol* 1999;60(1):47-53.

12. Treno AJ, Grube JW, Martin SE. Alcohol availability as a predictor of youth drinking and driving: a hierarchical analysis of survey and archival data. *Alcohol Clin Exp Res* 2003;27(5):835-40.

13. Freisthler B, Midanik LT and Gruenewald PJ. Alcohol outlets and child maltreatment. *J Stud Alcohol* 2004;65(5):586-92.

14. Wechsler H, et.al. Secondhand effects of student alcohol use reported by neighbors of colleges: the role of alcohol outlets. *Soc Sci Med* 2002;55(3):425-35.

15. Campbell CA, Hahn RA, Elder R, et.al. The Effectiveness of Limiting Alcohol Outlet Density As a Means of Reducing Excessive Alcohol Consumption and Alcohol-Related Harms. *Am J Prev Med* 2009;37(6):556-69.

16. Source: U.S. Department of Commerce, Census Bureau – 2000 Incorporated Places/Census Designated Places boundary file, http://www.census.gov/geo/www/cob/pl2000.html. More information about the L.A. City Council Districts is available at http://www.lacity.org/YourGovernment/CityCouncil/.

17. Population estimates are produced internally for the County of Los Angeles.

18. Listing of all licensed on-premises and off-premises alcohol outlets in Los Angeles County was downloaded January 2009 from the California ABC website [http://www.abc.ca.gov/datport/DataExport.html]. For this report, all outlets with active, pending, or revocation pending due to non-payment of recent renewal status were included (>97%).

19. On-premises alcohol license: state license that allows business to sell alcohol beverages for consumption on the premises. Off-premises alcohol license: state license that allows business to sell alcohol beverages for consumption away from the premises.

20. From the 2006 - 2008 California Highway Patrol (CHP) Statewide Integrated Traffic Records System (SWITRS), selecting for motor vehicle collisions, fatal and non-fatal – occurring on both highways and local roads – in which record indicated "a party that had been drinking." [http://iswitrs.chp.ca.gov/Reports/jsp/RawData.jsp]

21. Aggregated data from State of California Department of Justice, Los Angeles County Sheriff's Department, and City of Los Angeles Police Department, for 2006-2008. Violent crimes include aggravated assault, homicide, rape, and robbery.

22. Source: 2000-2007 Death Statistical Master Files, California Department of Health Services, Center for Health Statistics. Definition for causes of alcohol-induced deaths is taken from the Centers for Disease Control and Prevention's (CDC) National Vital Statistics Report, volume 57, issue number 14, dated April 17, 2009 - page 120. [http://www.cdc.gov/nchs/data/nvsr/nvsr57/nvsr57_14.pdf]

23. Montiel LM, Nathan RP, Wright DJ. An update on urban hardship. Albany, NY: Nelson A. Rockefeller Institute of Government, August 2004.

24. Alcohol-Related Deaths Impact (ARDI) software, developed by the Centers for Disease Control and Prevention, was used to estimate alcohol-related deaths and years of potential life lost. [http://www.cdc.gov/alcohol/ardi.htm]

25. Truong KD, Sturm R. Alcohol environments and disparities in exposure associated with adolescent drinking in California. *Am J Public Health* 2009;99:264-270.

26. Gonzalez GM. Early onset of drinking as a predictor of alcohol consumption and alcohol-related problems in college. *J Drug Ed* 1989;19:225-30.

27. Nelson TF, Naimi TS, Brewer RD, Weschler H. The state sets the rate: the relationship among state-specific college binge drinking, state binge drinking rates, and selected state alcohol control policies. *Am J Public Health* 2005;58:301-4.

28. Guide to Community Preventive Services. www.thecommunityguide.org.

29. Marin Institute. www.marininstitute.org.

30. Alcohol Excise Taxes in California 2003 Report. Alcohol Policies Project: Advocacy for the Prevention of Alcohol Problems. Center for Science in the Public Interest. [http://cspinet.org/booze/taxguide/TaxCAPrint.htm]

31. States Ranked by Alcohol Tax Rates 2009: Beer, Wine, Liquor. Center for Science in the Public Interest. [http://cspinet.org/new/pdf/state_rank--jan_2009.pdf]

32. Preventing Adolescent Binge Drinking. www.youthbingedrinking.org.

33. Los Angeles Police Department, Standardized Training for Alcohol Retailers (STAR Training). [http://lapdonline.org/get_informed/content_basic_view/39961]

34. Department of Alcoholic Beverage Control – Approved RBS Training Providers. [http://www.abc.ca.gov/programs/RBS_Approved%20Training%20Providers.pdf]

35. Office of the Surgeon General. www.surgeongeneral.gov/topics/underagedrinking/.

36. U.S. Preventive Services Task Force. www.uspreventiveservicestaskforce.org/uspstf/uspsdrin.htm.

County of Los Angeles
Public Health
Office of Health Assessment & Epidemiology

Los Angeles County
Department of Public Health
313 North Figueroa Street, Room 127
Los Angeles, CA 90012
(213) 240-7785

Los Angeles County Department of Public Health

Jonathan E. Fielding, MD, MPH
Director and Health Officer

Jonathan E. Freedman
Chief Deputy Director

Steven Teutsch, MD, MPH
Chief Science Officer

Substance Abuse Prevention and Control

John Viernes, Jr.
Director

Benedict Lee, PhD
Special Assistant to the Director, and
Chief, Research and Epidemiology Unit

Michelle Gibson, MPH
Prevention and Youth Services Coordinator

Research and Epidemiology Unit
Qian Guo, PhD, MPH; Angelita Balanon, MPH;
Farimah Fiali, MPH; Christine Oh, PhD; Quan Truong, MPH

Prevention and Youth Services Unit
Delia Barajas; Nancy Schooler; Carmen Martel;
Jennifer Zogg, PhD

Office of Health Assessment and Epidemiology

Frank Sorvillo, PhD
Acting Director

Margaret Shih, MD, PhD
Chief, Epidemiology Unit

Epidemiology Unit
Alex Ho, MD, MPH; Aida Angelescu, MS; David Kwan, MPH;
Heena Hameed, MPH

Office of External Relations & Communications

Alan Albert and **Jacquelyn Soria**
Graphic Designers

Special thanks to **Isabelle Sternfeld** and **Kevin Kelly** for their contributions to this report

Los Angeles County Board of Supervisors

Gloria Molina, First District
Mark Ridley-Thomas, Second District
Zev Yaroslavsky, Third District
Don Knabe, Fourth District
Michael D. Antonovich, Fifth District

Suggested Citation: Los Angeles County Department of Public Health, Office of Health Assessment and Epidemiology. *Reducing Alcohol-Related Harms in Los Angeles County: A Cities and Communities Report. Revised Edition, December 2011.*

Electronic copies of this report may be downloaded from the Epidemiology Unit website at www.publichealth.lacounty.gov/epi or from the Substance Abuse Prevention and Control website at www.publichealth.lacounty.gov/sapc

Alcohol Retail Density and Demographic Predictors of Health Disparities: A Geographic Analysis

Ethan M. Berke, MD, MPH, Susanne E. Tanski, MD, Eugene Demidenko, PhD, Jennifer Alford-Teaster, MA, Xun Shi, PhD, and James D. Sargent, MD

Objectives. We examined whether the geographic density of alcohol retailers was greater in geographic areas with higher levels of demographic characteristics that predict health disparities.

Methods. We obtained the locations of all alcohol retailers in the continental United States and created a map depicting alcohol retail outlet density at the US Census tract level. US Census data provided tract-level measures of poverty, education, crowding, and race/ethnicity. We used multiple linear regression to assess relationships between these variables and retail alcohol density.

Results. In urban areas, retail alcohol density had significant nonlinear relationships with Black race, Latino ethnicity, poverty, and education, with slopes increasing substantially throughout the highest quartile for each predictor. In high-proportion Latino communities, retail alcohol density was twice as high as the median density. Retail alcohol density had little or no relationship with the demographic factors of interest in suburban, large town, or rural census tracts.

Conclusions. Greater density of alcohol retailers was associated with higher levels of poverty and with higher proportions of Blacks and Latinos in urban census tracts. These disparities could contribute to higher morbidity in these geographic areas. (*Am J Public Health.* 2010;100:1967–1971. doi:10.2105/AJPH.2009.170464)

The geographic density of alcohol retailers is a community risk factor that may influence behavior. Alcohol access within a neighborhood may constitute a social influence as drinking behavior is observed and social norms are created in that neighborhood; there may be an accessibility effect resulting from convenience of and proximity to opportunities to purchase alcohol; there may be increased advertising within neighborhoods that have more alcohol retail outlets[1]; or the alcohol point of sale may have an influence on the neighborhood itself, changing the characteristics of the neighborhood.

To date, previous work researching the impact of retail alcohol density has mainly focused on regional or local assessments, except for a study that examined urban centers at the zip code level.[2] The methodologies of the regional studies have also varied, with assessments at a variety of geographic levels: counties,[3] cities,[4–6] zip codes,[7,8] block groups,[9] and census tracts.[10–14] Such area-level variation may make interpretation or generalizing difficult because individuals' activities often cross administrative boundaries. There have been no national studies on retail alcohol density in nonurban settings; previous nonurban analyses were embedded within regional or state assessments. In addition, it is not known whether potentially important findings regarding the effects of alcohol availability can be applied to locales that have not been directly studied.

To better understand the association between retail alcohol density and demographic predictors of health disparities, we created a continuous density map of alcohol retailers across the continental United States, and we assessed how these points of sale related to demographic characteristics at the census tract level.

METHODS

Points of alcohol sale were for all establishments that the North American Industry Classification System (NAICS) identified as selling alcohol in the continental United States. Among these establishments, we designated liquor stores, taverns and bars, grocery stores, gas stations, and convenience stores as potential points of sale. We did not include restaurants as points of sale because we felt that restaurants were less likely to be a primary point of sale for individuals seeking alcohol. This approach is supported by the work of Gruenewald, who found a positive association between alcohol retail outlet density and violence, but only for bars and taverns.[15]

We then reviewed alcohol sale laws for continental US municipalities and counties by querying each state (via publicly available Internet information or by telephone call) in October 2007 to determine legal points of sale in each municipality and county (e.g., grocery stores, gas stations, and convenience stores). We adjusted our designation of retail alcohol establishments accordingly, such that a given type of store was assumed to sell alcohol if it were legally allowed to do so. The data supplier (Dun & Bradstreet, Short Hills, NJ) geocoded each alcohol retail establishment to its exact address, and we used a geographic information system (ArcGIS 9.3, ESRI, Redlands, CA) for subsequent analysis.

Retail Alcohol Density at the Census Tract Level

We used the geographic coordinates of alcohol retail establishments to develop a census tract–level measure of retail alcohol outlet density. Because census tracts do not necessarily correspond to boundaries that affect alcohol purchasing patterns, census tracts may be an inaccurate unit of geography when describing utilization of alcohol outlets. For example, residents on the periphery of one census tract may in fact obtain alcohol in an adjoining tract; thus, the location of retail outlets outside a census tract could affect the alcohol-seeking behavior of residents within that census tract.

We used kernel density estimation methods with an adaptive bandwidth to create a density

surface of retail alcohol availability. We used the LandScan background population dataset provided by Oak Ridge National Laboratory to generate the surface, using an 841 m^2 resolution.[16] These cells formed the basis for the overall density estimation, providing a fine level of detail and variability (total number of cells=18 609 356). We then computed a retail alcohol outlet density that accounted for the underlying population of each cell by expanding the bandwidth until 3 points of alcohol sale were included in the analysis area. This bandwidth was then applied to create the kernel used in the probability distribution for the density approximation. For areas of the country that are sparsely populated, we restricted the bandwidth to 25 km to prevent it from expanding to a spatially unreliable distance. The unit of density in this model is alcohol retail outlets per person, which we then scaled to outlets per 1000 people.

Average density within each census tract was calculated on the basis of the densities of the LandScan cells contained within the tract. For cells bisected by a census tract border, we used the proportion of the cell in the census tract and its associated density to compute the overall average for the tract. This average offers a better assessment of access to alcohol for all residents of the census tract, because the alcohol density determination for the cells at the periphery of the census tract (cells that contribute to the average) considers the possibility of purchase in the adjacent census tract. This variable—the average alcohol retail outlet density per 1000 persons within a given census tract—served as the dependent variable.

Tract-Level Demographic Predictors of Health Disparities

We focused on the following health disparity predictors in each census tract: race/ethnicity, poverty, education, and urban crowding. Census information was extracted from summary files 1 and 3 from the 2000 US Census for all census tracts in the continental United States.[17,18] The independent measures included percentage of the population that was Black or Latino, percentage of families in poverty, percentage of adults with less than a high school education, median number of rooms per housing unit, and median number of people per household.

Statistical Analyses

Median and interquartile ranges were used as summary indicators, because many variables were skewed toward zero. The dependent variable, retail alcohol density per 1000 population, was log-transformed to reduce skewness. Using the full data set of all census tracts within the continental United States (census tract N=65 321), we plotted 2-way associations. We log-transformed the following variables to make their relation with the dependent variable more linear: percentage Black, percentage Latino, percentage of families in poverty, and percentage of adults in the tract who attained less than a high school education. This allowed for illustration of nonlinear associations at the upper 25% of the distributions for these health disparity indicator variables.

We used criteria based on the Rural Urban Commuting Area (RUCA) classification system to classify census tracts as urban or rural.[19] The RUCA system considers commuting patterns in larger metropolitan or town areas when designating categories. We explored the crude relation between the dependent and independent variables by RUCA categorization to determine whether relationships held for urban as well as nonurban areas, on the basis of a 4-level categorization (urban, suburban, large town, small town/rural).[20] We ultimately used a dichotomous categorization of urban versus nonurban to reflect differences found in associations for urban census tracts versus those for nonurban census tracts.

All variables were examined to determine bivariate relationships with the dependent variable. We conducted multiple linear regression with a Bonferroni adjustment to identify independent relationships between alcohol density and the hypothesized measures of health disparity.

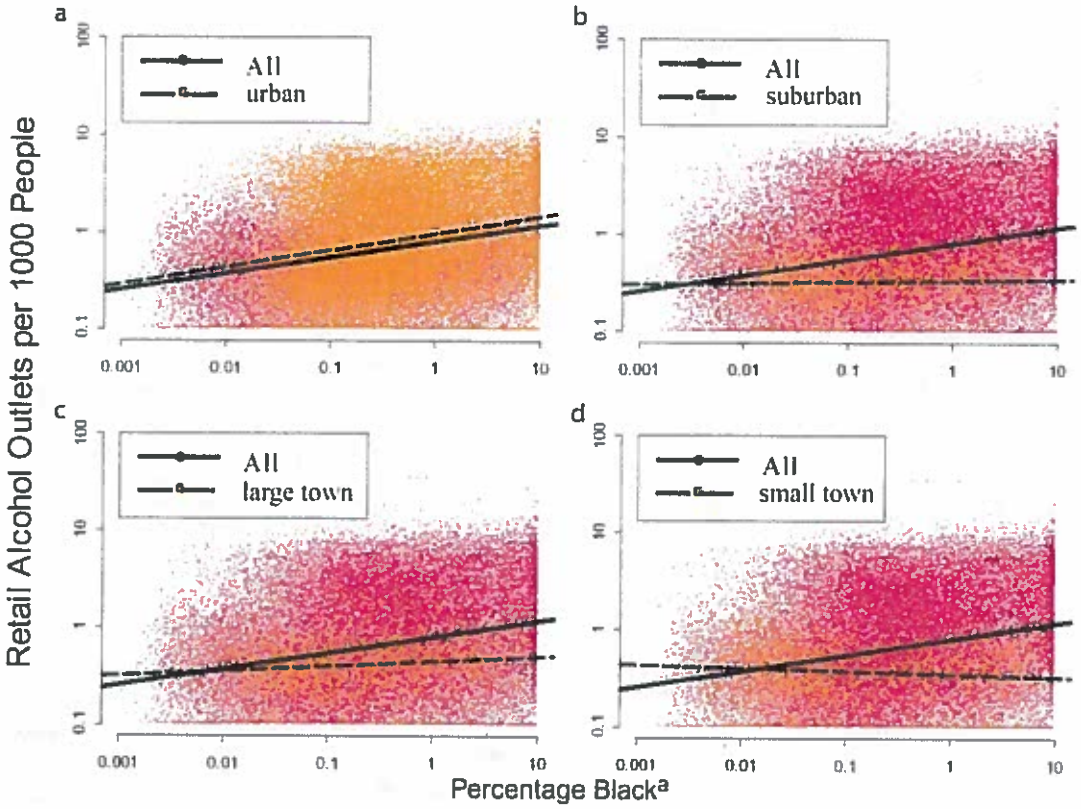
RESULTS

Of the approximately 65 000 census tracts in the United States, about 45 000 are considered urban under a 2-tiered RUCA classification scheme. In 2000, urban census tracts had a higher proportion of minority residents, less poverty, higher education, and much higher retail alcohol outlet density (median=7.4 outlets per 1000 people, compared with 4.8 outlets per 1000 people overall) than did nonurban census tracts. Measures of family and crowding were similar, but because of the large sample size, all P values for the comparisons were statistically significant ($P<.05$; data not shown).

The 2-way plots stratified under the 4-tiered RUCA system indicated that the relationships between retail alcohol density and the independent variables of interest were different for urban census tracts than for suburban, large town, and small town/rural census tracts. There were substantial and significant associations between disparity indicators and retail alcohol density within urban census tracts and little or no relationship among census tracts that were less urban. Figure 1 demonstrates how the association between the density of alcohol outlets per person and the proportion of residents of Black race within each census tract varied by RUCA category.[20] For each graph, data for each of the subgroup and its regression line (illustrated by a dotted line) are superimposed on data for the entire sample and its regression line (illustrated by a solid line).

Because of the large sample size, all slope differences were statistically significant ($P<.001$), and all were significantly different from zero. However, the regression lines clearly show that an important positive relationship exists within the urban census tracts. The association with urban census tracts drives the overall relationship, as the regression slopes for all other categories are close to zero. Given the strength of the relationship within the urban census tracts, we focused the remaining analyses on urban tracts only.

Figure 2 illustrates the independent relationship between census tract–level predictors of health disparities and retail alcohol density in urban census tracts. All relationships were statistically significant ($P<.001$). There were important positive relationships between retail alcohol density and higher proportions of residents of Black race and Latino ethnicity, higher proportions of families living below the federal poverty level, and higher proportions of women with less than a high school education. For these variables, the relation was nonlinear, with the slope of



Note. Census tracts are categorized according to the 4-tiered Rural Urban Commuting Area (RUCA) classification system.[19] Each dotted line indicates the regression line for that graph's RUCA category. The background points and solid lines represent the national sample and are repeated for all graphs, for purposes of visual comparison. Percentage of Black population is log scaled to account for outliers in the model. A 1-point increase in the x-axis represents an increase of 10 percentage points.

FIGURE 1—Relationship between percentage of Black population and number of alcohol retailers per 1000 population in (a) urban (n=44 883), (b) suburban (n=6385), (c) large town (n=6536), and (d) small town/rural (n=7537) areas: US Census tracts, continental United States, 2000.

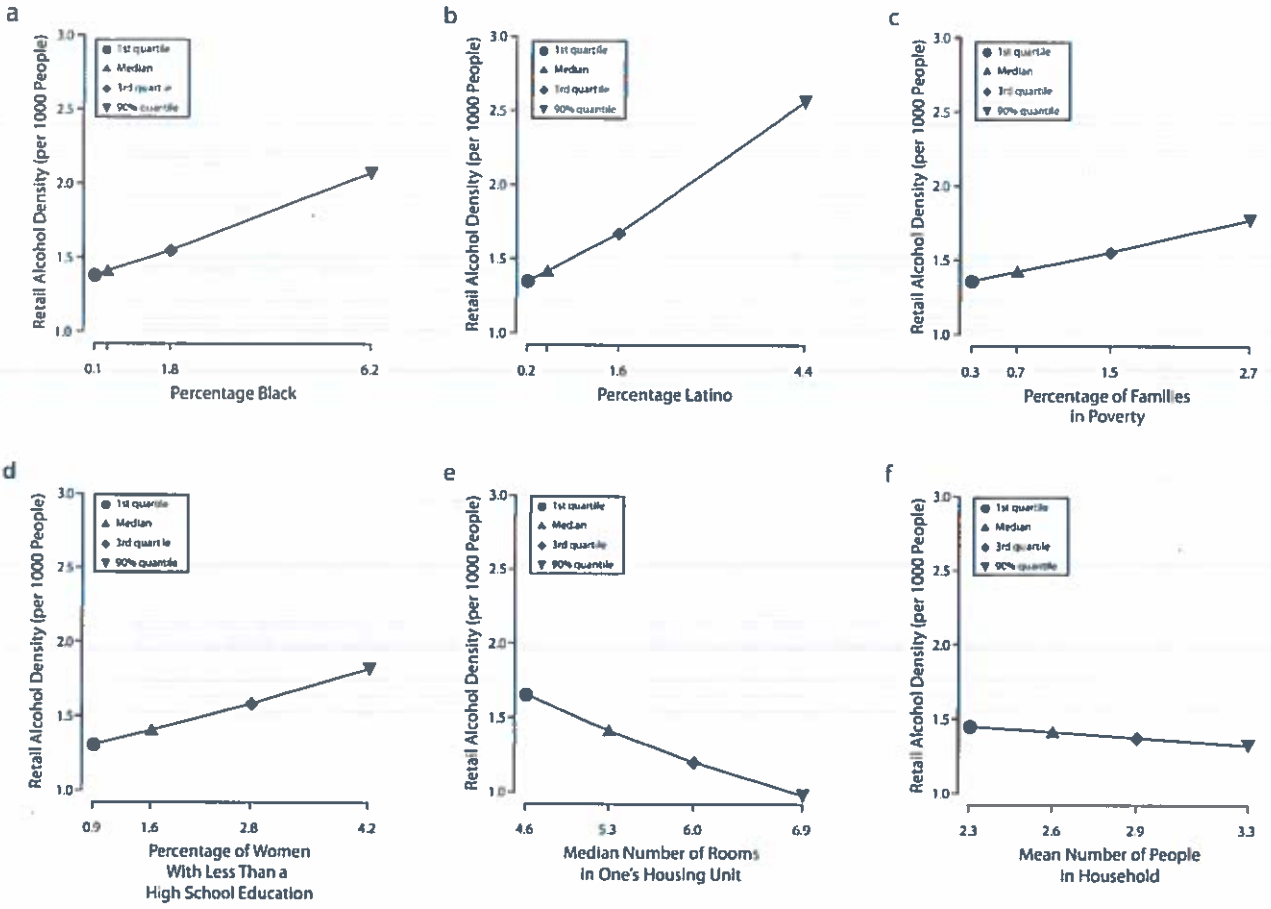
the association increasing as the health disparity indicator became larger.

The nonlinear increase was especially evident in the highest quartile for each measure (the area of interest for health disparities research). The largest association was for percentage of Latino population: all else being equal, retail alcohol outlet density was twice as high as the median in communities at the 90th percentile for proportion of Latino residents (median=1.3; 90th percentile=2.6 per 1000 persons). With regard to crowding within a household, as the number of rooms in a housing unit increased (a proxy for less crowding in a household), retail alcohol outlet density decreased. By contrast, there was a small decrease in retail alcohol outlet density as the number of residents in a household increased.

DISCUSSION

This study confirmed 2 previous findings, but on the national level. First, retail alcohol density is associated with poverty, education, and race/ethnicity at the census tract level in urban areas throughout the continental United States, providing strong evidence that this is not a regional finding. Higher proportions of residents of Black race and Latino ethnicity, higher proportions of families living in poverty, and overall lower education attainment among neighborhood residents all predict higher density of alcohol retail outlets per 1000 population. Importantly, the relationships were nonlinear, with larger increases in alcohol retail density as the health disparity risk factor became more pronounced. This was especially true for communities above the 75th percentile with respect to race/ethnicity, poverty, and education. We suggest that this type of nonlinear relationship points to a more consequential health disparity than a linear one, and future research should draw attention to such nonlinearity when assessing health disparities.

The second important finding is that these relationships were weak in nonurban census tracts. Although we are unable to establish a causal link, this finding suggests, in agreement with earlier work,[21] that increased demand for alcohol among the poor may not be what prompts retail alcohol density increases in poor urban areas: if demand were the driver of supply of alcohol retailers, urban census tracts and nonurban census tracts with similar demographic profiles would show similar increases in alcohol outlet density. This discrepancy may be caused by corporate alcohol interests finding nonurban



Note. Graphs demonstrate where median, interquartile range, and 90th percentile would lie on the regression line. For example, for percentage of Black population, the 90th percentile is 62%, and the third quartile for percentage families in poverty is 15%. The curves are based on a multivariate regression with residual standard error: 0.986 on 42 842 degrees of freedom, adjusted $R^2 = 0.2668$, and F statistic = 2599 on 6 and 42 842 degrees of freedom, with 2034 observations deleted because of missing values. Variables were scaled to make relationships linear. A 1-point increase in the *x*-axis represents an increase of 10 percentage points.

FIGURE 2—Independent associations between retail alcohol density per 1000 population and (a) percentage of Black population, (b) percentage of Latino population, (c) percentage of families in poverty, (d) percentage of women with less than a high school education, (e) median number of rooms in one's housing unit, and (f) average number of people in the household: US Census urban tracts, continental United States, 2000.

areas to be less important than urban areas; the economics of retailing being different in nonurban areas; or zoning laws for mixed commercial/residential use varying by locale. Another key finding in this study is how greatly the findings of a geographic analysis can vary by RUCA category.

Others have studied the effect of retail alcohol density, but to our knowledge this is the first work to create a nationally representative, smoothed, continuous surface of retail alcohol exposure at a fine resolution. This model was applied to aggregate data at the census tract level in 2 distinct steps: (1) creating a national density map of retail alcohol exposure independent of administrative boundaries that may be applied to data of any scale, and (2) applying this map to the specific scale of census tracts to assess relationships between alcohol exposure and predictors of health disparities. This process could be repeated with relative ease at another aggregate level; rescaling geographic analysis at the aggregate level is necessary to understand potential impacts of the modifiable area unit problem, in which units of varying sizes or shapes may lead to variation in results.[22]

This work builds on regional findings. Romely et al. found that Blacks in urban zip codes faced a higher density of liquor stores than did Whites in urban zip codes, but this study did not consider more rural communities.[2] Our findings were similar but at a different aggregate level and considered other important routes of exposure, including grocery stores, convenience stores, and gas stations. Others have examined alcohol exposure in urban environments but did not consider exposure at the national level.[12,23] The findings from all of these studies point to the importance of considering the alcohol environment in studies of alcohol use and alcohol-related health outcomes.

We suggest that retail alcohol density should be considered as a risk factor in

studies of individual risk among urban samples. This national-level dataset on retail alcohol density can readily be linked to other datasets containing alcohol drinking behavior and participant address information to determine neighborhood alcohol risk. Thus, the availability of these data should reduce barriers to considering this risk factor in future research.

There are limitations to this study. Although our analysis was at the detailed level of the census tract, it is possible that these relationships may vary on the basis of different administrative boundaries, such as county or city limits. We did not consider restaurants as a potential form of exposure because of limitations on data accessibility and variation in possession of a liquor license at the local level. It is also possible that the NAICS data misclassified some establishments and that we may have counted establishments as retailers when they in fact were not (i.e., some gas stations and convenience stores may not have sold alcohol even though they legally could have). Finally, it is possible that migration patterns may limit the future utility of our estimates of minority populations and poverty in studies of the association between these factors and alcohol access.

We believe that public health professionals and policymakers should consider variations in retail alcohol exposure among disparate groups. The strong association between retail alcohol density and predictors of health disparities may have implications at both the individual and the community levels, creating an opportunity to reduce the risks of morbidity and mortality in the community. ■

About the Authors

Ethan M. Berke is with the Dartmouth Institute for Health Policy and Clinical Practice, Lebanon, NH, and the Department of Community and Family Medicine, Dartmouth Medical School, Hanover, NH. Ethan M. Berke, Susanne E. Tanski, Eugene Demidenko, and James D. Sargent are with the Cancer Control Research Program, Norris Cotton Cancer Center, Dartmouth-Hitchcock Medical Center, Lebanon, NH. Susanne E. Tanski and James D. Sargent are also with the Department of Pediatrics and Adolescent Medicine, Dartmouth Medical School, Hanover, NH. Jennifer Alford-Teaster and Xun Shi are with the Department of Geography, Dartmouth College, Hanover, NH.

Correspondence should be sent to Ethan M. Berke, MD, MPH, Dartmouth Institute for Health Policy and Clinical Practice, HB 7251, 35 Centerra Parkway, Lebanon, NH 03766 (e-mail: ethan.berke@tdi.dartmouth.edu). Reprints can be ordered at http://www.ajph.org by clicking the "Reprints/Eprints" button.

This article was accepted February 3, 2010.

Contributors

E.M. Berke participated in conceptualizing the study, assisted with data analysis, and participated in writing the article. S.E. Tanski participated in conceptualizing the study, assisted with data analysis, and participated in writing the article. E. Demidenko provided statistical consultation, performed the data analysis, and assisted with writing the article. J. Alford-Teaster assisted with geographic analysis, data interpretation, and writing the article. X. Shi provided spatial statistics support and assisted with data analysis. J.D. Sargent participated in conceptualizing the study, assisted with data analysis, and participated in writing the article.

Acknowledgments

This study was supported by the National Institutes of Health (grants CA77026 and AA015591).

Human Participant Protection

No protocol approval was necessary because this study used publicly available US Census data and commercially available information on retail stores.

References

1. Alaniz ML. Alcohol availability and targeted advertising in racial/ethnic minority communities. *Alcohol Health Res World.* 1998;22(4):286–289.

2. Romley JA, Cohen D, Ringel J, Sturm R. Alcohol and environmental justice: the density of liquor stores and bars in urban neighborhoods in the United States. *J Stud Alcohol Drugs.* 2007;68(1):48–55.

3. Gliksman L, Rush BR. Alcohol availability, alcohol consumption and alcohol-related damage. II. The role of sociodemographic factors. *J Stud Alcohol.* 1986;47(1):11–18.

4. Freisthler B, Gruenewald PJ, Remer LG, Lery B, Needell B. Exploring the spatial dynamics of alcohol outlets and child protective services referrals, substantiations, and foster care entries. *Child Maltreat.* 2007;12(2):114–124.

5. Kuntsche E, Kuendig H, Gmel G. Alcohol outlet density, perceived availability and adolescent alcohol use: a multilevel structural equation model. *J Epidemiol Community Health.* 2008;62(9):811–816.

6. Watts RK, Rabow J. Alcohol availability and alcohol-related problems in 213 California cities. *Alcohol Clin Exp Res.* 1983;7(1):47–58.

7. Freisthler B, Gruenewald PJ, Ring L, LaScala EA. An ecological assessment of the population and environmental correlates of childhood accident, assault, and child abuse injuries. *Alcohol Clin Exp Res.* 2008;32(11):1969–1975.

8. Gruenewald PJ, Johnson FW, Treno AJ. Outlets, drinking and driving: a multilevel analysis of availability. *J Stud Alcohol.* 2002;63(4):460–468.

9. Gorman DM, Speer PW, Gruenewald PJ, Labouvie EW. Spatial dynamics of alcohol availability, neighborhood structure and violent crime. *J Stud Alcohol.* 2001;62(5):628–636.

10. Bluthenthal RN, Cohen DA, Farley TA, et al. Alcohol availability and neighborhood characteristics in Los Angeles, California and southern Louisiana. *J Urban Health.* 2008;85(2):191–205.

11. Freisthler B, Midanik LT, Gruenewald PJ. Alcohol outlets and child physical abuse and neglect: applying routine activites theory to the study of child maltreatment. *J Stud Alcohol.* 2004;65(5):586–592.

12. LaVeist TA, Wallace JM Jr. Health risk and inequitable distribution of liquor stores in African American neighborhoods. *Soc Sci Med.* 2000;51(4):613–617.

13. Scribner R, Cohen D, Kaplan S, Allen SH. Alcohol availability and homicide in New Orleans: conceptual considerations for small area analysis of the effect of alcohol outlet density. *J Stud Alcohol.* 1999;60(3):310–316.

14. Scribner RA, Cohen DA, Fisher W. Evidence of a structural effect for alcohol outlet density: a multilevel analysis. *Alcohol Clin Exp Res.* 2000;24(2):188–195.

15. Gruenewald PJ, Freisthler B, Remer L, LaScala EA, Treno A. Ecological models of alcohol outlets and violent assaults: crime potentials and geospatial analysis. *Addiction.* 2006;101(5):666–677.

16. Oak Ridge National Laboratory. LandScan Global Population Database. Oak Ridge, TN: Oak Ridge National Laboratory. Available at: http://www.ornl.gov/sci/landscan. Accessed October 27, 2008.

17. US Census Bureau. *Census 2000 Summary File 1.* Washington, DC: US Census Bureau; 2002.

18. US Census Bureau. *Census 2000 Summary File 3.* Washington, DC: US Census Bureau; 2002.

19. University of Washington, Seattle. Using RUCA data. Available at: http://depts.washington.edu/uwruca/ruca-uses.php. Accessed June 29, 2010.

20. Washington State Department of Health. A four-tier consolidation of the RUCA system at the sub-county level. Available at: http://www.doh.wa.gov/Data/guidelines/RuralUrban2.htm#fourtier. Accessed June 29, 2010.

21. Gruenewald PJ. The spatial ecology of alcohol problems: niche theory and assortative drinking. *Addiction.* 2007;102(6):870–878.

22. Openshaw S. *The Modifiable Areal Unit Problem.* Norwich, UK: GeoBooks; 1984. *Concepts and Techniques in Modern Geography,* vol 38.

23. Gorman DM, Speer PW. The concentration of liquor outlets in an economically disadvantaged city in the northeastern United States. *Subst Use Misuse.* 1997;32(14):2033–2046.

Health & Place 16 (2010) 876–884

Contents lists available at ScienceDirect

Health & Place

journal homepage: www.elsevier.com/locate/healthplace

Disparities and access to healthy food in the United States: A review of food deserts literature

Renee E. Walker[a,b,*], Christopher R. Keane[a], Jessica G. Burke[a]

[a] Department of Behavioral and Community Health Sciences, University of Pittsburgh Graduate School of Public Health, 130 DeSoto Street, Pittsburgh, PA 15261, USA
[b] Department of Society, Human Development, and Health Harvard School of Public Health, 401 Park Drive 4th Floor West, Boston, MA 02215, USA

ARTICLE INFO

Article history:
Received 12 October 2009
Received in revised form
17 April 2010
Accepted 21 April 2010

Keywords:
Food desert
Food access
United States
Socioeconomic status
Race/ethnicity

ABSTRACT

Increasingly, studies are focusing on the role the local food environment plays in residents' ability to purchase affordable, healthy and nutritious foods. In a food desert, an area devoid of a supermarket, access to healthy food is limited. We conducted a systematic review of studies that focused on food access and food desert research in the United States. The 31 studies identified utilized 9 measures to assess food access. Results from these studies can be summarized primarily into four major statements. Findings from other countries offer insight into ways, in which future research, policy development and program implementation in the U.S. may continue to be explored.

© 2010 Elsevier Ltd. All rights reserved.

1. Background

Environmental conditions have been extensively explored as contributing factors in promoting health disparities (Lee, 2002; Sexton, 2000). It is widely accepted that racial/ethnic minority neighborhoods are disproportionately affected by increased rates of morbidity, mortality and adverse health outcomes (Cubbin et al., 2001; Deaton and Lubotsky, 2003). These disparities are believed to be associated with factors, including residential segregation, poverty and neighborhood deprivation (Gee and Payne-Sturges, 2004), which can lead to adverse health outcomes. Previous studies focused on the ill-effects of neighborhood deprivation have reported the tendency of poor and minority neighborhoods to have an increased exposure to unhealthy advertisements for tobacco and alcohol (Morello-Frosch et al., 2002), fewer pharmacies with fewer medications (Morrison et al., 2000), and fewer supermarkets which offer a larger variety of affordable and healthy foods compared to smaller convenience stores (Morland et al., 2002b). The latter is of importance due to the emergence of "food deserts" in many low-income and minority neighborhoods that result from the absence of a supermarket.

The phrase "food desert" was first used in the early 1990s in Scotland by a resident of a public housing sector scheme (Cummins and Macintyre, 2002). Since that time, the phrase has been used differently by different researchers. For example, in a study by Hendrickson et al. (2006) food deserts were defined as "urban areas with 10 or fewer stores and no stores with more than 20 employees" (2006: 372). Cummins and Macintyre (2002) define food deserts as "poor urban areas, where residents cannot buy affordable, healthy food" (Cummins and Macintyre, 2002). The latter definition focuses on the type and quality of foods rather than the number, type and size of food stores available to residents. Beyond these descriptions, there is a lack of consensus on the definition of food deserts (Hendrickson et al., 2006), and what measures are required for identifying food deserts, thereby contributing to the debate about their actual existence (Cummins and Macintyre, 2002; Cummins, 2003; Reisig and Hobbiss, 2000; Shaw, 2006).

In the U.S., several theories to how food deserts formed have been postulated. One theory has been associated with both the development and closure of stores (Curtis and McClellan, 1995; Guy et al., 2004). It is believed that the growth of large chain supermarkets on the outskirts of inner-cities in more affluent areas offer consumers a better quality, variety and price for food options. Additionally, these venues tend to have longer business hours and better parking options that are attractive to consumers (Alwitt and Donley, 1997; Guy et al., 2004). The expansion of these supermarkets have forced the smaller, independent, neighborhood grocery stores to close, thereby creating areas where affordable, varied food is accessible to those who have access to a car, or those able to pay public transportation costs (Guy et al., 2004). This theory has led one independent retailer to define a food desert as 'an area where high competition from the multiples [large chain supermarkets] has created a void' (Furey et al., 2001).

* Corresponding author at. Department of Society, Human Development, and Health Harvard School of Public Health, 401 Park Drive 4th Floor West, Boston, MA 02215, USA, Tel.: +1 617 384 8918; fax: +1 617 384 8730.
E-mail address: rwalker@hsph.harvard.edu (R.E. Walker).

1353-8292/$ - see front matter © 2010 Elsevier Ltd. All rights reserved.
doi:10.1016/j.healthplace.2010.04.013

Another theory of how food deserts formed in the inner-cities pertain to changes in demographics in larger U.S. cities between 1970 and 1988. It is speculated that during this period, economic segregation became more prominent with more affluent households emigrating from inner-cities to suburban areas (Bianchi et al., 1982; Nyden et al., 1998; Wienk et al., 1979). This shift caused the median income in the inner-cities to decrease and forced nearly one-half of the supermarkets in the three largest U.S. cities to close (Alwitt and Donley, 1997; Diesenhouse, 1993; Miller, 1994).

Other factors that make the establishment of businesses in inner-cities less desirable are inaccurate perceptions of these areas, declining demand for low-skilled workers, low-wage competition from international markets and zoning laws (Gittell and Thompson, 1999). For instance, in urban areas, it is difficult for large supermarkets to find land that is appropriate for the size of the supermarket, due to fragmentation of property that results from the ease of selling smaller pieces of land (Alwitt and Donley, 1997). It is plausible that urban food deserts would have a competitive advantage as sites for a supermarket, due to its prime location near the city center, ability to address an unmet demand and access to a large labor force. However, financial gain is often an underlying factor that tends to override these characteristics and deter retailers from establishing in the urban areas (Gittell and Thompson, 1999).

A consequence of poor supermarket access is that residents have increased exposure to energy-dense food ("empty calorie" food) readily available at convenience stores and fast-food restaurants (Drewnowski and Specter, 2004). It is documented that a diet filled with processed foods, frequently containing high contents of fat, sugar and sodium, often leading to poorer health outcomes compared to a diet high in complex carbohydrates and fiber (Block et al., 2004; Mari Gallagher Research & Consulting Group, 2006; Lewis et al., 2005; Swinburn et al., 2004). For those who are low-income, maintaining a healthy diet can be difficult to achieve due to various factors (Chung and Myers, 1999; Freedman, 1991; Hendrickson et al., 2006). First, the lack of financial resources present a barrier to healthy eating, due to the increased cost associated with healthy eating. Second, many urban areas lack a supermarket, thereby, limiting access to healthy foods for residents. For residents without access to a personal vehicle for transport to food stores outside the immediate neighborhood, residing in a food desert can be even more deleterious (Kirkup et al., 2004; Lake and Townshend, 2006).

People tend to make food choices based on the food outlets that are available in their immediate neighborhood (Furey et al., 2001). This can pose problems since many low-income, urban areas have a higher density of fast-food restaurants and corner stores that offer prepared foods compared to higher income areas (Hendrickson et al., 2006). Increasingly, environmental factors including where people live have been considered when studying food access (Rose and Richards, 2004). The impact of focusing on the neighborhood food environment is two-fold. First, increased attention is brought to the local food environment given the important role these environments play in providing food for residents within their immediate vicinities. Second, the uneven distribution of food stores can be observed and disadvantaged neighborhoods that lack supermarket access, or food deserts, can be noted.

The goal of this paper is to explore the current state of research on food deserts in the United States and to identify areas in need of future research. To date, there is a relatively limited amount of research on food deserts conducted in the U.S. One explanation for this finding is that food security, a household measure of hunger, is assessed in the U.S. annually, and forms the basis of numerous research studies. However, research on food deserts and food-related policy in the United States has become an increasing priority for the United States Department of Agriculture (USDA). The Food, Conservation, and Energy Act of 2008, implemented by the USDA, provides legislation for Federal agriculture programs (The Food, Conservation, and Energy Act of 2008, The United States Department of Agriculture, June 18, 2008). Enacted into law in June 2008, this bill will remain in effect until 2013. In addition to international provisions outlined in the bill, the importance of addressing domestic food distribution and nutrition is highlighted. Section 7527 of the bill (2008: 389) outlines the responsibilities of the Secretary as they pertain to addressing food deserts in the U.S. These activities include researching the prevalence and causes of food deserts; effects of food deserts on populations; recommendations for reducing and eliminating food deserts; community development initiatives; incentives for food stores to establish in food deserts; and partnerships to address food deserts (The Food, Conservation, and Energy Act of 2008, The United States Department of Agriculture, June 18, 2008).

Restricting this review to studies conducted in the U.S. will parallel the USDA's efforts in researching food deserts in the U.S., and will bring attention to research looking at neighborhood-level access to food in a specific geographic region that is poorly studied and poorly understood. This paper will identify measures that have traditionally been used to assess food access in the U.S. and summarize the articles into major statements, or major research findings. Gaps in the literature will be identified. Lastly, the breadth of knowledge that exists within other countries will be discussed to offer insight into work that has been done pertaining to food deserts and food access within an international context.

2. Methods

The articles included in this review were identified from January 2008 to January 2010 by two mechanisms: keyword searches in the PubMed, Agricola, Anthropology, Environmental Studies, Geography, Public Affairs, and Sociology databases, and by reviewing the references of the articles identified from these databases. Combinations of the keywords "food desert" and "food access" were used to identify relevant articles. Only articles written in English were included in the review. No constraints were made for the year of article publication. The rationale for not limiting the year of article publication is due to the relatively recent nature of the topic. Abstracts were then reviewed to ensure that articles that did not meet certain criteria were excluded from the review. Abstracts excluded were: (1) editorials, (2) non-empirical papers, including review articles and book reviews, (3) articles with outcomes that did not focus on food deserts, and (4) letters to the editor. Fifty-two abstracts were identified in the initial review. After reading the articles, it was determined that only 31 would be included in the review after 5 were excluded based on the first exclusion criterion, 10 for the second criterion, 5 for the third criterion and 1 excluded for the fourth criterion. The articles were read with particular attention to the measures used in the studies. These measures were noted and designated as categories.

3. Results

The 31 selected articles represent a variety of work that has been done in the U.S. related to food access. Nine measures have been used to assess food access. For example, articles that used business directories/lists include yellow pages, business addresses on food stores, food store data including consumer spending, geographic location and store openings and closings. The food use

inventory included in the review was used to assess food used within the home (regardless if eaten at home or somewhere else). Food store assessments were objective assessments of the food environment. Studies that used GIS technology used geocoding to map resources or density maps to make comparisons between different locations. Interviews used in the studies were either in-depth or one-on-one. Food frequency assessments were grouped with questionnaires. These measures are presented in Table 1. The most frequently used measures to assess food access are GIS technology (9 articles), food store assessments (8 articles) and surveys (7 articles). The findings from the 31 included articles can be divided into 11 categories representing the variables that have been explored in food desert research (Table 2). For example, articles that focused on the racial/ethnic differences in the neighborhood food environment were grouped under the category "Race/Ethnicity". Similarly, articles that compared food stores between urban areas versus rural and/or suburban were grouped under the category "Location".

4. Major findings in the literature

Results of the review of the literature produced 31 empirical studies that focus on food deserts in the U.S. It is worthwhile to note that most of the research in this area has focused on exploring racial/ethnic and income disparities within food deserts. This can partly be attributed to increased attention focusing on reducing and eliminating health disparities, including racial/ethnic and income disparities. Four major statements emerged from summarizing the research findings of the included articles. These statements are: (1) access to supermarkets (10 articles); (2) racial/ethnic disparities in food deserts (11 articles); (3) income/socioeconomic status in food deserts (11 articles); and (4) differences in chain versus non-chain stores (14 articles). The fourth statement encompasses factors associated with cost (6 articles), availability of food items (4 articles) and store type (4 articles).

Table 1
Measures used to explore food access by author(s).

Measures used to assess food access	Author
Business lists/directories and census data	Alwitt and Donley, 1997
	Chung and Myers, 1999
	Cotterill and Franklin, 1995
	Moore and Diez-Roux, 2006
	Powell et al., 2007
Focus groups	Hendrickson et al., 2006
	Smith and Morton, 2009
Food store assessments	Chung and Myers, 1999
	Freedman, 2009
	Freedman and Bell, 2009
	Glanz et al., 2007
	Hendrickson et al., 2006
	Lewis et al., 2005
	Morland and Filomena, 2007
	Morris et al., 1990
	Morris et al., 1992
	Zenk et al., 2006
Food use inventory	Rose and Richards, 2004
GIS technology and census data	Block et al., 2004
	Mari Gallagher Research & Consulting Group, 2006
	Giang et al., 2008
	Kaufman, 1999
	Morland et al., 2002a
	Morland et al., 2002b
	Morland and Filomena, 2007
	Raja et al., 2008
	Schafft et al., 2009
	Zenk et al., 2005
Interviews	Freedman, 2009
	Rose and Richards, 2004
	Richards and Smith, 2007
Inventory for measuring perceptions of food access	Freedman and Bell, 2009
Questionnaires	Garasky et al., 2004
	Morland et al., 2002a
Surveys	Block and Kouba, 2006
	Chung and Myers, 1999
	Hendrickson et al., 2006
	Inagami et al., 2006
	Kaufman et al., 1997
	Lopez, 2007
	Rose and Richards, 2004

4.1. Access to supermarkets

Increasingly, studies are focusing on the availability of healthy and nutritious foods within communities across the country, and suggest that factors within the built environment play a critical role in a person's diet (Morland et al., 2002b; Rose and Richards, 2004). A widely cited example of the lack of access to supermarkets is in Philadelphia, PA (Giang et al., 2008). Results from the University of Connecticut's Food Marketing Policy Center study showed that Philadelphia had the second lowest number of supermarkets per capita among major cities in the U.S. during the 1990s (Cotterill and Franklin, 1995).

To illustrate this further, consider the number of supermarkets on the national level. It is believed that the lowest income neighborhoods had nearly 30% less supermarkets than the highest income neighborhoods (Weinberg, 1995). Compare this to the food environment in Philadelphia, where the highest income neighborhoods had 156% more supermarkets than the lowest income neighborhoods (Weinberg, 1995). Access-related concerns are even more compounded by the lack of transportation. Low-income residents may have difficulty affording transportation costs to the supermarket located outside of their immediate vicinity, thereby limiting access to food options (Rose and Richards, 2004; Weinberg, 1995). Transportation is not the only barrier to accessing healthy foods. Rose and Richards (2004) suggest that access to food goes beyond the food environment and incorporates the built environment and individual characteristics. For example, unsafe neighborhoods for walking, and the lack of time due to work schedules, being a single parent, or the lack of time required to prepare meals, can result in difficulty accessing supermarkets (Rose and Richards, 2004).

A related finding in the aforementioned University of Connecticut study was that residents in many of the neighborhoods that lack access to supermarkets in low-income neighborhoods of Philadelphia had greater prevalence of health challenges with diet as a risk factor. These challenges include diabetes, heart disease and cancer (Cotterill and Franklin, 1995). Studies suggest that disparities in supermarket access exist with racial/ethnic minority communities and low-income communities being disproportionately affected (Chung and Myers, 1999; Hendrickson et al., 2006; Powell et al., 2007; Zenk et al., 2005). While many of these studies address access-related concerns, they focus on the racial/ethnic and income disparities that exist within food deserts. Findings from these studies will be discussed in the subsequent sections.

4.2. Racial/ethnic disparities in food deserts

Previous studies found that predominantly Black neighborhoods have fewer supermarkets compared to predominantly White neighborhoods (Metro Chicago Information Center, 2008; Morland et al., 2002b). In an examination of the associations

Table 2
Summary of publications included in the review by food desert category.

Categories	Article results
Access to stores	Alwitt and Donley, 1997—poor residents travel a greater distance to access the same resources as non-poor residents. Chung and Myers, 1999—poor residents have less access to chain stores. Cotterill and Franklin, 1995—more low-income residents lack transportation which limits access to food outlets. Mari Gallagher Research & Consulting Group, 2006—African Americans have the lowest access to grocery stores and greatest access to fast-food outlets. A decrease in grocery store access is associated with an increase in obesity. Giang et al., 2008—access to food is unevenly distributed in Philadelphia. In areas where access is limited the most, residents suffer greater health challenges with diet as a risk factor. Inagami et al., 2006—residents who shopped in more disadvantaged neighborhoods had higher BMIs than those who did not shop in a more disadvantaged neighborhood, suggesting that neighborhood SES of the grocery store is a proxy for quality of the grocery store. Kaufman, 1999—more than 70% of the total low-income population in the catchment area had accessibility challenges. Morland et al., 2002a—fewer supermarkets were observed for neighborhoods, where both black study participants and white study participants resided. However, there were five times as many supermarkets in the areas, where white participants resided compared to blacks. Raja et al., 2008—there are no food deserts in Erie County, New York Rose and Richards, 2004—easy access to supermarkets was associated with increased household fruit intake.
Income/SES	Alwitt and Donley, 1997—poor areas have fewer and smaller food outlets than non-poor areas. Chung and Myers, 1999—residents of poor neighborhoods pay more for shopping locally Cotterill and Franklin, 1995—low#-income areas have 30% fewer supermarkets compared to higher income areas. Giang et al., 2008—low#-income residents have limited access to supermarkets. Glanz et al., 2007—non-poor neighborhoods were more likely to have healthier food options than poor neighborhoods Kaufman et al., 1997—there is little evidence that food prices are higher in poor areas compared to non-poor areas. Lewis et al., 2005—poorer neighborhoods have fewer healthy food options compared to non-poor neighborhoods Moore and Diez-Roux, 2006—low-income neighborhoods had four times as many grocery stores (non-chain stores) and half as many supermarkets (chain stores) compared to more affluent neighborhoods. Morland et al., 2002b—there were three times as many supermarkets in non-poor neighborhoods compared to poor neighborhoods. Non-poor neighborhoods were less likely to have smaller grocery stores (non-chain), convenience stores (without a gas station), and specialty stores compared to poor neighborhoods. Powell et al., 2007—poor neighborhoods have fewer supermarkets, only 75%, of that in middle-income neighborhoods Zenk et al., 2005—supermarket access was similar among the least impoverished neighborhoods regardless of race/ethnicity.
Race/ethnicity	Block et al., 2004—predominantly black neighborhoods have six times more fast-food restaurants than predominantly white neighborhoods. Block and Kouba, 2006—the predominantly black neighborhood had fewer supermarkets and more grocery stores. Store prices were comparable to supermarket prices, but of poorer quality. Mari Gallagher Research & Consulting Group, 2006—African Americans travel the greatest distance to any type of grocery store. Lewis et al., 2005—predominantly African American neighborhoods have fewer healthy food options compared to areas with a lower percentage of African American residents. Moore and Diez-Roux, 2006—predominantly minority and racially mixed neighborhoods had more than twice as many grocery stores (non-chain stores) and half the number of supermarkets (chain stores) than predominantly white neighborhoods. Morland et al., 2002a—the presence of one supermarket was associated with a 32% increase in fruit and vegetable consumption among blacks and 11% increase in fruit and vegetable consumption among whites. Morland et al., 2002b—supermarkets were four times more likely to be found in predominantly white neighborhoods compared to predominantly black neighborhoods. Morland and Filomena, 2007—predominantly white areas had greater supermarket access compared to racially mixed areas. Predominantly black areas did not have a supermarket. A lower proportion of stores in predominantly black areas carried fresh produce compared to predominantly white and racially mixed areas. Powell et al., 2007—predominantly African American neighborhoods have 52% of the supermarkets that are available in predominantly white neighborhoods. Hispanic neighborhoods have only 32% of the supermarkets that are available in non-Hispanic neighborhoods. Raja et al., 2008—there is a lack of supermarkets in neighborhoods of color compared to white neighborhoods Zenk et al. 2005—compared to the most impoverished white neighborhoods, African American neighborhoods were 1.1 mile farther from the nearest supermarket.
Food store density	Block et al., 2004—neighborhoods with 80% black residents have 2.4 fast-food restaurants/mile^2 compared to 1.5 fast-food restaurants/mile^2 in neighborhoods with only 20% black residents. Lewis et al., 2005—the comparison group for the study (more affluent, smaller percentage of African American residents) contained 50% more full-service restaurants than the target area. Morland et al., 2002b—with the exception of bars and taverns, all food outlets were more common in racially mixed and predominantly white neighborhoods than predominantly black neighborhoods. Full-service restaurants were two times more common in white neighborhoods. Carryout food outlets serving specialty food items are 9–11 times more common in racially mixed and predominantly white areas.
Cost	Chung and Myers, 1999—prices at chain stores are lower than smaller convenience stores. Glanz et al., 2007—the prices for most healthy options (low fat, low calorie) were not significantly different from the comparable regular item. The greatest cost difference found in the cost of lean ground beef, low-fat hot dogs, baked chips and 100% fruit juice compared to the regular items ($p < 0.01$). Hendrickson et al., 2006—food prices were higher in both rural and urban food deserts compared to non-food deserts Kaufman et al., 1997—food items in supermarkets offer greater variety and quality at a lower cost. Morris et al., 1990—the average cost of one week's worth of thrifty food plan groceries was 36% higher than the maximum weekly food stamp allotment of $75 for a family of four. Morris et al., 1992—the average thrifty food plan cost for small/medium stores was $102 compared to $81 in supermarkets.
Location	Chung and Myers, 1999—more chain stores are located outside inner-cities, where there is low poverty. Hendrickson et al., 2006—food prices in the urban food desert were more expensive than the market basket price. Kaufman, 1997—supermarkets in inner-cities have somewhat higher prices than those in suburban areas. Kaufman, 1999—poor residents of rural areas depend on smaller convenience stores than residents in metropolitan cities. Morris et al., 1990—rural poor depend on limited, more expensive food outlets. Morris et al., 1992—in 1988, the number of supermarkets per county in rural America versus urban America was 3.8 and 2.9, respectively. Powell et al., 2007—food outlets are more common in urban areas compared to suburban, rural and farm areas.

Table 2 (*continued*)

Categories	Article results
Store type	Chung and Myers, 1999—for specific food items, chain stores offer prices that are 10–40% less than non-chain stores. Glanz et al., 2007—convenience stores were found to have lower food price compared to grocery stores. Moore and Diez-Roux, 2006—poorer areas were less likely to have fruit and vegetable markets, bakeries, specialty stores and natural food stores compared to affluent areas. These areas were more likely than affluent areas to have liquor stores. Raja et al., 2008—smaller grocery stores (non-chain) are more prevalent in neighborhoods of color compared to white neighborhoods.
Availability	Glanz et al., 2007—grocery stores were found to have greater availability of healthier food options compared to convenience stores. Hendrickson et al., 2006—foods within rural and urban food deserts are more limited in type and in number compared to non-food deserts. Morris et al., 1990—many rural food outlets contained poorly stocked shelves and lacked healthy and nutritious foods. Morris et al., 1992—small/medium stores carried a small amount of fresh foods.
Perception	Garasky et al., 2004—rural clients were more likely than urban or suburban to perceive their food environment as having an inadequate number of supermarkets (50% compared to 22% and 13%, respectively). Suburban clients' perceived local food as being more affordable compared to urban and rural clients. Transportation concerns were the greatest among suburban and rural clients. Freedman, 2009—participants did not perceive convenience stores and non-chain stores as "real" food stores. Freedman and Bell, 2009—participants' perceptions of access to healthy food was supported by objective food store assessments. Hendrickson et al., 2006—residents identified lack of affordable healthy food options within their communities and food insecurity as concerns. Richards and Smith, 2007—participants perceived environmental (rules and regulations established at the homeless shelter), parental, and personal factors as influencing food access and food choice. Smith and Morton, 2009—perceptions of factors influencing food choice and food access among rural residents include household, social and cultural and environmental factors.
Quality of available foods	Glanz et al., 2007—grocery stores were found to have greater quality of healthier food options compared to convenience stores. Hendrickson et al., 2006—foods within the urban and rural food desert were of fair or poorer quality compared to a non-food desert. Zenk et al., 2006—the quality of fresh produce was significantly lower in predominantly African American, low socioeconomic position communities compared to racially mixed, middle socioeconomic position communities.
Impact	Hendrickson et al., 2006—the lack of affordable, quality foods diminishes the ability to access healthy foods needed to maintain a healthy diet. Lewis et al., 2005—the neighborhood food environment in the low-income neighborhoods in the study provides challenges to healthy eating for residents. Restaurants in the less affluent target area promoted unhealthy food options to residents. Lopez, 2007—zip code level variables, including median household income and the presence of a supermarket were associated with obesity risk. Schafft et al., 2009—there is a positive association between increased rates of child overweight and percentage of children in the school district residing in a food desert.

between the availability of food stores in the US and race, ethnicity and socioeconomic status, Powell et al. (2007) found that the availability of chain supermarkets in Black neighborhoods was only 52% that of their White counterpart (Powell et al., 2007). These differences still existed after controlling for relevant covariates, including neighborhood income.

In a similar study using geographic information system (GIS) to measure spatial accessibility of chain supermarkets with respect to neighborhood racial composition and poverty in Detroit, Michigan, Zenk et al., 2005 found that the most impoverished neighborhoods in which African Americans resided were 1.1 mile farther from the closest supermarket compared to the most impoverished White neighborhoods (Zenk et al., 2005). Additional findings show that 28% of the residents in the most impoverished Black neighborhoods did not own a car in 2000, that these neighborhoods had 2.7 fewer supermarkets within a three-mile radius compared to the most impoverished White neighborhoods, and that among the most impoverished neighborhoods in Detroit, 76% of these areas had a high proportion of African Americans (Zenk et al., 2005). Understanding the social and racial history has helped frame the present-day issue of racial segregation and consumer purchasing power. Looking at the history in Detroit, Michigan, Zenk et al., 2005 surprisingly found that among the least impoverished neighborhoods studied, all but one of the predominantly Black neighborhoods that had access to a supermarket equivalent to their White counterparts, was located in the inner city. The interpretation of this finding is two-fold. First, this suggests that supermarkets will stay invested in a neighborhood as long as the residents have the purchasing power to make their commitment to the area profitable. Second, supermarkets that remain in these urban areas are remnants from when these areas were predominantly White, again implying that it is profitable for these retailers to remain in the area (Zenk et al., 2005).

4.3. Socioeconomic status in food deserts

The majority of smaller stores located in urban areas are in low-income areas (Alwitt and Donley, 1997; Hendrickson et al., 2006). The consequence is that the issue of poverty plays out in economic barriers in accessing food in low-income areas. Hendrickson et al. (2006) found that food prices are higher and food quality is poorer, often inedible, in areas where poverty is the highest, compared to more affluent areas. Furthermore, results from the same study show that there is a smaller quantity and variety offered at stores in impoverished areas. These findings are consistent with other studies that show that residents living in areas that do not have a supermarket pay more for their food (Chung and Myers, 1999; Freedman, 1991; Hendrickson et al., 2006; Kaufman et al., 1997; U.S. House of Representatives Select Committee on Hunger, 1990). In a similar report by the New York's Consumer Affairs Department in 1991, results from price surveys in 60 stores and 140 interviews with consumers and retailers showed that the poor residing in urban areas paid more for groceries, and received poorer quality foods (Chung and Myers, 1999; Freedman, 1991).

One explanation for the higher costs of food in urban areas has to do with increased crime in these areas. Theft within stores in urban areas, where the cost is already high tends to drive up the cost of food items even more. The unfortunate result is that a vicious cycle may form, where the high cost of food makes stealing an attractive option, thereby forcing store owners to

increase the price of food for consumers that already have a difficult time paying for food (Hendrickson et al., 2006).

Additionally, the issue of lack of transportation is echoed throughout the literature citing that many low-income households do not have access to a car and cannot afford the costs associated with getting to a supermarket outside of their immediate neighborhood. (Alwitt and Donley, 1997; Guy et al., 2004; Hendrickson et al., 2006; Kaufman, 1999; "U.S. House of Representatives Select Committee on Hunger", 1990). As a result of the lack of transportation, low-income households are less likely to travel the distance to a supermarket outside of their neighborhood and will purchase food items from the stores that are nearby, thereby sacrificing cost and quality for convenience.

4.4. Differences in chain versus non-chain stores

A report by the Economic Research Services (ERS) of the United States Department of Agriculture (USDA) found that urban supermarket prices are higher than the suburban ones (Kaufman et al., 1997; Powell et al., 2007). The fewer supermarkets and the prevalence of smaller grocery stores that are located in urban areas may account for the higher food prices. The ERS report also explained that smaller grocery stores tend to stock leading brand items and smaller package sizes, which can drive the cost of food prices up. Larger supermarkets are able to stock both leading brand and generic items, both offered in larger and smaller packages. The variety, in brands and package size, that larger supermarkets are able to offer helps offset the higher priced items, thereby keeping the cost lower (Chung and Myers, 1999; Kaufman, 1999).

In an examination of food items in approximately 55 stores within the Minneapolis and St. Paul metropolitan areas, Chung and Myers (1999) found that only 22% ($n=256$) of chain supermarkets were located in urban areas. However, nearly one-half of the non-chain stores were located there. Results also showed that non-chain stores were more likely to be located in poor areas, whereas chain supermarkets were more likely to be located in more affluent areas (Chung and Myers, 1999). To identify differences between two markets, chain versus non-chain, Chung and Myers (1999) compared market basket prices. These prices reflect the cost of a fixed list of items and provide information regarding inflation within the larger economy as well as within a specific market.

The biggest disparity in price between chain and non-chain venues was in the price of dry goods, including flour and oatmeal. Consumers who shop at chain supermarkets paid between 10% and 40% less for these items (Chung and Myers, 1999). In terms of market basket prices, there was a $16.62 price gap between non-chains and chains, $1.18 price gap between urban and suburban retailers, and a $5.15 price gap between poor and non-poor areas (Chung and Myers, 1999). This means that consumers who shopped at non-chain stores, in urban and poorer areas paid more per unit of measurement than chain, suburban and non-poor areas.

5. Discussion

This review focused on food desert literature in the US. The specific focus on food deserts opposed to including articles pertaining to areas that have supermarkets, or food oases, was to highlight the issues surrounding poor access to healthy and nutritious foods characteristic of food deserts. Furthermore, the focus allowed for better understanding of the challenges in obtaining healthy and affordable foods faced by residents of these areas. This review highlights measures traditionally used in food desert research in the U.S. and identified areas, where additional work is needed. To gain insight and knowledge into potential ways, in which gaps in the literature can be addressed in the U.S., the existing literature related to food access was sought from other countries. While studies conducted in other countries may not be translatable entirely to the U.S. context, pertinent findings can be gleaned and expounded upon.

5.1. Increased access to food

One of these areas, where additional research is needed, is exploring the impact of residing in a food desert. Specifically, there is debate about whether living in a food desert is associated with unhealthy eating and food buying practices. It is unknown to what extent additional factors, including personal preferences are better indicators for healthy eating than the actual presence or absence of a supermarket. However, one noteworthy before/after study, the Seacroft intervention study offers insight into how increased access to a supermarket influences factors, including food consumption and perception (Wrigley et al., 2003, 2004). Using food diaries and household questionnaires, Wrigley et al. (2003) explored a host of factors including attitudes towards healthy eating, food store choice and travel options to stores pre-intervention (before the opening of a new store). Surveys and focus group discussions assessed changes in usage of primary food store and changes in travel behavior post intervention (nearly two years after the new store opened). Results showed that nearly half of the respondents switched their main food store location to the new store. Additionally, distance travelled to the primary food store decreased from 2.25 km (approximately 1.4 mile) before the switch to the new store to 0.98 km (approximately 0.60 mile) after the switch to the new store (Wrigley et al., 2003). Access-related reasons including convenience and proximity were expressed by the majority of respondents as being instrumental in the switch to the new store (Wrigley et al., 2004). Modest improvements in diet and nutrition were noted. Only a small percentage of respondents utilized savings associated with increased access to purchase fresh food.

What can be gleaned from this study are unintentional consequences. For instance, with the opening of a larger store, residents had a larger variety of foods, including prepared foods to choose from and reported feeling "tempted" to overspend small food budgets by purchasing large quantities of needed items or purchasing "luxury" items (Wrigley et al., 2004). This finding has major public health implications for improving diet, nutrition and for obesity prevention. Some respondents in this intervention study did not switch to the new store. Reasons for not switching included cheaper prices and familiarity with the current store. These reasons are underscore the importance for considering issues of poverty and financial constraints when food shopping. In other words, increasing access to healthy and nutritious foods does not necessarily increase consumption, especially for low-income households. Furthermore, a sense of loyalty to owners of neighborhood convenience stores is a real concern for residents. One of the theories to how food deserts formed in many urban cities have to do with the opening of a supermarket that introduced competition to small business owners and forced many to close their doors. The presence of a supermarket can have detrimental effects on these smaller stores and their ties to and roles within the community.

5.2. Policy implications

Another area for future research is exploring the impact of policy on food access. The few studies that mention policy-related concerns in the U.S. discuss reducing the racial/ethnic and related income disparities that exist in accessing food, and working to

attract supermarkets to economically disadvantaged neighborhoods (Chung and Myers, 1999; Lang and Caraher, 1998; Zenk et al., 2005). This underscores the need for policymakers and stakeholders to begin determining food-related policies and practices. These policies can have a major impact in addressing the limited access to affordable healthy and nutritious foods for low-income residents of urban areas that lack access to these foods.

An example of how cities are addressing the lack of access to supermarkets are found in Pittsburgh, Boston and New York, where many communities have relied on local leadership and policy development to alleviate these disparities (Pothukuchi, 2000). These cities have developed public/private partnerships, agreements between government and private sector organizations, to build and maintain infrastructure and necessary community facilities (Nayga and Weinberg, 1999; Widdus et al., 2001). Specifically, partnerships between local government and supermarket leaders have been developed to bring supermarkets into underserved areas. Ultimately, these partnerships seek to increase supermarket access within neighborhoods that have been overlooked by food retailers.

Findings from Western Australia identified similar partnerships between government and non-government sectors that were established with the goal of developing strategies aimed at increasing fruit and vegetable consumption. In an iterative process that involved discussing priority areas for policy and program interventions and the required infrastructure support, activities were identified. These policies included developing and supporting nutrition policies to increase fruit and vegetable consumption within the schools, restricting food advertising targeted to children, support of a fruit and vegetable mass media campaign and support the efforts of local organizations to develop and implement policies geared towards increasing fruit and vegetable access and improving overall nutrition (Pollard et al., 2008).

Recommendations from this working group included developing policies and strategies that support and complement each other. For example, a social marketing campaign was established to support a school canteen program introduced to recognize and reward schools operating healthy canteens. This initiative was a partnership between the Western Australia School Canteen Association, the Heart Foundation of Australia and the Department of Health. As of 2009, 21.4% of the schools in Western Australia that operated school canteens committed to the program. Recent findings show that schools have increased promotion and sales of healthy food and drinks as identified under the Government Healthy Food and Drink Policy, which mirrors the Australian Dietary Guidelines for Children and Adolescents (Western Australia School Canteen Association, Inc., 2010). The intersectoral collaborations established in Western Australia to improve diet and nutrition quality among children in schools and child care have been successful, in part, due to the collaborations established, willingness and readiness for organizational change, resources available and incentives for improving food service standards (Pollard et al., 2001).

5.3. An Ecological approach

While many studies focus on the presence or absence of supermarkets, few examine the dynamic interaction between other food venues (restaurants, corner stores, gas stations, etc.) as places, where residents purchase food. This is an another area where additional research is needed in the U.S. This is important because these venues, in addition to local grocery stores, comprise the food environment and offer food items for residents, despite the nutritional value of these foods. The importance of identifying these types of food stores within a neighborhood is two-fold. First, identifying these stores offers a complete picture of the entire food environment within a neighborhood. Second, researchers will have a better understanding of the food options that are available to residents. While it is important to identify places that offer healthy foods within a neighborhood, it is equally important to identify the places within a neighborhood that can offset these locations. Research is needed to better understand additional factors involved in food buying practices among the residents of food deserts. These factors are important for developing and implementing individual and community-level interventions that increase access to healthy foods, influence food buying practices, and facilitate healthy eating.

In the U.K., Reisig and Hobbiss (2000) identified key stakeholders involved in food poverty initiatives. Semi-structured questionnaires and in-depth interviews were used to identify causes of food poverty and ways to combat food poverty in Leeds (Reisig and Hobbiss, 2000). Causes included personal factors such as lack of education, poor eating habits, poverty, income inequalities, lack of transportation and limited availability of foods offered at the local convenience store (Reisig and Hobbiss, 2000). Program initiatives aimed at improving food access on the individual-level included a health education and health promotion component for residents to encourage them to eat healthier foods. A secondary goal was then to empower residents to demand store owners stock healthier food options that are not available in the store. A community-level initiative included providing better transportation options for residents to get to supermarkets as part of the retailers responsibility, or within the context of a larger transportation program sponsored by the city (Reisig and Hobbiss, 2000). The lack of transportation is a real concern in accessing food, especially among low-income residents who do not own a car or cannot afford costs associated with taking public transportation. Strategies taken in other countries to address transportation-related issues in food access will be helpful when thinking about ways to bridge the gap between food access and healthy eating.

5.4. Future areas of research in the U.S.

This review identified aspects of food desert research that have been thoroughly studied in the U.S. Further research on this topic is warranted. Research studies utilizing a mixed-methods approach to assess both objective and subjective measures would be beneficial. We recommend an innovative method such as concept mapping, a participatory research method that allows hypotheses to be generated and integrates the results in a way that multivariate analyses can be used to make comparisons between groups. Comparisons can be made between participants with differential supermarket access such as those who reside in a food desert compared to a food oasis. Additional comparisons can be made between participants from food secure versus food secure households, and even those who own a personal car or have access to transportation compared to those who lack transportation options. These analyses will provide data for understanding factors involved with food buying practices and healthy eating. While the studies included in this review improve our understanding of the measures and major findings of food access research in the practices. These data will provide an understanding of the complexity of food access and the food environment, while providing a basis for program planning and policy development aimed at addressing access to healthy and affordable foods.

References

Alwitt, L.F., Donley, T.D., 1997. Retail Stores in Poor Urban Neighborhoods. The Journal of Consumer Affairs 31 (1), 139–164.

Bianchi, S.M., Farley, R., Spain, D., 1982. Racial inequalities in housing: an examination of recent trends. Demography 19 (1), 37–51.

Block, D., Kouba, J., 2006. A comparison of the availability and affordability of a market basket in two communities in the Chicago Area. Public Health Nutrition 9 (7), 837–845.

Block, J.P., Scribner, R.A., DeSalvo, K.B., 2004. Fast food, race/ethnicity, and income. American Journal of Preventive Medicine 27 (3), 211–217.

Chung, C., Myers, S.L., 1999. Do the poor pay more for food? An analysis of grocery store availability and food price Disparities. The Journal of Consumer Affairs 33 (2), 276–296.

Cotterill, R., Franklin, A.. The urban grocery store gap. Food Marketing Policy Issue Paper no. 8. Food Marketing Policy Center: University of Connecticut. April 1995).

Cubbin, C., Hadden, W.C., Winkleby, M.A., 2001. Neighborhood context and cardiovascular disease risk factors: the contribution of material deprivation. Ethnicity & Disease 11, 687–700.

Cummins, S., Macintyre, S., 2002. Food deserts—evidence and assumption in health policy making. BMJ 325, 436–438.

Cummins, S.C.J., 2003. The local food environment and health: some reflections from the United Kingdom. American Journal of Public Health 93 (4), 521.

Curtis, K., McClellan, S., 1995. Falling through the safety net: poverty, food assistance and shopping constraints in an American City. Urban Anthropology 24, 93–135.

Deaton, A., Lubotsky, D., 2003. Mortality, Inequality and race in American cities and states. Social Science & Medicine 56, 1139–1153.

Diesenhouse, S., 1993. As suburbs slow, supermarkets return to the cities. The New York Times June 27, F5.

Drewnowski, A., Specter, S.E., 2004. Poverty and obesity: the role of energy density and energy costs. American Journal of Clinical Nutrition 79 (1), 6–16.

Mari Gallagher Research & Consulting Group (July 18, 2006). Examining the Impact of Food Deserts on Public Health in Chicago. Chicago, IL: Available at: 〈http://www.marigallagher.com/projects/〉.

Freedman, A.M., 1991. The poor pay more for food in New York Survey Finds. The Wall Street Journal pp. B1, B5.

Freedman, D.A., 2009. Local food environments: they're all stocked differently. American Journal of Community Psychology 44 (3–4), 382–393.

Freedman, D.A., Bell, B.A., 2009. Access to healthful foods among an urban food insecure population: perceptions versus reality. Journal of Urban Health 86 (6), 825–838.

Furey, S., Strugnell, C., McIlveen, H., 2001. An investigation of the potential existence of "Food Deserts" in rural and urban areas of Northern Ireland. Agriculture and Human Values 18, 447–457.

Garasky, S., Morton, L.W., Greder, K., 2004. The food environment and food insecurity: perceptions of rural, suburban, and urban food pantry clients in Iowa. Family Economics and Nutrition Review 16 (2), 41–48.

Gee, G.C., Payne-Sturges, D.C., 2004. Environmental health disparities: a framework integrating psychosocial and environmental concepts. Environmental Health Perspectives 112, 1645–1653.

Giang, T., Karpyn, A., Laurison, H.B., Hillier, A., Perry, R.D., 2008. Closing the grocery gap in underserved communities: the creation of the Pennsylvania fresh food financing initiative. Journal of Public Health Management and Practice 14 (3), 272–279.

Gittell, R., Thompson, J.P., 1999. Inner-city business development and entrepreneurship: new frontiers for policy and research. In: Ferguson, R.F., Dickens, W.T. (Eds.). Urban Problems and Community Development. Brookings Institution Press, Washington, DC, pp. 473–520.

Glanz, K., Sallis, J.F., Saelens, B.E., Frank, L.D., 2007. Nutrition environment measures survey in stores (NEMS-S). American Journal of Preventive Medicine 32 (4), 282–289.

Guy, C., Clarke, G., Eyre, H., 2004. Food retail change and the growth of food deserts: a case study of Cardiff. International Journal of Retail and Distribution Management 32 (2), 72–88.

Hendrickson, D., Smith, C., Eikenberry, N., 2006. Fruit and vegetable access in four low-income food deserts communities in Minnesota. Agriculture and Human Values 23, 371–383.

Inagami, S., Cohen, D.A., Finch, B.K., Asch, S.M., 2006. You are where you shop. American Journal of Preventive Medicine 31 (1), 10–17.

Kaufman, P.R., 1999. Rural poor have less access to supermarkets, large grocery stores. Rural Development Perspectives 13 (3), 19–25.

Kaufman, P. R., MacDonald, J., Lutz, S., Smallwood, D.. Do the Poor Pay More for Food? Item Selection and Price Differences Affect Low-Income Household Food Costs. *AER-759*, USDA-ERS,1997).

Kirkup, M., Kervenoael, R., Hallsworth, A., Clarke, I., Jackson, P., Aguila, R., 2004. Inequalities in retail choice: exploring consumer experiences in suburban neighbourhoods. International Journal of Retailing and Distribution Management 32 (11), 511–522.

Lake, A., Townshend, T., 2006. Obesogenic environments: exploring the built and food environments. Journal of the Royal Society of Health 126 (6), 262–267.

Lang, T., Caraher, M., 1998. Access to healthy foods: Part II. Food poverty and shopping deserts: what are the implications for health promotion policy and practice? Health Education Journal 57 202–211.

Lee, C., 2002. Environmental justice: building a unified vision of health and the environment. Environmental Health Perspectives 110 (Suppl 2), 141–144.

Lewis, L.B., Sloane, D.C., Nascimento, L.M., Diamant, A.L., Guinyard, J.J., Yancey, A.K., et al., 2005. African Americans' access to healthy food options in South Los Angeles restaurants. Research and Practice 95 (4), 668–673.

Lopez, R.P., 2007. Neighborhood risk factors for obesity. Obesity (Silver Spring) 15 (8), 2111–2119.

Metro Chicago Information Center. (2008). Race and Place Matter for Major Chicago Area Grocers. Chicago, IL: Available at: 〈http://info.mcfol.org〉.

Miller, C., 1994. Rediscovering the inner city. Marketing News 28 (2, January 17), 1.

Moore, L.V., Diez-Roux, A.V., 2006. Associations of neighborhood characteristics with the location and type of food stores. American Journal of Public Health 96 (2), 325–331.

Morello-Frosch, R., Pastor, M., Porres, C., Sadd, J., 2002. Environmental justice and regional inequality in southern California: implications for future research. Environmental Health Perspectives 110 (Suppl 2), 149–154.

Morland, L., Filomena, S., 2007. Disparities in the availability of fruits and vegetables between racially segregated urban neighbourhoods. Public Health Nutrition 10, 1481–1489.

Morland, K., Wing, S., Diez Roux, A.V., 2002a. The Contextual effect of the local food environment on residents' diets: the atherosclerosis risk in communities study. American Journal of Public Health 92 (11), 1761–1767.

Morland, K., Wing, S., Diez Roux, A.V., Poole, C., 2002b. Neighborhood characteristics associated with the location of food stores and food service places. American Journal of Preventive Medicine 22 (1), 23–29.

Morris, P.M., Bellinger, M., Haas, E., 1990. Higher Prices, Fewer Choices: Shopping for Food in Rural America.. Public Voice for Food and Health Policy, Washington, DC.

Morris, P.M., Neuhauser, L., Campbell, C., 1992. Food security in rural America: a study of the availability and costs of food. Journal of Nutrition Education 24 (1), 52S–58S.

Morrison, R.S., Wallenstein, S., Natale, D.K., Senzel, R.S., Huang, L.-L., 2000. "We Don't Carry That"—failure of pharmacies in predominantly nonwhite neighborhoods to stock opioid analgesics. New England Journal of Medicine 342, 1023–1026.

Nayga, R.M., Weinberg, Z., 1999. Supermarket access in the inner cities. Journal of Retailing and Consumer Services 6, 141–145.

Nyden, P., Lukehart, J., Maly, M. T., Peterman, W.. Chapter 1: neighborhood Racial and Ethnic Diversity in U.S. Cities. *Cityscape: A Journal of Policy Development and Research*, 4(2), U.S. Department of Housing and Urban Development.1998).

Pollard, C., Lewis, J., Miller, M., 2001. Start right-eat right award scheme: implementing food and nutrition policy in child care centers. Health Education & Behavior 28 (3), 320–330.

Pollard, C.M., Lewis, J.M., Binns, C.W., 2008. Selecting interventions to promote fruit and vegetable consumption: from policy to action, a planning framework case study in Western Australia. Australia and New Zealand Health Policy 5, 27–33.

Pothukuchi, K., 2000. Attracting Grocery Retail Investment to Inner-City Neighborhoods: Planning Outside the Box. Detroit. Mich: Wayne State University.

Powell, L.M., Slater, S., Mirtcheva, D., Bao, Y., Chaloupka, F.J., 2007. Food store availability and neighborhood characteristics in the United States. Preventive Medicine 44, 189–195.

Raja, S., Ma, C., Yadav, P., 2008. Beyond food deserts: measuring and mapping racial disparities in neighborhood food environments. Journal of Planning Education and Research 27, 469–482.

Reisig, V., Hobbiss, A., 2000. Food deserts and how to tackle them: a study of one city's approach. Health Education Journal 59, 137–149.

Richards, R., Smith, C., 2007. Environmental, parental, and personal influences on food choice, access, and overweight status among homeless children. Social Science & Medicine 65 (8), 1572–1583.

Rose, D., Richards, R., 2004. Food store access and household fruit and vegetable use among participants in the US food stamp program. Public Health Nutrition 7 (8), 1081–1088.

Schafft, K.A., Jensen, E.B., Hinrichs, C.C., 2009. Food deserts and overweight schoolchildren: evidence from Pennsylvania. Rural Sociology 74 (2), 153–177.

Sexton, K., 2000. Socioeconomic and racial disparities in environmental health: is risk assessment part of the problem or part of the solution? Human and Ecological Risk Assessment 6 561–574.

Shaw, H.J., 2006. Food deserts: towards the development of a classification. Geogr Ann Ser B-Human Geogr 88B (2), 231–247.

Smith, C., Morton, L.W., 2009. Rural food deserts: low-income perspectives on food access in Minnesota and Iowa. Journal of Nutrition Education and Behavior 41 (3), 176–187.

Swinburn, B., Caterson, I., Seidell, J., James, W., 2004. Diet, nutrition and the prevention of excess weight gain and obesity. Public Health Nutrition 7 (1A), 123–146.

United States Department of Agriculture. The Food, Conservation, and Energy Act of 2008, H.R. 6124 (S. 2302), Public Law 110–246, June 18, 2008 pp. 1-663.

United States House of Representatives Select Committee on Hunger). Obtaining food: Shopping Constraints of the Poor. The Black Scholar.1990 pp. 6–16.

Weinberg, Z., 1995. No Place to Shop: The Lack of Supermarkets in Low-Income Neighborhoods.. Public Voice for Food and Health Policy, Washington, DC 3.

Western Australia School Canteen Association, Inc., Star Canteen Accreditation Program. Retrieved January 5, 2010 from 〈http://www.waschoolcanteens.org.au/pages/starcap/01-starcap.htm〉.

Widdus, R., Chacko, S., Holmand, K., Currat, L., 2001. Towards Better Defining Public/Private Partnerships for Health. Geneval Global Forum for Health Research.

Wienk, R.E., Reid, C.E., Simmons, J.C., Eggers, F.J., 1979. Measuring Racial Discrimination in American Housing Markets: the Housing Market Practices Survey. U.S. Department of Housing and Urban Development, Washington, DC.

Wrigley, N., Warm, D.L., Margetts, B.M., 2003. Deprivation, diet and food retail access: findings from the Leeds 'food desert' study. Environmental and Planning A 35, 151–188.

Wrigley, N., Warm, D.L., Margetts, B.M., Lowe, M., 2004. The Leeds "food deserts" intervention study: what the focus groups reveal. International Journal of Retailing and Distribution Management 32 (2), 123–136.

Zenk, S.N., Schulz, A.J., Israel, B.A., James, S.A., Bao, S., Wilson, M.L., 2005. Neighborhood racial composition, neighborhood poverty, and the spatial accessibility of supermarkets in Metropolitan Detroit. American Journal of Public Health 95 (4), 660–667.

Zenk, S.N., Schulz, A.J., Israel, B.A., James, S.A., Bao, S.M., Wilson, M.L., 2006. Fruit and vegetable access differs by community racial composition and socio-economic position in Detroit, Michigan. Ethnicity & Disease 16, 275–280.

The author has requested enhancement of the downloaded file. All in-text references underlined in blue are linked to publications on ResearchGate.

ATTACHMENT F – SEPTEMBER 2016 BROCHURE

ABOUT

The Los Angeles County Departments of Regional Planning and Public Health are working together to examine ways to update alcohol sales regulations while promoting the sale of healthy food at retail stores that sell alcohol throughout unincorporated Los Angeles County.

The goals are to:

- Identify local issues related to the retail sales of alcohol;
- Develop community-driven solutions to those problems; and
- Implement solutions that foster safe environments for alcohol sales and healthier food access.

簡介

洛杉磯縣區域規劃局與公共衛生局目前正在研究如何修訂販賣酒精飲料相關條例，鼓勵販賣商同時銷售健康食品。

本案目標如下：

- 研究目前酒精零售問題；
- 研訂地方性的解決方案；
- 研擬可行措施讓零售商在安全的環境裡販售酒精飲料和健康食品。

ACERCA DE

Los Departamentos de Planificación Regional y de Salud Pública del condado de Los Angeles están trabajando juntos para examinar maneras de actualizar las regulaciones sobre la venta de alcohol y promover la venta de alimentos saludables en tiendas que venden alcohol en las áreas no-incorporadas del condado de Los Angeles.

Los objetivos son:

- Identificar los problemas locales relacionados con la venta de alcohol;
- Desarrollar soluciones dirigidas por la comunidad a esos problemas; y
- Implementar soluciones que promueven ambientes seguros durante la venta de alcohol y acceso a alimentos saludables.

CONTACT

(213) 974-1800

saafe@planning.lacounty.gov

planning.lacounty.gov/saafe

Los Angeles County Department of Regional Planning
C/O SAAFE Project
320 W Temple St 13th Flr
Los Angeles , CA 90012

Servicios de traducción disponible llamando al (213) 974-1800 con al menos 72 horas de anticipación.

如需翻譯服務（普通話及廣東話），請在72小時前致電（213）974-1800 預約通知。

SAAFE

SAFE ACCESS TO ALCOHOL AND FOOD ESTABLISHMENTS

planning.lacounty.gov/saafe

ALCOHOL

COMMUNITIES WITH A HIGH DENSITY OF EITHER ON-SITE OR OFF-SITE ALCOHOL OUTLETS ARE...

4 TIMES
MORE LIKELY TO HAVE INCREASED RATES OF
ALCOHOL-INVOLVED CRASHES

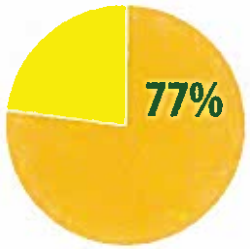
5 TIMES
MORE LIKELY TO HAVE INCREASED RATES OF
ALCOHOL-RELATED DEATHS

10 TIMES
MORE LIKELY TO HAVE INCREASED RATES OF
VIOLENT CRIME

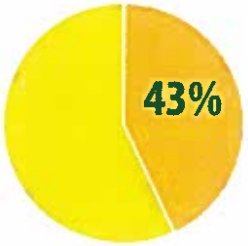
Los Angeles County Department of Public Health, *Reducing Alcohol-Related Harms in Los Angeles County*, 2011.

HEALTHY FOOD

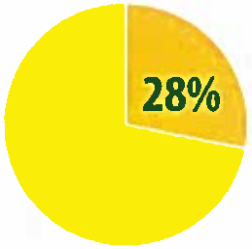
LIMITED ACCESS TO NUTRITIOUS FOOD AFFECTS HEALTH. PERCENTAGE OF ADULTS FOR WHOM IT IS SOMEWHAT OR VERY DIFFICULT TO ACCESS FRESH FRUITS OR VEGETABLES, THE BIGGEST BARRIER IS...



HIGH COST



POOR PRODUCE QUALITY



NEIGHBORHOOD STORES NOT SELLING PRODUCE

Los Angeles County Department of Public Health, *Community Health Assessment*, 2015.

MEETINGS

PLEASE JOIN US AT ONE OF THE MEETINGS CLOSEST TO YOU TO PROVIDE YOUR COMMENTS ON HOW ALCOHOL SALES HAVE IMPACTED YOUR NEIGHBORHOOD, HOW THEY CAN BE IMPROVED, AND HOW YOU CAN ACCESS HEALTHY FOOD AT THE SAME TIME.

SEPTEMBER 2016
ALL MEETINGS START AT 6:00PM

September 7
South Whittier—Sunshine Acres
Adventure Park
10130 S Gunn Avenue, 90605

September 12
Lennox
Lennox Park
10828 S Condon Avenue, 90304

September 12
Santa Clarita Valley
Santa Clarita Sports Complex
20870 Centre Point Parkway, 91350

September 13
Avocado Heights
San Angelo Park
245 S San Angelo Avenue, 91746

September 14
East Los Angeles
East Los Angeles Library
4837 E 3rd Street, 90022

September 15
Willowbrook
MLK Center for Public Health
11833 Wilmington Avenue, 90059

September 19
Altadena
Altadena Community Center
730 E Altadena Drive, 91001

September 19
Santa Monica Mountains
Agoura Hills/Calabasas Community Ctr
27040 Malibu Hills Road, 91301

September 20
West Athens—Westmont
Chester Washington Golf Course
1818 Charlie Sifford Drive, 90047

September 26
Southeast Antelope Valley
Jackie Robinson Park
8773 East Avenue R, 93543

September 26
Marina del Rey
Burton Chace Park
13650 Mindanao Way, 90292

September 27
Florence—Firestone
Washington Park
8908 Maie Avenue, 90002

September 27
Quartz Hill
George Lane Park
5520 W Avenue L-8, 93536

September 28
Hacienda Heights
Hacienda Heights Community Center
1234 Valencia Avenue, 91745

ATTACHMENT G – FALL 2016 SURVEY RESULTS

SURVEY RESULTS

Outreach meetings were conducted throughout Los Angeles County during September 2016 to solicit comments from the public on their alcohol and healthy food purchase behaviors and concerns about the sale of alcohol at various establishments. A survey was conducted at these meetings and the same survey was made available on the project website. The results from the survey have been summarized below and will be used to inform the Safe Access to Alcohol and Food Establishments Ordinance.

QUESTION 1

Choose one of the following that best describes you:

Local resident: 65.68%
Local business owner: 3.92%
Both local resident & business owner: 1.96%
Alcohol industry employee: 0%
Other: 28.44%

QUESTION 2

What community do you live in?

Florence-Firestone, Los Angeles, Inglewood, Vermont-Vista, Westmont, Leimert Park, Athens-Westmont, Northridge, Santa Monica, San Fernando Valley, Riverside, South Gate, Silver Lake, East Los Angeles, City Terrace, Lakewood, Santa Fe Springs, Whittier, Pasadena, Van Nuys, Lennox, Hawthorne, Avocado Heights, Boyle Heights, South Los Angeles, Wilmington, Northeast Los Angeles, Willowbrook, West Covina, Altadena, Unincorporated Pasadena, Canyon Country, Canoga Park, Westlake, Lancaster, Palmdale, Northridge, Lake Los Angeles, Littlerock, Quartz Hill, Carson, Watts, Hacienda Heights, Marina del Rey, San Pedro

QUESTION 3

How often do you purchase alcohol at a RESTAURANT?

Never/Rarely: 49.54%
Sometimes: 33.03%
Often: 17.43%

QUESTION 4

In the past year, have you felt unsafe at a RESTAURANT in your community?

No, I feel very safe: 61.68%
I occasionally feel unsafe but I still go: 31.78%
I often feel unsafe: 3.74%
I avoid it because it feels unsafe: 2.80%

QUESTION 5

If you encounter problems at a RESTAURANT, what are those problems?

Dirty surroundings
Panhandling
Lack of restaurants in the area
Homeless
Fast food restaurants are dirty and unsafe
Unruly patrons
Noise
Gang activity
Loud drunk people in parking lot
Mostly related to service
Bad service
Bad seating
High prices
Language barrier
People drinking more than they should and acting rude
Loitering in parking lots
ID not checked by wait staff
No problems

QUESTION 6

How often do you purchase alcohol at a SUPERMARKET?

Never/Rarely: 39.64%
Sometimes: 39.64%
Often: 20.72%

QUESTION 7

In the past year, have you felt unsafe at a SUPERMARKET in your community?

No, I feel very safe: 49.07%
I occasionally feel unsafe but I still go: 39.81%
I often feel unsafe: 9.26%
I avoid it because it feels unsafe: 1.86%

QUESTION 8

If you encounter problems at a SUPERMARKET, what are those problems?

Loitering
Panhandling
Homeless people
People in the parking lot selling things
Suspicious looking people wandering around
Drunk patrons
Little security
Car theft
Parking lot lighting
People don't want to show their ID to validate their age
No problems
Parking
Dirty parking lot
Rude people
High prices
Disrespectful males cat calling
Alcohol placed in front of store
Public drinking
Too crowded

QUESTION 9

How often do you purchase alcohol at a MINI-MARKET?

Never/Rarely: 73.15%
Sometimes: 18.52%
Often: 8.33%

QUESTION 10

In the past year, have you felt unsafe at a MINI-MARKET in your community?

No, I feel very safe: 32.08%
I occasionally feel unsafe but I still go: 39.62%
I often feel unsafe: 16.04%
I avoid it because it feels unsafe: 12.26%

QUESTION 11

If you encounter problems at a MINI-MARKET, what are those problems?

Loitering
Not well maintained
Panhandlers
Unclean
Suspicious people
Visible drug use
Smoking
Vagrants
Not enough fresh food items
Unruly patrons
Homeless
Riff raff hanging outside the markets
Women getting sexually harassed
Robbery
Gangsters hanging out
Lack of parking
People hanging in front of the market and urinating in front of people
Poor lighting
Lines too slow and long
Perception of gang activity
Smell of drugs
Public drinking
Availability of product choice
High prices
People selling drugs
No security
Previous shootings
Police activity
Selling to minors
Cash only, no atm
No prices on some items
No problems

QUESTION 12

How often do you purchase alcohol at a CONVENIENCE STORE?

Never/Rarely: 71.30%
Sometimes: 22.22%
Often: 6.48%

QUESTION 13

In the past year, have you felt unsafe at a CONVENIENCE STORE in your community?

No, I feel very safe: 29.63%
I occasionally feel unsafe but I still go: 46.30%
I often feel unsafe: 14.81%
I avoid it because it feels unsafe: 9.26%

QUESTION 14

If you encounter problems at a CONVENIENCE STORE, what are those problems?

Loitering
Panhandling
Drug use
People fighting
Poor condition of store
Vagrants
Expiration dates are shorter
Desirable items missing
Unruly patrons
Intoxicated patrons
Homeless
Expired food
Perception of gang activity
Suspicious characters
People needing change
Not enough trash cans
Poor lighting
Dirty
Fresh fruits and vegetables unavailable
Harassment
Cat calling
Lack of security
Small or no parking lot
Indecent exposure
Public urination
No problems

QUESTION 15

How often do you purchase alcohol at a GAS STATION?

Never/Rarely: 93.75%
Sometimes: 5.36%
Often: 0.89%

QUESTION 16

In the past year, have you felt unsafe at a GAS STATION in your community?

No, I feel very safe: 31.73%
I occasionally feel unsafe but I still go: 43.27%
I often feel unsafe: 16.35%
I avoid it because it feels unsafe: 8.65%

QUESTION 17

If you encounter problems at a GAS STATION, what are those problems?

Panhandling
Loitering
Public drinking, smoking, drug use
Intoxicated patrons
People trying to pump gas for you
People trying to sell you items
Pumps don't work
No security
Homelessness
Poor lighting
Identity theft
Air pressure / water not working
Perception of gang activity
Suspicious characters drive in
Trash on the floor
Counterfeit card scanners
Congestion due to small area
Indecent exposure
Fighting
No problems

QUESTION 18

It is easy for me to find FRESH FRUITS AND VEGETABLES in my community.

Strongly disagree: 27.43%
Somewhat disagree: 17.70%
Somewhat agree: 26.55%
Strongly agree: 28.32%

QUESTION 19

It is easy for me to find WHOLE GRAIN BREADS AND CEREALS in my community.

Strongly disagree: 17.27%
Somewhat disagree: 27.27%
Somewhat agree: 23.64%
Strongly agree: 31.82%

QUESTION 20

It is easy for me to find ALCOHOL in my community.

Strongly disagree: 4.72%
Somewhat disagree: 0.94%
Somewhat agree: 8.49%
Strongly agree: 85.85%

QUESTION 21

Where do you usually shop for groceries?

Target
Super King
Trader Joe's
Ralphs
Vons
Sprouts
Grocery store
Smart & Final
Superior
Number One Market
Food4Less
WinCo
Farmer's Market
Vallarta
Costco
Northgate
Stater Brothers
Walmart
Sams Club
Whole Foods
Albertsons
Pavillions
Yummy

QUESTION 22

If the following foods were available at convenience stores, how likely would you purchase them?

Fruits & vegetables:	Not likely 40.00%	16.19%	43.81% Very likely
Bread & cereals:	Not likely 41.35%	21.15%	37.50% Very likely
Meat or poultry:	Not likely 59.22%	9.71%	31.07% Very likely

QUESTION 23

If you would not buy fruits, vegetables, bread, cereal or meat at a convenience store, WHY?

Unsafe
Lack of selection
More expensive
Not fresh
No health standards observed
Expired products
Handling standards not up to par with supermarkets
Storage is concerning
High number of crime at store
Pre-disposed to buying foods typically associated with convenience stores: chips and candy
Cheap quality

QUESTION 24

What other products or services would you like to purchase at places that sell alcohol?

None
Not sure
Better wine selection
Tacos
Baby care items
Detergent variety
Ceviche seafood
Prescription
Lottery tickets
Fruits
Fresh (organic) food
Clothes
Post office services
Snack items
Grocery items
Clothes, shoes
Kombucha
Water
Hydration stations (free water bottle refill)
Food that is substantial but still healthy like sandwiches and salads
Vegetarian options
Safe prescription drug disposal
Low priced water
Fresh cut fruit
Fresh juices
E-cycling
Community treatment materials
Prevention information
Public service announcements
Recycling options
Bibles
Herbal remedies
Don't drink and drive signs
Homeless resources
Job resources
Prepared hot food
Nutrition facts
Addiction recover services
Cleaner bathrooms
Security
Soda warning signs regarding sugar intake
Better lighting
Quality cheese and meats, dips, veggies, fruits
Personal hygiene items
Cleaning supplies
Fresh herbs
Fresh prepared food
Milk
Healthy food that is not overpriced

COMMENTS

I don't see a need for any change and view this as an additional burden on businesses.

If I want just alcohol I would go somewhere that sold that, if I want groceries and alcohol I would go somewhere that sold that I don't dictate what an establishment "should" sell. If they are a "liquor store", I would stop for gum, soda, cell phone activation cards, a late night emergency hotdog. We don't have liquor stores that fail to meet my needs. I know what to expect at the various stores in my area that also sell liquor. I've never been upset that an alcohol selling establishment did not also sell a wide variety of other items- they DO. I know those items and what to expect there. I also know that those OTHER items usually come with a higher price and will come in small packages. They have to be to have a wide variety in a confined space. I have no issues with them in my area.

If there have to be liquor stores, I wish they were nicer. Really are not nice places to go into usually.

Allow restaurants to sell beer, wine and cocktails in Altadena and other neighborhoods that are desperately trying to attract community-oriented businesses (like restaurants and wine bars, etc.). Neighborhoods demographics have changed. Most of us would like to have restaurants close to home where we can get a cocktail with our dinner. We are tired of driving to Pasadena and other communities for that experience.

I feel that Altadena has way too many places where Alcohol can be purchased. The dedicated liquor stores are shabby and all of them have their windows covered with more posters/signs then they are allowed (40%). I see that now the new Aldis may be allowed to have alcohol and they are directly across from Elliot Middle School! This all makes our town look more ghetto like then what it is, which is a nice middle class community. Please help!

Lucky one liquor store at 1766 firestone blvd is not safe too many people loitering all day everyday to the point they have chairs and pan handling smells like human waste.

These are really weird questions. There's no gas stations or convenience stores or minimarts in the marina. This is the marina, we have access to whatever we want to buy in safe locations. We are not at the mercy of our surroundings. We buy what we want where we want and enjoy it.

I responded to this because I'm against the new Aldi store selling alcohol because it's across the street from a high school.

I don't SEE issues with establishment that sells alcohol. I see issues with homeless living in back of business (ALL businesses), setting up shelters at corners of gas stations, being regulars at major intersections and at freeway exits, begging for money.

I think that whoever has started this study, this is a waste of time. I realize you may think you are doing something good for your community, but alcohol is here to stay. Please focus your efforts on something more sustaining and perhaps more human based, like say the concern over the homeless population and providing better education so people make better choices or have more options in life. That would be more worthwhile than worrying about how much alcohol and how much salad is sold together. When I am seeking a liquor or convenience store, it's purposeful and they serve a need in the community too and provide tax dollars. Regulating how much space it dedicated to food versus beverages is their concern as a business and they should decide since it's their bottom line. This is over involved regulation oversight that is a time waster of tax payer's time and money. Thank you!

COMMENTS

There is a need to regulate alcoholic advertisements outside of the establishment. Especially when there are mechanical carousels/horses/cars for children. Have signed moved several feet away from where children are. Provide security inside and outside the premises.

Will the pre-1992 liquor owners be notified? How many grandfathered stores are there?

Many of the good shops moved out after the Watts riots. Now we drive elsewhere to do our shopping. Illegal food vending leads to rodents and takes away from the legal.

Survey is flawed. Questions are too focused. Should have reached out to the community prior to crafting questions. Not enough people participating. Where you shop does not mean the community will go shop at those same places. Must take into account where people have become accustomed to shopping. Questions don't account for that. People won't go to a convenience store. They won't go just because there is fruits, bread or meat.

We would like to have the ordinance mirror state codes.

Smoke shops encouraging illegal activities. Marijuana dispensaries operating in Willowbrook without a license.

Please include affordability in your surveys. I get the importance of safety but it's all too common that affordability is forgotten and accessibility to resources for an already very under-resourced community.

I really liked the survey, however I feel that income and pricing was not addressed in the survey and I believe that is an important factor that needs to be addressed.

Shouldn't apply to Marina. Don't have these kinds of problems.

Convenience stores can't afford to have fresh food. Spoilage. Price. Market.

Fewer liquor stores. More big markets with more variety of vegetables. More post office services and police.

I would like a traffic light at Prairie & Third and Third & Hawthorne and a stop at Third and Eastwood. And that the mail will return and there will be places that have organic food. And if possible if you would offer water aerobics at the pool.

To put a limit on the sale of alcohol, beverages, and cigarettes. To ask residents that live around liquor stores for their input. To keep us informed on the surveys and results.

If a liquor store is located right next to two churches and schools and was grandfathered, could it be made to comply with a CUP?

Pool lighting, lack of safe parking, too much panhandling in front of store, no security.

Marina del Rey
Lessees Association

Memo

To: Kevin Finkel, Special Projects
Department of Regional Planning

From: Marina del Rey Lessees Association

Date: October 17, 2016

Re: **Comments on proposed SAAFE Ordinance**

Pursuant to the September 26, 2016 community meeting in Marina del Rey, the Marina del Rey Lessees Association submits the following comments and suggestions regarding the proposed SAAFE (Safe Access to Alcohol and Food Establishments) Ordinance consisting of possible new rules and regulations that the Department of Regional Planning is drafting during the month of October 2016.

1. The proposed Ordinance, as intended by the Board Motion adopted by the Board of Supervisors on May 31, 2016, is overly broad in regards to targeting every community within the unincorporated territories of Los Angeles County irrespective of identifiable public nuisances. The Department, in its own presentation, has identified that the problem resides in communities with a high concentration of alcohol sales combined with excessively increased rates of alcohol-involved crashes, alcohol-related deaths and violent crime.

The Captain for the Marina Sheriff's Station has provided his expert opinion that the high incidence of alcohol-involved crashes, alcohol-related deaths and greater exposure to violent crime, described as justifications for a revamped alcohol sales ordinance, are not relevant or applicable to the community of Marina del Rey. We would suspect the same to be true of many other unincorporated communities that are generally not high crime areas.

Furthermore, the Marina has a limited number of retail outlets that sell the full range of alcoholic beverages for off-site consumption. These establishments include Marina Market & Liquor on Via Marina, Wolf's Liquor on Washington Boulevard and Ralph's Fresh Fare at the Waterside Shopping Center. Overconcentration of retail outlets selling alcoholic beverages does not exist in Marina del Rey.

Marina del Rey, a visitor-serving destination for tourists as well as residents of the County, does have, on the other hand, a significant number of restaurants and hotels with bars and restaurants concentrated along the major corridors of Admiralty Way and Fiji Way, with a few restaurants along Via Marina. The location of these establishments with on-site consumption of alcoholic beverages are consistent with the existing visitor-serving and hotel land use designations of the Marina del Rey Local Coastal Program and the more recently adopted Marina del Rey Visioning Statement. The Marina del Rey Sheriff's Captain has also provided his expert opinion that these establishments have not resulted in the high incidence of accidents, deaths and violent crime in the Marina del Rey community.

The Association suggests consideration of targeted regulations for areas that have demonstrated the high incidence of alcohol-related nuisances that an ordinance would seek to abate. The City of Los Angeles has adopted a Conditional Use Approval for Sale of Alcoholic Beverages Specific Plan (Ordinance No. 171,681) that covers portions of the South Central Los Angeles, Southeast Los Angeles and West Adams District Plan Areas. This ordinance may serve as a model for targeted enforcement of a variety of societal problems that are defined in the City's Ordinance Preamble and that unfortunately arise in underserved communities that have few options for healthy food sales and an overconcentration of liquor stores.

Our concern is that the County should not adopt a revised ordinance regulating alcohol sales that is overly restrictive for on-site and on-site consumption sales where a new regulatory framework would not be necessary, as would be the case in Marina del Rey where the identified problems do not generally exist.

2. The DRP presentation also notes that communities with a high concentration of alcohol sales also have barriers to accessing healthy food. This is an acute problem in underserved communities where grocery stores are few in number while convenience stores and gas stations proliferate with the sale of snack food and unhealthy junk food.

Marina del Rey is well served by the Ralph's Fresh Fare and other nearby grocery stores outside of the unincorporated boundary line for the sale of healthy food items. Future plans for redevelopment of the Marina propose the inclusion of a Trader Joe's market at Parcel 44. The Marina does not lack for healthy food options.

The Preamble in the Motion submitted by Supervisors Mark Ridley-Thomas and Hilda Solis notes the growing awareness of how "food deserts" (lack of access to healthy food) and "food swamps" (overabundance of unhealthy food) in "urban areas like unincorporated South Los Angeles, as well as rural areas such of portions of the unincorporated Antelope Valley, affect the health and well-being of County residents."

The Association appreciates the desire to bring more healthy food options to underserved communities but we think more thought should be given to the process wherein requiring retailers who seek an entitlement to sell alcoholic beverages in liquor stores or convenience markets should also be required to sell healthy foods,

such as fresh produce and whole grains. It is already well-established that convenience markets, gas stations and liquor stores typically sell products at prices higher than conventional grocery stores. Anecdotal evidence also suggests that patrons are often wary of shopping in these types of establishments for basic food necessities due to the loitering of the homeless and presence of criminal activity such as drug dealing, prostitution and public drunkenness particularly in the vicinity of liquor stores in high crime areas.

Absent marketing surveys that would target underserved areas for their preferences in acquiring healthy foods, we are not entirely convinced that public health issues would be resolved with the quid pro quo of healthy food options required to obtain a CUP for alcohol sales in retail outlets. The healthy food option merits consideration of best practices that may have been successful in providing healthy food sales in retail outlets in other jurisdictions, and we would be willing to review these practices if made aware of them. The Motion directed an action to "require and incentivize the sale of healthy food at retail stores that sell alcohol." However, a regulatory requirement to sell healthy food at convenience stores and gas stations may be heavy-handed when applied across the board in all unincorporated areas. The focus should be on how to incentivize the sale of healthy food; a requirement to provide healthy food options may only lead to the most perfunctory efforts to provide such food choices without any cost or health benefit to the consumers.

3. The Association understands that the existing Title 22 does not address alcohol sales uses that were established prior to 1992. We would want to review any proposal that may subject nonconforming retail outlets and eating and drinking establishments to the same standards and conditions required in a new CUP. The Motion seeks to adopt a "deemed approved" provision to be added to the Zoning Code for uses established prior to the County's CUP requirement. The Preamble notes that "deemed approved" provisions have withstood legal challenge. From the reading of the Board Motion and information provided by DRP, we do not have a clear understanding of the meaning and intent of a "deemed approved" provision and would request clarification on this point and to understand how such provisions would be drafted in an ordinance, and if the standards would differ from the findings currently required for alcohol sales in Section 22.56.195 of the Zoning Code.

Our concern is that the adoption of a "deemed approved" provision, if possibly understood to establish performance standards for establishments that have existed since prior to 1992, would be applied without regard to the history of establishments in Marina del Rey that do not cause the high level of alcohol-related crimes, accidents and deaths that have resulted in public nuisances in other parts of the County.

4. The DRP Presentation appears to be primarily, if not exclusively, focused on the retail sale of alcoholic beverages, even though restaurants were included in the type of establishments selling alcohol. Nevertheless, the Board Motion, while referencing businesses selling alcohol "for either on-site or off-site consumption," also appears focused on retail outlets. However, the second paragraph of the Preamble notes that

the 1992 ordinance "recognized that alcohol sales uses, such as retail stores, restaurants, bars, and nightclubs, can have negative impacts on the surrounding neighborhood." Does the DPR intend to draft new regulations for restaurants, bars and nightclubs, and if so, how would these regulations differ from what is currently required in the findings for a CUP for alcohol sales in Section 22.56.195 in Title 22? The Marina Sheriff's Captain also noted that our community has not had the type of alcohol-related problems reported by the Department of Public Health with respect to establishments selling alcohol for on-site consumption.

5. The Association appreciates consideration of our comments and we look forward to participating in the review and discussion of any proposed ordinance(s).

ATTACHMENT H – WOMEN'S POLICY INSTITUTE SURVEY RESULTS AND POLICY BRIEF

Women's Policy Institute Fellowship Policy Brief

Regulating alcohol-outlets in rural areas of the Antelope Valley in Los Angeles County

"By design, we have left whole communities behind. By design we can reverse that and reclaim our nation and all of its people."

Rachel A. Davis, Prevention Institute

This policy brief was prepared by:

Waunette Cullors | Pueblo Y Salud (Antelope Valley)

Veronica De Lara | Pueblo Y Salud (San Fernando Valley)

Mihae Jung, MSW | Koreatown Youth + Community Center (Metro LA)

Executive Summary

Local government can have a powerful regulatory role in designing a healthy and equitable built environment where all youth and families thrive. In the case of alcohol environment, the local government has control over how many outlets should be allowed in a community and where (1). **Once the alcohol-outlets become part of community's fabric, it is difficult to reverse this.**

Aside from the concerns of the alcohol-related harms, which kills 2,800 people annually, research shows that **locations where alcohol-outlet proliferates also become hotspots for violence, excessive police attention, underage drinking and nuisance activities** (2). According to the residents of Quartz Hill of the Antelope Valley, they said, "I never shop at liquor stores and never will. Seems like mostly undesirables hang out there" Another mentioned, "No liquor store I have seen is clean enough or could pass a Health Department inspection to allow fresh foods to be sold."

However, liquor stores also serve an important function in a community, especially in areas where economic opportunities are scarce, such as Quartz Hill and Little Rock in the Antelope Valley. Los Angeles County has a responsibility to resolve this public health concerns while considering their economic function to the community and for the business owners. **Despite the public health impact of liquor stores, they are the fabric of the neighborhood and therein lies an opportunity for a nuanced and progressive policy change.**

As fellows of the Women's Policy Institute (WPI), we ask the Los Angeles County to incorporate the following recommendation in its land use provisions to regulate liquor stores in the Antelope Valley. This brief was written to provide a unique rural perspective, which is often left out of the policy discussions.

- ➔ Ensure the Deemed Approved Ordinance (bringing retail standards up for all alcohol-outlets) includes community advisory board for enforcement to avoid further police presence in the neighborhood and increase community involvement.

- ➔ Invest in the LA County Department of Planning Code Enforcers to supervise the community advisory board, to conduct further enforcement and to provide technical and practical guidance to liquor stores to achieve and maintain compliance with deemed approved standards and best practices.

- ➔ Incentivizing fresh fruit and vegetables should include a partnership with Department of Public Health Nutrition program to change residents' negative perceptions of the produce available at liquor stores as residents say they are unlikely to purchase produce at liquor stores if made available for reasons of quality and personal safety.

Context and Importance of the Problem:

Antelope Valley

The Antelope Valley faces one of the worst health inequities in LA County and alcohol-related harms in all of Los Angeles County, with women and children highly impacted. There is a lack of regulation enforcement and overconcentration of outlets, as well as, little points of access to healthy food that lead to health disparities.

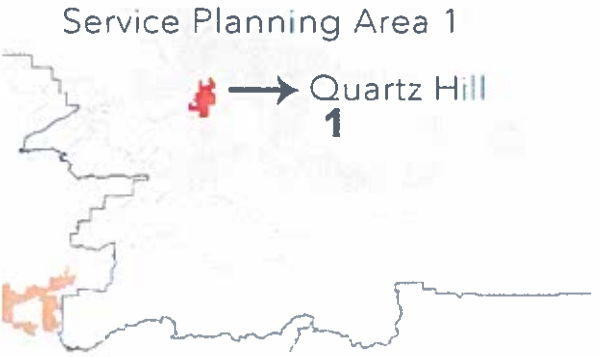
Health disparities

Antelope Valley is referred to as the High Desert. Cities include Lancaster and Palmdale, and unincorporated areas include Quartz Hill and Little Rock. The following data is worth noting:

- → **Highest** coronary heart disease of all of LA County (3)
- → **Highest** percentage of adults who are unemployed and looking for work (17%) (4)
- → **Second Highest** percentage of perception by parents/guardians that neighborhood safety is fair or poor (39%) (4)
- → Almost **quarter** of the community members have no park (24%) (4)
- → **Lowest access** to prenatal care during the first trimester of pregnancy (67%) (4)
- → **Second highest** prevalence of unintended pregnancy (59%) (4)
- → Maternal and infant outcome: **women's health and physical environment were identified as priority areas** (4)

Outlet density

Quartz Hill has the highest alcohol-outlet (off-sale, such as liquor stores) in all of Service Planning Area 1. According to a 2013 report by the Department of Public Health, Quartz Hill's outlet density was considered "high" at 7.2 outlets/10,000 residents. LA County average is 6.2 outlets/10,000. (1)



According to the above data, several root causes should be explored:

- → Economic development is low in the Antelope Valley.
- → Retail operation is not enforced, impacting the community negatively.
- → Local land use jurisdiction is weak in regulating alcohol density, especially in Quartz Hill.

Quartz Hill & Little Rock

Community residents

During the community-organizing phase, the WPI fellows conducted surveys with 101 community residents in Antelope Valley communities of Quartz Hill and Little Rock.

More than half (56%) of the 101 community residents respondents know someone who has been negatively impacted by alcohol. Negative impact includes: alcoholism, loss of job, family or home, illness, death, and DUI. Additionally, almost two-thirds say the liquor stores are not well-kept in their areas. The most common problems reported are loitering and crime/violence.

Q. Do you know someone-- a youth a friend, a family member-- that's been negatively impacted by alcohol? If so, how?

Know someone who...	#	%
is an alcoholic/addict	24	43%
has lost a job, lost their children, become homeless	9	16%
suffered serious illness or injury	6	11%
died from excessive consumption	5	9%
been in an abusive or failed relationship due to alcohol	4	7%
received a DUI	5	9%

Q. Do you think liquor stores in your neighborhood are well kept (i.e. proper signage, lighting, loitering, graffiti, trash)

	#	%
Yes	37	37%
No	64	63%
Total	101	100%

Alcohol retailers

In addition, the WPI fellows conducted 14 retailer surveys in Quartz Hill and Little Rock. The data showed that 10 of the 14 of the retailers (71%) said they do not sell healthy food items in their stores. Retailer said " there was no space in the store to stock such items," and findings showed that they were concerned about compliance with state and federal food safety regulations and cost.

Q. What are some barriers to selling healthy groceries in your store?

Barriers to selling...	#	%
No demand/Other stores already sell	7	50%
No space	2	14%
Cost	2	14%
Compliance with state/federal regulations	1	7%

Critique of Current Policy

Deemed Approved Ordinance

On May 24th 2016, the County Board of Supervisor Mark Ridley Thomas passed a motion to update alcohol regulatory provisions, called the "Deemed Approved Provisions." The last time there was a policy change in alcohol-outlet regulatory law was in 1992, when Los Angeles County passed a zoning ordinance that required Conditional Use Permit for alcohol-outlets established after 1992. The 2016 Deemed Approved Ordinance would bring all old alcohol-outlets to performance standards and would give community members an opportunity to keep the businesses accountable (5).

Liquor store transformation

From 2012, reimagining liquor stores and transforming their role as an investment in the community started to gain traction. Baltimore started a project in 2012 which appointed a non-profit organization for assessment and technical assistance for liquor store transformation (7). In Los Angeles, LA Food Policy Council initiated the project and launched a "Healthy Neighborhood Market Network." (8) Along with the Deemed Approved Ordinance, LA County sees this as an opportunity to provide incentives in the law, which could encourage business owners to purchase produce and residents to shop produce and vegetables at liquor stores.

There are some concerns with this policy proposal. There is little to no data on what types of incentives would encourage liquor stores to purchase produce for their stores. Additionally, the

residents' perception of the liquor stores should be noted. **When the team asked the residents of Quartz Hill, most stated that they do not perceive liquor stores as appropriate location for grocery.** LA County may consider adding language in the Deemed Approved Ordinance to incentivize this behavior. See below for results.

Additional concern of liquor outlets regarding health options

Q. If your neighborhood liquor store was a WIC vendor would you purchase your items there? (WIC: Nutrition Program for Women, Infants, and Children)

	#	%
Yes	24	24%
No	75	76%
Total	99	100%

No on the produce:

"Fruits and vegetables and other foods do not belong in liquor stores. That's why they are called LIQUOR stores. You want to sell food, open a grocery store."
"Liquor stores are usually overpriced so which only gives you so much and if you purchase things at the liquor store with which you're not going to get the amount that you could get in a grocery store at a lower price"
"Loitering in front of liquor stores is a huge problem, that's why I don't go to liquor stores."
"A liquor store setting is not conducive to healthy eating or behavior."

Policy Recommendations

Based upon the community responses to the alcohol environment in Quartz Hill in the Antelope Valley, the Deemed Approved Ordinance would be a critical step and a need in improving the built environment of Antelope Valley. When drafting the language of this ordinance, the WPI Fellows ask the LA County to consider the following:

Enforcement of the Deemed Approved Ordinance

- ➔ Create a community advisory board to enforce the newly created conditions for the pre-1992 liquor-outlets and document any nuisances, especially in the rural areas in the Antelope Valley. Code Enforcement should be the supervising body of this board.

- ➔ Create a complaint process the residents can utilize to keep both LA County Department of Planning and businesses accountable.

- ➔ ½ FTE Code Enforcer from LA County Department of Planning should be specifically designated to the Antelope Valley, to ensure proper implementation for the law and considering the region's alarming health disparity. This would cost the LA County $25,000-30,000 for the ½ FTE body.

Incentivizing fresh produce

- ➔ Because residents currently do not perceive liquor stores as places to shop fresh vegetables and produce, LA County may consider partnering with the Department of Public Health Nutrition programs to conduct extensive campaign in this area. For liquor stores to successfully transform, the Deemed Approved Ordinance must address bridging the negative perception gap between community and liquor stores.

- ➔ For women and infant's health, WIC store incentive could be incorporated. Though the residents did not trust the liquor store with WIC items, perhaps with community education and outreach, the WIC would be an added investment for the community, especially for mothers and infants.

Conclusion

With the Deemed Approved Ordinance, LA County must seize the opportunity to create a comprehensive, progressive, and holistic regulatory changes for alcohol-outlets in 2016. Given that the last change was in 1992, the residents of unincorporated areas, especially in the rural regions of the Antelope Valley, deserve their communities with proper governance and structure. With incentivizing fresh vegetables and produce, and possibly a WIC, liquor stores have an opportunity to function as an investment in the community. Lastly, by creating a community advisory board to enforce new conditions, LA County Department of Planning can function more than just an enforcement body. The group hopes LA County to incorporate these ideas to the drafting of the ordinance.

Sources

(1) How to use local regulatory and land use powers to prevent under age drinking. 2013. Pacific Institute for Research and Evaluation
(2) Alcohol Outlet Density and Alcohol-Related Consequences by City and Community in Los Angeles County, 2013. Research and Evaluation, Clinical Services and Research Branch, Substance Abuse Prevention and Control, Los Angeles County Department of Public Health, September 2016
(3) Mortality in Los Angeles County, Leading cause of death and premature death with trends 2001-2010, Los Angeles Department of Public Health, Office of Health Assessment and Epidemiology, Oct 2013
(4) Community Health Assessment, Los Angeles Department of Public Health, Office Planning, Evaluation, and Development, March 2015
(5) The 2016 Motion for Deemed Approved Ordinance
(6) http://www.citylab.com/cityfixer/2012/12/outdoor-smoking-bans-impossible-enforce-or-inevitable/4013/
(7) http://articles.baltimoresun.com/2012-06-27/news/bs-md-rodricks-0628-20120627_1_liquor-stores-bryan-everett-neighborhoods
(8) https://communitymarketconversion.files.wordpress.com/2014/05/about-hnmn-v2.pdf (LA Food Policy Council)

Community Residents Survey
Little Rock and Quartz Hill

Summary of Survey Results

- A total of 101 community residents completed the survey. Most were from ZIP Codes 93550 (23%), 93535 (19%), 93536 (18%), or 93543 (11%).
- More than half (56%) of the respondents know someone who has been negatively impacted by alcohol. Negative impacts included alcoholism, loss of job, family or home, illness, death, and DUI.
- 38% of respondents said they don't purchase alcohol. Of those who did, half purchase it from a supermarket, and about one-third purchase it at a liquor store.
- Most respondents (93%) make healthy food purchases at a supermarket. None did so from a liquor store, but 9% said they do at convenience stores.
- Almost two-thirds say the liquor stores are not well-kept in their areas, but only one-third say that liquor stores in their areas cause problems. The most common problems reported are loitering and crime/violence.
- Only 12% who answered the survey receive WIC benefits, though most also had an opinion about whether they would use WIC at a liquor store if it were available. A majority—74%--said they would not.
- Most respondents-72%-said there was a supermarket in closer proximity to them than a liquor store.
- Of those who provided additional comments, many felt strongly that liquor stores were not a place to provide grocery shopping or WIC items, though some felt that making healthy options convenient in any way possible, particularly for WIC recipients, would be a good thing. Several stated that they wished there were more places to buy healthy food in close proximity to their homes. Others brought up the negative impact that liquor stores have in their areas.

Frequency Tables

Do you know someone-- a youth a friend, a family member-- that's been negatively impacted by alcohol?

	N	%
Yes	56	56%
No	44	44%
Total	100	100%

If so, how?

Know someone who …	N	%
is an alcoholic/addict	24	24%
has lost a job, lost their children, become homeless	9	9%
suffered serious illness or injury	6	6%
died from excessive consumption	5	5%
been in an abusive or failed relationship	4	4%

received a DUI	5	5%

Where do you purchase alcohol? (Please check all that apply)

	N	% of answers	% of respondents
I do not purchase alcohol	38	27%	38%
Supermarket	53	38%	52%
Liquor store	31	22%	31%
Mini-market	9	6%	9%
Other (please specify)	8	6%	8%
Total	139	100%	-

Other, specify:	N
Costco/bulk store	4
Breweries, specialty stores, restaurants	2
CVS	1

Where do you purchase healthy foods? (Please check all that apply)

	N	% of answers	% of respondents
Supermarket	94	80%	93%
Liquor store	0	0%	0%
Mini-market	9	8%	9%
Other (please specify)	14	12%	14%
Total	117	100%	-

Other, specify…	N
Farmer's Market	9
Health food store	2
Trader Joes	2
Club/bulk stores	2
Vallarta, Charlie browns	1

Do you think liquor stores in your neighborhood are well kept (i.e. proper signage, lighting, loitering, graffiti, trash)

	N	%
Yes	37	37%
No	64	63%

Total	101	100%

Are there any problems caused by your neighborhood liquor store?

	N	%
Yes	34	34%
No	66	66%
Total	100	100%

If yes, what kind of problems?

	N
Loitering	26
Crime, violence	9
Graffiti, trash	4
Too close to schools/families	2
Stores sell to minors/don't ID	2

Do you have WIC?

	N	%
Yes	12	12%
No	89	88%
Total	101	100%

If your neighborhood liquor store was a WIC vendor would you purchase your items there?

	N	%
Yes	24	24%
No	75	76%
Total	99	100%

Which is in closer proximity to you, a liquor store or a supermarket?

	N	%
Liquor Store	26	28%
Supermarket	66	72%

What is your ZIP Code?

ZIP	N	%
91390	1	1%

93510	1	1%
93526	1	1%
93534	5	6%
93535	16	19%
93536	15	18%
93543	9	11%
93550	19	23%
93551	7	8%
93552	3	4%
93553	1	1%
93560	2	2%
93591	3	4%
Total	83	100%

Additional comments—summary

	N
Liquor stores are an inappropriate place for WIC and/or healthy food, groceries	11
More healthy food options should be available in the neighborhood	9
Liquor stores bring problems to the area, should be monitored	6
If healthy foods were convenient/sold in liquor stores more people would buy them	2

Additional Comments—full text

- A liquor store setting is not conducive to healthy eating or behavior.
- Fruits and vegetables and other foods do not belong in liquor stores. That's why they are called LIQUOR stores. You want to sell food, open a grocery store.
- I never shop at liquor stores and never will. Seems like mostly undesireables hang out there.
- I think if someone is on WIC and can't afford food for their children they have no business getting good alcohol.
- I think that liquor stores should stay that way, as a liquor store. What's next, a smoke shop selling milk?
- Liquor stores shouldn't be positioned like this.
- This appears to be a survey designed to allow liqur stores to collect WIC. No lquor store I have seen is clean enough or could pass a health dept inspection to allow fresh foods to be sold
- WIC already sees a large amount of fraud. In the moms' groups on Facebook, people constantly sell their left over babyfood and formula. Before they encourage women to shop at a store that is almost exclusively designed and known for selling unhealthy food, they need to fix the WIC program to ensure only above board, honestly needy familys are recieving benefits.

- I just don't see how the liquor stores would be able to keep everything fresh.
- Liquor stores are usually overpriced so which only gives you so much and if you purchase things at the liquor store with which you're not going to get the amount that you could get in a grocery store at a lower price
- You can't force a privately owned store to have certain items. It's like people wanting In N Out to have a vegi burger.
- More healthy food options should be available in the neighborhood
- Don't know what WIC is but it may be nice to have fruit &veg and at a reasonable price.
- Healthy foods would be welcomed.
- I think having low cost healthy options is always great. Too many times people are in a rush and often settle for junk food because it is quick nad cheap.
- I would love for convenience stores to have better options
- Only because i usually do more shopping than just WIC
- People always went to the prime time locations to use wic vouchers. I would never buy food in a liquor store unless I lived in a remote area with no transportation available to my family. THAT would be a consideration for areas like Lake LA and other unincorporated areas.
- Supermarkets are too far so having wic foods closer would be better than having to drive so far
- We need more community grocery stores
- Inadequate produce/Only one direct consumer/producer in area.
- Liquor stores bring problems to the area, should be monitored
- Loitering in front of liquor stores is a huge problem, that's why I don't go to liquor stores.
- More surveillance.
- Liquor stores should be creafully regulated and policed
- Alcohol is easy to get and it's in every gas station. Graat combo, right? Beer and gas.
- local liquor Store availability.
- I actually based this is a liquor store by my job.93534 zicode It brings so nuch foolishness to the neighborhood
- If healthy foods were convenient/sold in liquor stores more people would buy them
- I actually based this is a liquor store by my job.93534 zicode It brings so nuch foolishness to the neighborhood. I do see people using their why cards there, I'm positive if the liquor sold fruits and veggies those would be bought as well.
- I'm a truck driver & a lot truck stops have fruit set up by the coffee & next to registers. I like a banana with my coffee. I wouldnt have searched for the banana. But since it was right there I grab it. And if it's not coffee I'm getting. I see that fresh apple or orange next to register & buy one as well.

Retailer Survey
Little Rock and Quartz Hill

Summary of Survey Results

- Fourteen retailers were surveyed.
- Four had a Type 20 off-sale ABC license, and 4 had a Type 21 license. Data were not available for the remaining 6 retailers.
- Ten of the 14 of the retailers (71%) said they do not sell healthy food items in their stores. However, when asked what type of items they sell, 8 of them sold at least some healthy items (milk/dairy, cereal/whole grains, or fruit/juice). Three of the 14 (21%) sold items from all three categories.
- The main barrier to selling healthy food items identified by retailers was lack of demand from their customers due to other stores in the area that sell healthy foods. Two retailer said there was no space in the store to stock such items, and two also cited the cost. One was concerned about compliance with state and federal food safety regulations.
- When asked whether they would be interested in selling healthy food at their stores, a majority (64%) said they did not see the need. Two remarked that they already experience waste of perishable healthy foods. Five retailers (36%) said they would consider selling more healthy foods if there were financial incentives or assistance.
- Eleven of the 14 retailers (79%) were aware of the WIC program.
- Two of the 14 retailers (14%) were already WIC vendors. Of the remaining, 1 retailer (7%) was interested in becoming a WIC vendor, 4 (29%) weren't sure, and 7 (50%) were not interested.
- Only 2 of the 8 retailers asked (25%) said the staff at their store were currently RBI trained. Half had been trained previously but the training was expired. The remaining 2 (25%) had never been trained.

Frequency Tables

Do you provide healthy groceries in your store?	#	%
No	10	71%
Yes	4	29%
Total	**14**	**100%**

What kind of healthy groceries?	#	%
Milk/Dairy	7	50%
Cereal/Grains	6	43%
Fruit/Juice	5	36%

What are some barriers to selling healthy groceries in your store?	#	%
No demand/Other stores already sell	7	50%
No space	2	14%
Cost	2	14%
Compliance with state/federal regulations	1	7%

If there were incentives would you sell healthy groceries in your store?	#	%
No, not interested	9	64%
Would consider	5	36%
Total	**14**	**100%**

Do you know what WIC is?	#	%
Yes	11	75%
No	3	25%
Total	**14**	**100%**

Would you like to be a WIC vendor?	#	%
Yes	1	7%
Already a WIC vendor	2	14%
No	7	50%
I don't know	4	29%
Total	**14**	**100%**

Are you/your staff RBI trained?	#	%
No	2	25%
Not current/Expired	4	50%
Yes	2	25%
Total	**8**	**100%**

ATTACHMENT I – JANUARY 2017 BROCHURE

ABOUT

The Los Angeles County Department of Regional Planning is working to update alcohol sales regulations while promoting the sale of healthy food at establishments that sell alcohol throughout unincorporated Los Angeles County. During community meetings held in September 2016, attendees identified local issues related to the retail sales of alcohol. Now community-driven solutions to those problems are being developed.

The proposed updated alcohol sales regulations are now available for public review and we welcome your comments. Please visit the project webpage to review the document.

ACERCA DE

El Departamento de Planificación Regional (DRP) del condado de Los Angeles está actualizando las regulaciones de venta de alcohol y promoviendo la venta de alimentos saludables en tiendas que venden alcohol en áreas no incorporadas del condado de Los Angeles. Durante las reuniones comunitarias realizadas en septiembre de 2016, miembros de la comunidad identificaron problemas locales relacionados con la venta del alcohol en tiendas. Actualmente estamos desarrollando soluciones a los problemas identificados, dirigidos por la comunidad.

Las nuevas propuestas de regulación están disponibles para revisión pública, necesitamos sus comentarios. Por favor visiten la página web del proyecto para revisar este documento.

주류 판매 규정에 관하여

엘에이 카운티 도시계획국에서는 현재 카운티 비자치지역에서의 주류 판매 규정을 업데이트 하고, 주류 판매업소에서 건강에 좋은 식품을 함께 판매하도록 장려하고 있습니다. 2016년 9월에 가졌던 커뮤니티 미팅에서는 참석자 분들이 주류 소매판매 관련된 지역적인 문제점을 지적해 주셨습니다. 그를 바탕으로, 커뮤니티 주도적인 해결방안이 개발되고 있습니다.

저희 웹사이트에서 제안된 주류 판매 규정의 새 버전을 보시고, 저희가 참고해야 할 의견이 있으시면 언제든지 알려주시기 바랍니다.

CONTACT

(213) 974-1800

saafe@planning.lacounty.gov

planning.lacounty.gov/saafe

Los Angeles County Department of Regional Planning
C/O SAAFE Project
320 W Temple St 13th Flr
Los Angeles , CA 90012

Servicios de traducción disponible llamando al (213) 974-1800 con al menos 72 horas de anticipación.

如需翻譯服務（普通話及廣東話），請在72小時前致電（213）974-1800 預約通知 。

SAAFE

SAFE ACCESS TO ALCOHOL AND FOOD ESTABLISHMENTS

planning.lacounty.gov/saafe

AFFECTS ALL PROPERTIES IN UNINCORPORATED LOS ANGELES COUNTY SELLING ALCOHOL

HIGHLIGHTS

The County of Los Angeles (County) requires a Conditional Use Permit (CUP) for certain land uses which may need special conditions to ensure compatibility with surrounding land uses. Prior to 1992, businesses in unincorporated County areas did not need to obtain a CUP to sell alcohol.* They were only required to obtain a California Department of Alcoholic Beverage Control (ABC) alcohol license. After 1992, all businesses in unincorporated County areas were required to obtain both a CUP and an ABC alcohol license to sell alcohol.

The alcohol sales regulations being updated by the County include but are not limited to:

OPERATING REGULATIONS

Businesses that have a CUP to sell alcohol must comply with this set of rules.

DEEMED APPROVED

Businesses legally selling alcohol without a CUP will be considered deemed approved businesses.

PERFORMANCE STANDARDS

Deemed approved businesses must comply with this set of rules while they operate without a CUP. If they do not comply, they may be required to obtain a CUP

* Prior to October 9, 1992, the Los Angeles County Zoning Code may have required a specific type of permit to sell alcohol depending on the type of sales and zone of the property.

BUSINESS OWNERS

The updated alcohol sales regulations will affect you in the following ways:

BUSINESS OWNERS CURRENTLY SELLING ALCOHOL WITH A STATE LICENSE BUT WITHOUT A CUP

- Business will be deemed approved.
- Must meet performance standards.
- Failing to meet performance standards may require business to apply for a CUP.
- Enforcement action may be taken if a complaint is filed against the property.

BUSINESS OWNERS WANTING TO SELL ALCOHOL IN THE FUTURE

- Must apply for a CUP prior to receiving alcohol license from the California Department of Alcoholic Beverage Control.

To view the full document containing the proposed updated alcohol sales regulations, visit the project website.

planning.lacounty.gov/saafe/documents

MEETINGS

FEBRUARY 2017—PUBLIC MEETING

Please join us at the meeting to find out more about how these updated alcohol sales regulations will affect you.

February 4, 2017—10:00 a.m.
Downtown Los Angeles
Hall of Records—Department of Regional Planning
320 W Temple St, Hearing Room—Room 150
Los Angeles, CA 90012

MARCH 2017—PUBLIC HEARING

A public hearing will be held before the Regional Planning Commission to consider the proposed updated alcohol sales regulations.

March 8, 2017—9:00 a.m.
Downtown Los Angeles
Hall of Records—Department of Regional Planning
320 W Temple St, Hearing Room—Room 150
Los Angeles, CA 90012

SURVEY

If you are unable to join us at one of the meetings listed above, please fill out our online survey to provide feedback on the proposed updated alcohol sales regulations.

planning.lacounty.gov/saafe/survey

THE SURVEY WILL BE AVAILABLE UNTIL FEBRUARY 27, 2017.

ATTACHMENT J – PUBLIC COMMENT

Mitch Glaser

From: Mark Goldschmidt <mgdesign@sbcglobal.net>
Sent: Thursday, February 02, 2017 4:55 PM
To: DRP SAAFE; Mitch Glaser
Cc: Ed Meyers; Jim Osterling; Daniel Harlow; Marge Nichols; George; KBarger@lacbos.org; Richard Marshalian; Sussy Nemer; Michele Zack; Diane Marcussen; Gail Casburn
Subject: Objections to portions of the draft SAAFE ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

I have read the draft SAAFE ordinance and I object to specific portions of the ordinance which, to my mind, represent an extreme case of regulatory over-reach. I refer to the following:

22.52.3520 Operating Regulations for Uses Subject to Conditional Use Permit

The following operating regulations apply to any use selling alcoholic beverages for off-site consumption:

A. "Fresh produce" means any edible portion of a fresh fruit or vegetable, whether offered for sale whole or pre-sliced.

B. "General purpose retailer" means a retail establishment, such as a big box store, supermarket, grocery store, drug store, or convenience store which sells alcoholic beverages and food products.

C. "Whole grains" means any food from either:

1. A single ingredient product, such as brown rice, whole oats, quinoa, or barley; or

2. A pre-packaged grain product, such as bread, crackers, or cereal, in which the word "whole" appears first in the ingredients list of the product. Examples include whole wheat bread, whole wheat tortillas, whole oats, or whole wheat pasta

The following operating regulations apply to any use selling alcoholic beverages for off-site consumption:

A. If the use is located within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the shelf space devoted to alcoholic beverages shall be limited to five percent of the total shelf space, as depicted on the approved shelf plan.

B. The use shall offer a minimum of five varieties of fresh produce free from spoilage and a minimum of three varieties of whole grains for sale on a continuous basis to the satisfaction of the Department of Public Health. These products shall be displayed in high-visibility areas meeting one or more of the following criteria, as depicted on the approved floor plan and/or shelf plan:

1. Within ten feet of the front door;

2. Within five feet of the cash register;

3. At eye-level on a shelf or within a cooler, refrigerator or freezer case;

4. On an end cap of an aisle; or

5. Within a display area dedicated to produce that is easily accessible to customers.

I understand that this extreme level of prescriptive and proscriptive detail is intended to help compensate for the existence of "food deserts" in LA County. I understand the concept, as Altadena was just such a desert until fairly recently.

However, such a level of detail seems absurd:
1) " Within 5 feet of the cash register" -- at every cash register if there are several, or just at one?

2) "At eye-level on a shelf or with a cooler, refrigerator, or freezer case" (many freezer cases are top-opening, not at "eye-level") -- and just what are the specific parameters of "eye-level" in inches?

3) "If the use is located within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the shelf space devoted to alcoholic beverages shall be limited to five percent of the total shelf space, as depicted on the approved shelf plan."
-- will <u>existing</u> businesses selling alcohol be required to submit such a shelf plan? If this ordinance affects existing businesses, what will be the fate of small convenience or grocery stores currently located within 500 feet of each other?

4) Will not this ordinance require a great amount of Health Department and/or Building & Safety time to be spent with check-list and tape measure to insure that, among many things, no more than 5% of shelf space is allotted to alcohol, per a shelf plan that must be officially vetted and approved? What will this cost? Has the additional expense been tallied for inclusion in future County budgets? And please, it is important to keep in mind the cost in money, time, and headaches for each business owner, too.

5) Could this ordinance, if passed, be a God-send to ambulance-chasing lawyers, offering fresh opportunities to blackmail small businesses with the threat of a suit for non-compliance, just as they do for minor infractions of ADA requirements?

While I believe the intention of the cited paragraphs of the SAAFE ordinance is good -- to provide a wee bit of relief in a food desert -- I feel strongly that this is the wrong way to go about obtaining a very minor benefit: it's using a sledge hammer to swat a mosquito. While the objective may be obtained, it's important to consider the ancillary damage. There must be a better way, one that uses incentives and rewards rather than punishments.

Regulation on such a granular level is an excellent example of what Americans object to when they complain about government -- and boy, many of us do complain about the nanny state! If you have any doubts, consider the results of our recent presidential election. There is no doubt that this SAAFE ordinance will create new hardships for small businesses that do not employ huge bureaucracies to mind the many details.

As a member of the Altadena Community Standards District Committee I recently spent over three years reading ordinances and discussing possible changes and amendments *ad nauseum* with fellow committee members and with DRP staff. This has sensitized me to how carelessly drafted regulation, designed to remedy one particular evil, can result in unforeseen consequences and serious hardships for citizens. No law is better than bad law.

I will not be able to attend the February 4th meeting. However, I would like the questions I have posed to be responded to, and to be considered and discussed in the coming meeting before the draft ordinance moves on through the system towards enactment.

Thank you,

Mark Goldschmidt
2485 Marengo Ave
Altadena, CA 91001
626 798 8682

Mitch Glaser

From: Mitch Glaser
Sent: Wednesday, February 08, 2017 5:12 PM
To: 'Mark Goldschmidt'; DRP SAAFE
Cc: Ed Meyers; Jim Osterling; Daniel Harlow; Marge Nichols; George; KBarger@lacbos.org; Richard Marshalian; Sussy Nemer; Michele Zack; Diane Marcussen; Gail Casburn; 'Vizcarra, Edel'
Subject: RE: Objections to portions of the draft SAAFE ordinance

Hi Mark:

Thank you for reviewing the draft ordinance and providing these comments. I will provide the comments to the Regional Planning Commission prior to the public hearing. As requested, I will also attempt to respond to your questions.

1) " Within 5 feet of the cash register" -- at every cash register if there are several, or just at one?
2) "At eye-level on a shelf or with a cooler, refrigerator, or freezer case" (many freezer cases are top-opening, not at "eye-level") -- and just what are the specific parameters of "eye-level" in inches?

The healthy food display criteria are intended to provide guidance on what we mean by "high-visibility areas." The retailer only needs to meet one of the criteria, not all of them. For example, the retailer could display healthy food within 5 feet of the cash register or at eye-level on a shelf, not necessarily in both places. As part of its Conditional Use Permit (CUP) application, the retailer would submit a floor plan and/or shelf plan demonstrating compliance with at least one of the display criteria. The planner who reviews the CUP application would then work with the retailer to make any necessary adjustments prior to the public hearing. Therefore the display criteria would be applied to each retailer on a "case by case" basis to account for the retailer's unique configuration and layout.

If a retailer has multiple cash registers, displaying healthy food within 5 feet of one of the cash registers would meet the display criteria. The retailer would not need to display healthy food within 5 feet of all of the cash registers. As previously mentioned, the retailer could choose a different display criteria altogether. For example, the retailer could display healthy food at eye-level on a shelf or in an end cap instead of within 5 feet of a cash register.

"Eye-level" is a retail term that generally means 4 to 5 feet above the floor (image). This criteria is intended to ensure that healthy food is not placed on a low shelf or a high shelf that is not easily visible.

3) "If the use is located within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the shelf space devoted to alcoholic beverages shall be limited to five percent of the total shelf space, as depicted on the approved shelf plan."
-- will existing businesses selling alcohol be required to submit such a shelf plan? If this ordinance affects existing businesses, what will be the fate of small convenience or grocery stores currently located within 500 feet of each other?

This 5% shelf space limitation has been in the Zoning Code since 1992 (see Section 22.56.195.B.3 – link here). The SAAFE Ordinance clarifies this limitation and moves it to a different portion of the Zoning Code. The limitation does not apply to existing retailers established prior to 1992 ("grandfathered" or "deemed approved" retailers). However, since 1992 it has applied to any retailer that requests a CUP for alcoholic beverage sales and will continue to apply if the SAAFE Ordinance is adopted.

4) Will not this ordinance require a great amount of Health Department and/or Building & Safety time to be spent with check-list and tape measure to insure that, among many things, no more than 5% of shelf space is allotted to alcohol, per a shelf plan that must be officially vetted and approved? What will this cost? Has the additional expense been tallied for inclusion in future County budgets? And please, it is important to keep in mind the cost in money, time, and headaches for each business owner, too.

Zoning regulations are primarily enforced by Regional Planning, not by the Health Department or Building and Safety. Since 1992, a retailer that requests a CUP for alcoholic beverage sales within 500 feet of similar premises has

been required to submit a shelf plan demonstrating compliance with the 5% shelf space limitation as part of their CUP application. The County costs associated with the review and approval of this shelf plan are offset by the CUP fee and this will continue to the case if the SAAFE Ordinance is adopted. When the CUP is approved, Regional Planning requires a deposit for periodic inspections by Regional Planning Zoning Enforcement planners. During these periodic inspections, the planners ensure that alcoholic beverages are displayed in accordance with the approved shelf plan. The costs of these inspections are offset by the deposit made after approval. None of this will change with the SAAFE Ordinance. If the SAAFE Ordinance is adopted, the healthy food provisions would be enforced in a similar manner and costs would be offset by the CUP fee and inspection deposit.

5) Could this ordinance, if passed, be a God-send to ambulance-chasing lawyers, offering fresh opportunities to blackmail small businesses with the threat of a suit for non-compliance, just as they do for minor infractions of ADA requirements?

No. Zoning regulations are not similar to ADA requirements in that they are enforced by Regional Planning, not by lawsuits.

I hope these responses are helpful. Please feel free to call or email me if you need further clarification or if you have additional questions.

Thanks,
Mitch

Mitch Glaser, AICP
Assistant Administrator
Current Planning Division
Department of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012
http://planning.lacounty.gov
213-974-4971

From: Mark Goldschmidt [mailto:mgdesign@sbcglobal.net]
Sent: Thursday, February 02, 2017 4:55 PM
To: DRP SAAFE <saafe@planning.lacounty.gov>; Mitch Glaser <mglaser@planning.lacounty.gov>
Cc: Ed Meyers <edgmeyers@hotmail.com>; Jim Osterling <jimosterling@sbcglobal.net>; Daniel Harlow <daniel@harlowtech.com>; Marge Nichols <marge@margenichols.com>; George <gjkinggj@gmail.com>; KBarger@lacbos.org; Richard Marshalian <RMarshalian@planning.lacounty.gov>; Sussy Nemer <snemer@lacbos.org>; Michele Zack <michelezack@me.com>; Diane Marcussen <dmarcussen@aol.com>; Gail Casburn <gcasburn@gmail.com>
Subject: Objections to portions of the draft SAAFE ordinance

I have read the draft SAAFE ordinance and I object to specific portions of the ordinance which, to my mind, represent an extreme case of regulatory over-reach. I refer to the following:

22.52.3520 Operating Regulations for Uses Subject to Conditional Use Permit

The following operating regulations apply to any use selling alcoholic beverages for off-site consumption:

A. "Fresh produce" means any edible portion of a fresh fruit or vegetable, whether offered for sale whole or pre-sliced.

B. "General purpose retailer" means a retail establishment, such as a big box store, supermarket, grocery store, drug store, or convenience store which sells alcoholic beverages and food products.

C. "Whole grains" means any food from either:

ATTACHMENT K – RESOLUTION FOR COMMISSION ADOPTION

RESOLUTION OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. 2016-003059-(1-5)
ADVANCE PLANNING NO. RPPL 2016005464
SAFE ACCESS TO ALCOHOL AND FOOD ESTABLISHMENTS (SAAFE) ORDINANCE

WHEREAS, the Regional Planning Commission of the County of Los Angeles (County) has reviewed the matter of an ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code (Zoning Code) related to a comprehensive revision of alcoholic beverage sales regulations (SAAFE Ordinance); and

WHEREAS, pursuant to Article 1 of Chapter 4 of Division 1 of Title 7 of the Government Code (commencing with Section 65800), the County is authorized to adopt amendments to the Zoning Code; and

WHEREAS, the County proposes the adoption of Project No. 2016-003059, which includes Advance Planning No. Case RPPL 2016005464, which amends the Zoning Code; and

WHEREAS, the Regional Planning Commission finds as follows:

1. On May 31, 2016, the County Board of Supervisors introduced a motion directing the Department of Regional Planning (Regional Planning) to amend the Zoning Code by clarifying existing provisions related to alcohol sales uses currently located in Section 22.56.195, including but not limited to the following:

   "regarding undue concentration and the trigger for the alcoholic beverage shelf space limitation; allow the reviewing authority to modify the alcoholic beverage shelf space limitation pursuant to specific findings; require and incentivize the sale of healthy food at retail stores that sell alcohol; add "deemed approved" provisions for alcohol sales uses established prior to the County's Conditional Use Permit (CUP) requirement and include any additional amendments that may be recommended pursuant to further study and public outreach..."

2. In September 2016, Regional Planning staff conducted 14 public outreach meetings throughout the County to provide information about the SAAFE Ordinance and to solicit public feedback.

3. On February 4, 2017, Regional Planning staff conducted a public meeting in Downtown Los Angeles to present the draft SAAFE Ordinance and solicit public feedback. Staff received three public comments regarding the draft SAAFE Ordinance.

4. The Zoning Code presently does not contain regulations which address alcoholic beverage sales uses in possession of licenses issued by the Department of Alcohol Beverage Control prior to 1992 when the County required approval of a CUP.

5. Municipalities throughout California have enacted similar "deemed approved" ordinances as a means of regulating alcoholic beverage sales uses established prior to their CUP requirement.

6. In order to effectively regulate issues of violence and nuisance associated with "deemed approved" alcoholic beverage sales uses, the Zoning Code will be amended to impose new regulatory performance standards.

7. The SAAFE Ordinance will also amend the Zoning Code to provide more clarity on alcoholic beverage sales regulations and require the sale of healthy foods at alcoholic beverage sales uses requesting a new CUP for off-site consumption.

8. The SAAFE Ordinance intends to mitigate issues of nuisance and violence associated with "deemed approved" alcohol sales uses. According to the Prevention Research Center, there exists a correlation between rates of violence and concentration of alcohol sales outlets. The County Department of Public Health also identifies an association between alcohol sales outlet density and alcohol-related harms.

9. The SAAFE Ordinance intends to mitigate issues of public health associated with a high density of alcohol sales uses and limited access to healthy foods. Research indicates that alcohol sales outlet density is disproportionately greater in communities with higher levels of poverty and higher proportions of minority groups. Poverty, education, and race/ethnicity health disparity risk factors are all associated with alcohol sales outlet density. The existence of "food deserts" (areas with lack of access to healthy food) and "food swamps" (areas with an overabundance of unhealthy food) are environmental conditions which result in health disparities that disproportionately affect racial minority neighborhoods.

10. The SAAFE Ordinance applies to all unincorporated portions of the County over which the County has land use jurisdiction (Project Area). The proposed Project Area is bordered by Kern County to the north, Orange County to the south, San Bernardino County to the east, and Ventura County to the west, and excludes 88 incorporated cities within these boundaries. The proposed Project Area comprises approximately 2,656 square miles and includes more than 100 unincorporated communities as well as the Angeles National Forest and part of the Los Padres National Forest. The proposed Project Area also includes federal, state and County parks and recreational areas.

11. The regulations within the SAAFE Ordinance were developed with input from the appropriate County agencies, including the County Department of Public Health.

12. Regional Planning has determined that adoption of the SAAFE Ordinance is exempt from California Environmental Quality Act (CEQA) reporting requirements pursuant to Section 15061(b)(3) of the CEQA Guidelines because there is no possibility that adoption of the SAAFE Ordinance may have a significant effect on the environment.

THEREFORE, BE IT RESOLVED THAT the Regional Planning Commission recommends that the County Board of Supervisors:

1. Conduct a public hearing to consider an ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code related to a comprehensive revision of alcoholic beverage sales regulations; and

2. Certify that adoption of the ordinance is exempt from CEQA reporting requirements pursuant to Section 15061(b)(3) of the CEQA Guidelines; and

3. Adopt the attached ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code and determine that it is compatible with and supportive of the goals and policies of the Los Angeles County General Plan.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission on March 8, 2017.

By _____
Rosie O. Ruiz, Secretary
Regional Planning Commission
County of Los Angeles

APPROVED AS TO FORM:
OFFICE OF THE COUNTY COUNSEL

By _____
Starr Coleman, Deputy County Counsel
Property Division

VOTE

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date: March 8, 2017

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

March 2, 2017

TO: Doug Smith, Chair
David W. Louie, Vice Chair
Laura Shell, Commissioner
Pat Modugno, Commissioner

FROM: Mitch Glaser, AICP, Assistant Administator
Current Planning Division

SUPPLEMENTAL PUBLIC HEARING MATERIALS – SAFE ACCESS TO ALCOHOL AND FOOD ESTABLISHMENTS (SAAFE) ORDINANCE – PROJECT NO. 2016-003059-(1-5) – ADVANCE PLANNING CASE NO. RPPL2016005464 – HEARING DATE: MARCH 8, 2017 – ITEM NO. 5

REVISED PROPOSED ORDINANCE

A revised proposed ordinance is provided in Attachment A. Changes made since February 23, 2017 are shown in "track changes" format.

The Department of Public Health (Public Health) has recommended changes to the healthy food provisions, which have been incorporated into the revised proposed ordinance (see pages 18 and 19 of Attachment A). The primary change is that a business selling alcoholic beverages for off-site consumption that obtains a CUP would be required to also sell three varieties of fresh produce (instead of five) and two whole grain products (instead of three) on a continuous basis. Public Health has determined that this change will make the healthy food provisions more practical and feasible to implement, especially for small businesses.

The public hearing procedure for revocation of a business's "deemed approved" status has been changed to require posting on the premises in addition to mailed notice and newspaper notice (see page 28 of Attachment A).

ADDITIONAL PUBLIC COMMENT

Staff has received a public comment letter from the Community Centered Emergency Room Project (Attachment B). The comment letter recommends several additional changes to the proposed ordinance. At the public hearing, staff will review these changes and your Commission may provide direction as to whether they should be incorporated into the proposed ordinance.

ADDITIONAL MATERIALS

In November 2016, Public Health released a study regarding "Alcohol Outlet Density and Alcohol-Related Consequences." This study is provided in Attachment C and should be considered supplemental to the supportive documents and studies provided to your Commission on February 23, 2017.

As mentioned in the February 23, 2017 staff report to your Commission, in January 2017 staff created a survey to solicit comments on the proposed ordinance. The survey was available online until February 27, 2017 and a hard copy version of the survey was included in a mailing to the approximately 900 businesses that currently sell alcoholic beverages throughout the unincorporated areas of the County. The survey results are provided in Attachment D.

If you have any questions, you may contact me at mglaser@planning.lacounty.gov or (213) 974-4971 Monday through Thursday.

MWG:mwg

Attachments:
A. Revised Proposed Ordinance
B. Public Comment
C. November 2016 Department of Public Health Report
D. 2017 Survey Results

ATTACHMENT A – REVISED PROPOSED ORDINANCE

ORDINANCE NO. _____

An ordinance amending Title 22 – Planning and Zoning – of the Los Angeles County Code related to a comprehensive revision of alcoholic beverage sales regulations.

SECTION 1. Section 22.08.020 is hereby amended to read as follows:

22.08.020 B.

...

— "Bar" means an establishment selling alcoholic beverages for on-site consumption as a principal use.

...

SECTION 2. Section 22.08.030 is hereby amended to read as follows:

22.08.030 C.

...

~~Cabaret.~~

~~A. "Cabaret" means any bar, cocktail lounge or restaurant, wherein entertainment, as described in Sections 143.2, 143.3 and 143.4 of the Rules and Regulations, Chapter 1, Title 4, California Administrative Code (California State Department of Alcoholic Beverage Control) is provided, except that this subsection shall not be construed to authorize any entertainment, conduct or activity prohibited by said Rules and Regulations.~~

~~B. "Cabaret" shall also include any establishment which provides any entertainment and/or activity described in the aforesaid Rules and Regulations, whether or not alcoholic beverages are dispensed.~~

...

— "Cocktail lounge" means an establishment selling alcoholic beverages for on-site consumption as a principal use.

...

SECTION 3. Section 22.08.140 is hereby amended to read as follows:

22.08.140 N.

...

— "Nightclub" means any bar, cocktail lounge or restaurant~~, other than a cabaret,~~ wherein live entertainment is provided and an occupant load of at least 200 people is established.

...

SECTION 4. Section 22.24.100 is hereby amended to read as follows:

22.24.100 Uses Subject to Permits.

Property in Zone A-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use or for off-site consumption as an accessory use to a campground or recreational trailer park, subject to Part 32 of Chapter 22.52.

...

— Recreation clubs, private, including tennis, polo and swimming; where specifically designated a part of an approved conditional use permit, such use may include a pro shop~~,~~ and/or restaurant ~~and bar~~ as ~~appurtenant~~accessory uses.

...

SECTION 5. Section 22.24.150 is hereby amended to read as follows:

22.24.150 Uses Subject to Permits.

Property in Zone A-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use or for off-site consumption as an accessory use to a campground or recreational trailer park, subject to Part 32 of Chapter 22.52.

...

— Recreation clubs, private, including tennis, polo and swimming; where specifically designated a part of an approved conditional use permit, such use may include a pro shop~~,~~ and/or restaurant ~~and bar~~ as ~~appurtenant~~accessory uses.

...

SECTION 6. Section 22.28.060 is hereby amended to read as follows:

22.28.060 Uses Subject to Permits.

Premises in Zone C-H may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use, subject to Part 32 of Chapter 22.52.

...

— Recreation clubs, private, including tennis, polo and swimming; where specifically designated a part of an approved conditional use permit, such use may include a pro shop~~,~~ and/or restaurant ~~and bar~~ as ~~appurtenant~~accessory uses.

...

SECTION 7. Section 22.28.110 is hereby amended to read as follows:

22.28.110 Uses Subject to Permits.

Premises in Zone C-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges, but excluding cabarets.~~

~~Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 8. Section 22.28.160 is hereby amended to read as follows:

22.28.160 Uses Subject to Permits.

Premises in Zone C-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~Bars and cocktail lounges.~~

~~Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 9. Section 22.28.210 is hereby amended to read as follows:

22.28.210 Uses Subject to Permits.

Premises in Zone C-3 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 10. Section 22.28.260 is hereby amended to read as follows:

22.28.260 Uses Subject to Permits.

Premises in Zone C-M may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 11. Section 22.28.320 is hereby amended to read as follows:

22.28.320 Uses Subject to Permits.

Premises in Zone C-R may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 12. Section 22.28.390 is hereby amended to read as follows:

22.28.390 Uses Subject to Permits.

A. Premises in Zone C-RU may be used for the following uses, provided that a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56,

and while such permit is full force and effect and in conformity with the conditions of such permit:

…

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

…

~~— Bars and cocktail lounges, but excluding cabarets.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

…

SECTION 13. Section 22.28.450 is hereby amended to read as follows:

22.28.450 Uses Subject to Permits.

A. Premises in Zone C-MJ may be used for the following uses, provided that a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is full force and effect and in conformity with the conditions of such permit:

…

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

…

~~— Bars and cocktail lounges, excluding cabarets.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 14. Section 22.32.070 is hereby amended to read as follows:

22.32.070 Uses Subject to Permits.

A. Premises in Zone M-1 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

— Tasting rooms, remote, subject to Part 23 of Chapter 22.52.

...

SECTION 15. Section 22.32.140 is hereby amended to read as follows:

22.32.140 Uses Subject to Permits.

A. Premises in Zone M-1.5 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

— Tasting rooms, remote, subject to Part 23 of Chapter 22.52.

...

SECTION 16. Section 22.32.190 is hereby amended to read as follows:

22.32.190 Uses Subject to Permits.

A. Premises in Zone M-2 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

— Tasting rooms, remote, subject to Part 23 of Chapter 22.52.

...

SECTION 17. Section 22.40.220 is hereby amended to read as follows:

22.40.220 Uses Subject to Permits.

Premises in Zone R-R may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use or for off-site consumption as an accessory use to a campground or recreational trailer park, subject to Part 32 of Chapter 22.52.

...

— Recreation clubs, private, including tennis, polo and swimming; where specifically designated a part of an approved conditional use permit, such use may include a pro shop~~,~~ and/or restaurant ~~and bar~~ as ~~appurtenant~~accessory uses.

...

B. The following uses, provided such uses are on a lot or parcel of land having an area of not less than one acre and are within 600 feet of a recreational use permitted in the zone:

...

— Bars and cocktail lounges, subject to Part 32 of Chapter 22.52.

...

SECTION 18. Section 22.40.280 is hereby amended to read as follows:

22.40.280 Uses Subject to Permits.

Premises in Zone W may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use or for off-site consumption as an accessory use to a campground or recreational trailer park, subject to Part 32 of Chapter 22.52.

...

SECTION 19. Section 22.40.430 is hereby amended to read as follows:

22.40.430 Uses Subject to Permits.

Premises in Zone O-S may be used for the uses listed herein subject to any additional conditions which may be imposed pursuant to subsection C:

A. The following uses, provided that a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use or for off-site consumption as an accessory use to a campground or recreational trailer park, subject to Part 32 of Chapter 22.52.

...

SECTION 20. Section 22.40.475 is hereby amended to read as follows:

22.40.475 Uses Subject to Permits.

Premises in Zone MXD may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

A. The following uses may be in either a mixed use or a commercial-only development:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

~~— Bars and cocktail lounges.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 21. Section 22.40.820 is hereby amended to read as follows:

22.40.820 Uses Subject to Permits.

A. Premises in Zone MXD-RU may be used for the following uses, provided that a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for ~~either~~ on-site and/or off-site consumption, including bars and cocktail lounges, subject to ~~the requirements of Section 22.56.195~~Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges, but excluding cabarets.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 22. The Parts headings for Chapter 22.52 are hereby amended to read as follows:

Chapter 22.52

GENERAL REGULATIONS

Parts:

...

32. Alcoholic Beverage Sales

...

SECTION 23. Section 22.52.2460 is hereby amended to read as follows:

22.52.2460 Tasting Rooms—Permit Requirements.

A. Applicable Use Permit. ~~An applicant may request that the Hearing Officer or the Commission consider a~~A tasting room CUP application shall be considered in accordance with the minor CUP provisions of Section 22.56.085, unless:

1. The subject lot or parcel of land is located ~~in~~within:

a. A national recreation area, or within one mile of a national recreation area;

b. ~~An area of undue concentration for alcoholic beverage sale establishments, as undue concentration is described in Section 22.56.195.B.3 of this Title 22~~A 500-foot radius of any use selling alcoholic beverages for on-site and/or off-site consumption; or

c. A high crime reporting district, as described in the California Alcoholic Beverage Control Act and the regulations adopted under that Act; or

...

SECTION 24. Section 22.52.2480 is hereby amended to read as follows:

22.52.2480 Remote ~~t~~Tasting ~~r~~Rooms—Operating ~~r~~Regulations.

...

B. In zones C-1, C-2, C-3, C-M, ~~and~~ C-R, M-1, M-1.5, and M-2, remote tasting rooms shall comply with the operating regulations for tasting rooms set forth in Section 22.52.2450, except that they may hold a wine event, as defined in Section 22.52.2400.B.3, without a temporary use permit, provided that:

...

SECTION 25. Section 22.52.2490 is hereby amended to read as follows:

22.52.2490 Remote Tasting Rooms—Permit Requirements.

A. Applicable Use Permit. ~~An applicant may request that the Hearing Officer of the Commission consider a~~A remote tasting room CUP application shall be considered in accordance with the minor CUP provisions of Section 22.56.085 unless:

1. The subject lot or parcel of land is located ~~in~~within:

a. A national recreation area or within one mile of a national recreation area;

b. ~~An area of undue concentration for alcoholic beverage sale establishments, as undue concentration is described in Section 22.56.195.B.3 of this Title 22~~A 500-foot radius of any use selling alcoholic beverages for on-site and/or off-site consumption;

c. A high crime reporting district, as described in the California Alcoholic Beverage Control Act and/~~or~~ the regulations ~~promulgated thereunder~~adopted under that Act; or

...

SECTION 26. Part 32 of Chapter 22.52 is hereby added to read as follows:

PART 32

ALCOHOLIC BEVERAGE SALES

Sections:

22.52.3500 Purpose

22.52.3510 Definitions

22.52.3520 Alcoholic Beverage Sales within Specific Plans and Supplemental Districts

22.52.3530 Operating Regulations for Uses Subject to Conditional Use Permit

22.52.3540 Findings for Uses Subject to Conditional Use Permit

22.52.3550 Conditions of Approval for Uses Subject to Conditional Use Permit

22.52.3560 Deemed Approved Uses

22.52.3570 Performance Standards for Deemed Approved Uses

22.52.3580 Revocation of Deemed Approved Status

22.52.3500 Purpose

The purpose of this Part 32 is to provide comprehensive regulations for alcoholic beverage sales to protect and promote public health, safety, comfort, convenience and general welfare. These regulations shall not apply to tasting rooms and remote tasting rooms, which are regulated by Part 23 of this Chapter.

22.52.3510 Definitions

The following definitions apply to this Part 32:

A. "Fresh produce" means any edible portion of a fresh fruit or vegetable, whether offered for sale whole or pre-sliced.

B. "General purpose retailer" means a retail establishment, such as a big box store, supermarket, grocery store, drug store, or convenience store which sells alcoholic beverages and food products.

C. "Whole grains" means any food from either:

1. A single ingredient product, such as brown rice, whole oats, quinoa, or barley; or

2. A pre-packaged grain product, such as whole wheat bread~~,~~ or whole wheat crackers, ~~or cereal,~~ in which the word "whole" appears first in the ingredients list of the product. ~~Examples include whole wheat bread, whole wheat tortillas, whole oats, or whole wheat pasta.~~

22.52.3520 Alcoholic Beverage Sales within Specific Plans and Supplemental Districts

If a zone or land use category within a Specific Plan or Supplemental District is silent with respect to alcoholic beverage sales, the Director may accept a conditional use permit application for alcoholic beverage sales if he determines that such sales are accessory to another use permitted within such zone or land use category. The conditional use permit application shall be subject to the provisions of this Part 32 and Part 1 of Chapter 22.56.

22.52.3530 Operating Regulations for Uses Subject to Conditional Use Permit

The following operating regulations shall apply to any use selling alcoholic beverages for off-site consumption which is the subject of a conditional use permit application filed on or after the effective date of the ordinance creating this Part 32:

A. If the use is located within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the shelf space devoted to alcoholic beverages shall be limited to five percent of the total shelf space, as depicted on the approved shelf plan.

B. The use shall offer a minimum of ~~five~~ three varieties of fresh produce free from spoilage and a minimum of ~~three varieties of whole grains~~two whole grain items for sale on a continuous basis~~ to the satisfaction of the Department of Public Health~~. These products shall be displayed in high-visibility areas meeting one or more of the following criteria, as depicted on the approved floor plan and/or shelf plan:

1. Within ten feet of the front door;
2. Within five feet of a cash register;
3. At eye-level on a shelf or within a cooler, ~~or a~~ refrigerator, or freezer case;
4. On an end cap of an aisle; or
5. Within a display area dedicated to produce that is easily accessible to customers.

C. The following operating regulations shall also apply if the use sells both motor vehicle fuel and alcoholic beverages for off-site consumption:

1. Distilled spirits shall not be sold;
2. Alcoholic beverages shall not be displayed within five feet of the cash register or the front door unless the alcoholic beverages are displayed in a permanently affixed cooler;
3. Alcoholic beverages shall not be displayed in an ice tub;
4. Alcoholic beverages shall not be sold from a drive-in window;
5. Alcoholic beverage advertising shall not be displayed on motor fuel islands and self-illuminated alcoholic beverage advertising shall not be located on buildings or windows; and

6. If the conditional use permit authorizes alcoholic beverage sales between the hours of 10:00 p.m. and 2:00 a.m., employees on duty shall be at least 21 years of age in order to sell alcoholic beverages.

D. The regulations in Subsections A and B, above, may be modified by the Commission or Hearing Officer subject to Section 22.52.3540.C.

22.52.3540 Findings for Uses Subject to Conditional Use Permit

A. Additional Findings. In addition to the findings required by Section 22.56.090.A, the Commission or Hearing Officer shall approve an application for a conditional use permit for alcoholic beverage sales where the information submitted by the applicant, or presented at public hearing, substantiates the following findings:

1. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius;

2. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;

3. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and

4. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

B. Public Convenience and Necessity.

1. In addition to the findings required by Section 22.56.090.A and Subsection A, above, the Commission or Hearing Officer shall make a finding of public convenience and necessity when:

a. Such finding is required in a high crime reporting district or in an area of undue concentration pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act; or

b. A use selling alcoholic beverages for off-site consumption is proposed within a 500-foot radius of another use selling alcoholic beverages for off-site consumption.

2. A finding of public convenience and necessity shall be based upon review and consideration of relevant factors, which shall include but not be limited to the following:

a. The extent to which the requested use would duplicate services and therefore contribute to an over-concentration of similar uses;

b. The extent to which alcoholic beverage sales are related to the function of the requested use, and the possibility of the use operating in a viable manner without alcohol sales;

c. The extent to which the requested use will enhance the economic viability of the area;

d. The extent to which the requested use will enhance recreational or entertainment opportunities in the area;

e. The extent to which the requested use compliments the established or proposed businesses within a specific area;

f. The ability of the requested use to serve a portion of the market not served by other uses in the area;

g. The convenience of purchasing alcoholic beverages at the requested use in conjunction with other specialty food sales or services;

h. The aesthetic character and ambiance of the requested use; and

i. The extent to which the requested use, location, and/or operator has a history of law enforcement problems;

C. Modifications.

1. When approving a modification to the alcoholic beverage shelf space limitation provided in Section 22.52.3530.A, the Commission or Hearing Officer shall make at least one of the following additional findings:

a. The requested use is not located in a high crime reporting district as described in the California Alcoholic Beverage Control Act and the regulations adopted under that Act;

b. The requested use is a specialty retailer with a unique product mix that requires a greater allocation of shelf space to alcoholic beverages than would be the case for a general purpose retailer; or

c. The requested use involves the relocation of a use that was not previously subject to the alcoholic beverage shelf space limitation provided in Section 22.52.3530.A and the new location will allocate less shelf space to alcoholic beverages than was the case at the previous location.

2. When approving a modification to the fresh produce and whole grain sales requirement provided in Section 22.52.3530.B, the Commission or Hearing Officer shall make an additional finding that the requested use is not a general purpose retailer.

22.52.3550 Conditions of Approval for Uses Subject to Conditional Use Permit

A. In addition to the conditions allowed by Section 22.56.100, the Commission or Hearing Officer may impose additional conditions to ensure that the requested use will be in accord with the findings required by Section 22.52.3540. Such conditions may involve pertinent factors affecting the establishment, operation and maintenance of the requested use, including, but not limited to:

1. Limitations on the days of the week and times of day during which alcoholic beverages may be sold;

2. Requirements to purchase existing liquor license(s) issued by the California Department of Alcoholic Beverage Control within a specified area to ensure there is either no net increase, or a net decrease, of such liquor licenses within such specified area;

3. Restrictions on live music, live entertainment, dancing, or other similar activities;

4. Restrictions on "happy hour" specials, "two for one" alcoholic beverage specials, or other similar specials or promotions;

5. Restrictions on exterior lighting to ensure proper illumination during operating hours while preventing impacts to neighboring uses; and

6. Restrictions on the size and quantity of alcoholic beverage containers that may be sold on the premises.

B. The conditions of approval shall be retained on the premises at all times and shall be immediately produced upon request by agents of the Department of Regional Planning, the Sheriff's Department, or the California Department of Alcoholic Beverage Control. The manager and all employees shall be knowledgeable of the conditions of approval.

C. Any use which operates in violation of the conditions of approval may be subject to the modifications and revocations provisions in Part 13 of Chapter 22.56.

22.52.3560 Deemed Approved Uses

A. As of the effective date of the ordinance creating this Part 32, any legally-established use that sells alcoholic beverages without a conditional use permit, and which did not require a conditional use permit to sell alcoholic beverages pursuant to Title 22 at the time it was established, shall be considered a deemed approved alcohol sales use for the purposes of this Part 32.

B. Each deemed approved alcohol sales use shall retain its deemed approved status and shall not require a conditional use permit as long as it complies with the performance standards provided in Section 22.52.3570 and does not have its deemed approved status revoked pursuant to Section 22.52.3580.

C. Notwithstanding Subsection B, above, a deemed approved alcohol sales use shall require a conditional use permit when:

1. The use proposes to change the type of alcoholic beverages to be sold by changing the type of retail liquor license within a license classification;

2. The use substantially changes its mode or character of operation, which includes, but is not limited to:

a. A 10-percent increase in the floor area devoted to alcoholic beverage sales or inventory; or

b. A 25-percent increase in facing used for the display of alcoholic beverages; or

3. The use has been abandoned, has discontinued operation, or has ceased selling alcoholic beverages for three months.

22.52.3570 Performance Standards for Deemed Approved Uses

Each deemed approved alcohol sales use shall comply with the following performance standards:

A. The use shall be operated and maintained in accordance with Title 22 and all other applicable local, state, or federal codes, laws, rules, regulations and statutes, including those of the California Department of Alcoholic Beverage Control.

B. The premises shall be maintained free of garbage, trash, debris, or junk and salvage in exterior areas except in designated trash collection containers and enclosures.

C. All portions of the premises visible to public view, including but not limited to any structure, wall, fence, sidewalk, curb, ground surface, vehicle, rock, or other surface, shall be maintained free of graffiti. In the event of graffiti occurring, the operator shall remove such graffiti within 24 hours of such occurrence, weather permitting. Paint utilized in covering such graffiti shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

D. The premises shall be maintained with all signage required by Title 22 or other applicable state and local law, including but not limited to signs prohibiting loitering, public drinking, and/or the presence of open alcoholic beverage containers on the premises.

E. Temporary window signs shall comply with Title 22 and the view into the interior of the use from any parking lot, public street, or other right-of-way shall not be otherwise obstructed by refrigerator cases, promotional displays, equipment, or any other items.

F. The operator shall maintain a current and valid County business license and shall conduct business in full accordance with any and all conditions imposed therein.

G. The operator shall not cause, allow or permit nuisance and other unlawful activities on the premises, including, but not limited to:

1. Loitering;

2. Drinking alcoholic beverages and/or possessing open alcoholic beverage containers in exterior portions of the premises, other than in a designated patio or other area approved for on-site consumption by the California Department of Alcoholic Beverage Control and/or the Department of Regional Planning;

3. Littering;

4. Creating excessive noise that does not comply with Title 12 to the satisfaction of the Department of Public Health, especially in the late night or early morning hours;

5. Disturbing the peace;

6. Engaging in illegal tobacco sales, drug activity, gambling or prostitution;

7. Trafficking in stolen goods;

8. Harassing passerby or business patrons;

9 Panhandling;

10. Engaging in acts of vandalism; and

11. Otherwise engaging in conduct that is unlawful and/or constitutes a nuisance.

H. The operator shall take all reasonable steps to ensure that the conditions and activities on the lot or parcel of land on which the use is located do not constitute a public nuisance. For purposes of this performance standard, reasonable steps include, but are not limited to, the following:

1. Requesting that those persons engaging in conduct that constitutes a nuisance to cease such conduct, unless the operator has reasonable cause to believe such request may jeopardize his or her personal safety;

2. Calling the Sheriff's Department if the operator's attempts to abate the nuisance conduct have been unsuccessful or if the operator has reasonable cause to believe such attempts may jeopardize his or her personal safety; and

3. Timely preventive actions to address conditions that facilitate loitering and other nuisance activity on the premises, such as removing furniture from areas adjacent to the entry of the establishment, prohibiting persons from using any portion of the premises for the installation and/or operation of a temporary business or other use, and/or other preventive actions.

22.52.3580 Revocation of Deemed Approved Status

A. After a public hearing as provided in Subsection B, below, the Commission may revoke the deemed approved status of a deemed approved alcohol sales use due to non-compliance with the performance standards in Section 22.52.3570 and require a conditional use permit for any subsequent sale of alcoholic beverages on the subject premises.

B. Public Hearing.

1. A public hearing may be initiated by the Board of Supervisors, the Commission, or the Director.

2. At least 30 days before the public hearing, the Director shall provide written notice to the operator and the property owner, if different than the operator. Notice shall also be posted on the premises in accordance with Section 22.60.175, provided to all property owners within a 500-foot radius of the use and published once in a newspaper of general circulation in the County of Los Angeles available in the community in which the use is located.

3. After consultation with the Sheriff's Department and the California Department of Alcoholic Beverage Control, the Director shall prepare a report regarding the use's compliance with the performance standards for consideration by the Commission at the public hearing.

4. At the public hearing, the Commission shall determine whether the use is in compliance with the performance standards. In making its determination, the Commission may consider the following:

a. The length of time that the use has been out of compliance with the performance standards;

b. The impact of the violation of the applicable performance standards on the community; and

c. Any information regarding the operator's efforts to remedy the violation of the applicable performance standards.

5. The public hearing may be continued as provided in Section 22.60.178.

6. At the close of the public hearing, the Commission may allow the use to retain its deemed approved status or may revoke the deemed approved status where the information in the Director's report, or presented at public hearing, substantiates the following findings:

a. Due to non-compliance with the performance standards, the use results in adverse effects to the health, welfare, peace, or safety of persons visiting, residing, working, or conducting business in the surrounding area; and

b. Due to non-compliance with the performance standards, the use jeopardizes or endangers the public health, welfare, or safety of persons visiting, residing, working, or conducting business in the surrounding area.

7. At the close of the public hearing, the Commission shall publicly announce the appeal period for filing an appeal of its action. In addition, the Commission shall serve notice of its action upon the operator and the property owner, if different than the operator, and any persons testifying or speaking at the public hearing.

8. The Commission's action may be appealed to the Board of Supervisors or called up for review by the Board of Supervisors in accordance with Part 5 of Chapter 22.60.

C. If a use continues to sell alcoholic beverages without a conditional use permit after its deemed approved status is revoked, the operator and property owner, if different than the operator, shall be subject to the enforcement procedures of Part 6 of Chapter 22.60. In addition, the operator and property owner, if different than the operator, shall be subject to any civil and criminal remedies necessary to ensure compliance with the County Code.

SECTION 27. Section 22.56.195 is hereby deleted as follows:

~~**22.56.195 Alcoholic beverage sales, for either on-site or off-site consumption.**~~

~~Additional Findings Prerequisite to Permit.~~

~~A. This section applies to the following uses, with the exception of tasting rooms and remote tasting rooms:~~

~~1. Establishments that do not currently, but propose to, sell alcoholic beverages, for either on-site or off-site consumption~~;

~~2. Establishments that currently sell alcoholic beverages but which propose to change the type of alcoholic beverages to be sold, by changing the type of retail liquor license within a license classification;~~

~~3. Establishments that currently sell alcoholic beverages, if the establishment substantially changes its mode or character of operation, which includes, but is not limited to:~~

~~a. A 10-percent increase in the floor area devoted to alcoholic beverage sales or inventory, or~~

~~b. A 25-percent increase in facing used for the display of alcoholic beverages; and~~

~~4. Establishments which have either been abandoned or discontinued operation for three months.~~

~~B. In addition to the findings required pursuant to subsection A of Section 22.56.090, the planning agency shall approve an application for a conditional use permit for alcoholic beverage sales where the information submitted by the applicant, or presented at public hearing, substantiates the following findings:~~

~~1. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius; and~~

~~2. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and~~

~~3. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site~~

~~consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment; and~~

~~4. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and~~

~~5. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.~~

SECTION 28. Section 22.56.245 is hereby deleted as follows:

~~**22.56.245 Sale of beer and wine in conjunction with sale of motor vehicle fuel—Additional conditions.**~~

~~In addition to the conditions imposed pursuant to Section 22.56.100, the following development standards shall be mandatory conditions of such grant:~~

~~A. No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler.~~

~~B. No advertisement of alcoholic beverages shall be displayed at motor fuel islands.~~

~~C. No sale of alcoholic beverages shall be made from a drive-in window.~~

~~D. No display or sale of beer or wine shall be made from an ice tub.~~

~~E. No beer or wine advertising shall be located on motor fuel islands and no self-illuminated advertising for beer or wine shall be located on buildings or windows.~~

~~F. If the sale of alcoholic beverages between the hours of 10:00 p.m. and 2:00 a.m. is granted as a part of the conditional use permit, employees on duty shall be at least 21 years of age in order to sell beer or wine.~~

ATTACHMENT B – PUBLIC COMMENT

COMMUNITY CENTERED
EMERGENCY ROOM PROJECT

February 27, 2017

Los Angeles County Department of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012
Attn: Mitch Glaser

RE: Safe Access to Alcohol and Food Establishments (SAAFE) Ordinance:

Dear Planning Administrator,

On behalf of the Community Centered Emergency Room Project (CCERP), we are writing to submit comments to the draft of the Safe Access to Alcohol and Food Establishments (SAAFE) Ordinance. We commend Supervisors Mark Ridley -Thomas and Hilda Solis for their leadership with this measure and appreciate the willingness of the Los Angeles County Regional Planning Department to take an important step toward improving public safety by reducing alcohol and other drug-related problems.

Since 2013, CCERP has worked in the neighborhoods of Boyle Heights and Lincoln Heights and adjacent communities in Northeast Los Angeles to promote prevention initiatives that address community risk factors. Foremost among those risk factors are the threats that result from the excessive availability of alcohol. Too often, neighborhoods across Los Angeles are plagued by public nuisance activities associated with alcohol outlets – including loitering, public urination, drug dealing and solicitation. Our experience working with the homeless population has taught us that nuisance conduct poses a particular risk to these vulnerable community members. There is an urgent need to impose common sense standards on the operation of businesses that sell alcoholic beverages, to protect their customers and neighbors, as well as the employees of the businesses.

Along with our affiliated organization, United Coalition East Prevention Project which has been working to reduce community problems related to alcohol availability for 20 years, we are offering several suggestions that will strengthen the SAAFE ordinance and improve public safety.

RE: Operating Regulations for uses Subject to Conditional Use Permit

Add the requirement that within three months of the effective date of the ordinance, all employees (including security) and management involved with the sale of alcoholic beverages shall enroll in a training offered by or comparable to the Licensee Education on Alcohol and Drugs (LEAD) training from the California Alcoholic Beverage Control Department or a local police training such as Standardized Training for Alcohol Retailers (STAR). This training program shall be required for all new staff within six months of their hiring and for all new staff hired as the result of a change in the licensee ownership.

RE: Findings for Uses Subject to Conditional Use Permit

Add specific references to other sensitive uses, including but not limited to drug and alcohol recovery centers and treatment facilities.

Increase the distance requirement from a 600-foot radius to 800 feet,

Define the term "adverse Impact" by specifying the harms, including but not limited to: loitering, panhandling, solicitation, graffiti, excessive noise and trash, and public urination.

804 E. 6th St., Los Angeles, CA 90021• Phone 213.622.1621 • Fax 213.622.1873 • socialmodel.com
a program of Social Model Recovery Systems., Inc.

Define the term "sufficiently buffered" by specifying appropriate measures that would block transmission of noise and minimize negative impact to nearby residences and neighbors such as, walls, foliage, and distance.

RE: Revocation of Deemed Approved Status

Modify language to expand the mandatory notification to property owners and occupants within a 1,000-foot radius.

Add the requirement of on-site posting of hearing notice at the subject location.

RE: Revocation of Deemed Approved Status

Add the requirement that in order for hearing officers to consider whether or not a use is in compliance, operators shall provide verifiable documentation, either written or recorded, of a minimum of five attempts that can serve as evidence of an operator's effort to remedy the violation.

Add language to ensure that proper accountability measures, enforcement requirements, and timeframe for compliance are specified, including how soon enforcement measures will be taken after complaints are received, how soon hearings will be scheduled and decisions issued, and when monitoring will occur to document compliance.

RE: Community Outreach and Awareness

Add a summary of the ordinance written in plain language which is simple to understand, and should also be translated into Spanish. This summary should be broadly distributed in the community to operators of alcohol outlets, community residents and stakeholders, in order to encourage adherence to high standards of management in each establishment.

Finally, we appreciate the opportunity to provide input into the process, and look forward to working closely with you on the implementation of the SAAFE ordinance. We share the goal of reducing alcohol-related problems as well as increasing access to healthy food in communities throughout the county. If we can provide additional information, please do not hesitate to contact us.

Sincerely,

Zelenne Cardenas
Director of Prevention Services

804 E. 6th St., Los Angeles, CA 90021• Phone 213.622.1621 • Fax 213.622.1873 • socialmodel.com
a program of Social Model Recovery Systems., Inc.

ATTACHMENT C – NOVEMBER 2016 DEPARTMENT OF PUBLIC HEALTH REPORT

Alcohol Outlet Density & Alcohol-Related Consequences

by City and Community in Los Angeles County, 2013

Research and Evaluation Unit
Clinical Services and Research Branch
Substance Abuse Prevention and Control
Los Angeles County Department of Public Health
November 2016

County of Los Angeles
Public Health

Table of Contents

List of Maps/Tables ii
Introduction 1
Study Methods 1
Findings 2
Discussion 19
Notes 22
References 23

List of Maps/Tables

Map 1. On-Premises Alcohol Outlet Density 3
Map 2. Off-Premises Alcohol Outlet Density 4
Map 3. Density of Violent Crimes 7
Map 4. Density of Alcohol-related Vehicle Crashes 8
Map 5. Density of Alcohol-related Emergency Department (ED) Visits 9
Map 6. Density of Alcohol-related Hospitalizations 10
Map 7. Density of Alcohol-related Deaths 11

Table 1A. On- and Off-Premises Alcohol Outlet Density by City and Community 12
Table 1B. On- and Off-Premises Alcohol Outlet Density by Service Planning Area 14
Table 1C. On- and Off-Premises Alcohol Outlet Density by Supervisorial District 14

Table 2A. Alcohol-related Consequences by City and Community 15
Table 2B. Alcohol-related Consequences by Service Planning Area 18
Table 2C. Alcohol-related Consequences by Supervisorial District 18

Introduction

Excessive alcohol consumption is the second-leading cause of premature death and disability in Los Angeles County (LAC), and is a serious public health concern with major health, economic, and social consequences.[1] Annually, more than 2,800 people die from alcohol-attributable causes that result in approximately 80,000 years of potential life lost (YPLL)[2], and an estimated $10.3 billion in healthcare and lost productivity costs.[3] A review of scientific literature found that alcohol outlet density is positively associated with alcohol consumption[4] and related consequences including violent crimes,[5] vehicle crashes,[6] emergency department (ED) visits,[7] hospital admissions (hospitalizations),[8] and deaths[9] among other adverse outcomes.

In this report, on- and off-premises alcohol outlet densities and the rates of the five consequences noted above were examined for 78 cities, 27 unincorporated areas or communities, 8 Service Planning Areas (SPA), and 5 Supervisorial Districts (SD) in LAC.

Study Methods

Defining Cities and Communities in Los Angeles County

A total of 88 cities and 59 unincorporated communities in LAC were identified using the Census 2010 Incorporated Places and Census Designated Places.[10] Ten cities and 32 communities with less than 10,000 residents produced unstable estimates, and were excluded from this report. Data for the City of Los Angeles was further divided into its 15 city council districts to provide more local information.[11]

Determining Alcohol Outlet Density

Information on alcohol outlets within LAC in 2013 was obtained from the California Department of Alcoholic Beverage Control (ABC).[12] ABC categorizes alcohol outlets as follows:

- On-premises – outlets where alcohol is served to be consumed on site (e.g. bars and restaurants).
- Off-premises – outlets where alcohol is sold in original, sealed containers to be consumed off site (e.g. liquor stores and grocery stores).

The 2013 population estimates for each city and community were used to determine alcohol outlet densities.[13] The density (number of outlets per 10,000 residents) of on-premises and off-premises alcohol outlets for each city/community was categorized into three equal groups: "low," "medium," or "high" density.

---

[2] Years of Potential Life Lost (YPLL) is an estimate of the average time a person would have lived had he or she not died prematurely. This measure is used to help quantify social and economic loss owing to premature death, and it has been proposed to emphasize premature death affecting younger age groups. YPLL inherently incorporates age at death, and weights the total deaths by applying values to death at each age. Retrieved from http://www.jstor.org/stable/25759821

Measuring Alcohol-related Consequences

Five consequences related to alcohol outlet densities (violent crimes,[14] vehicle crashes,[15] ED visits,[16] hospitalizations,[16] and deaths[17]) were examined using 2013 data. Violent crimes include homicide/murder, sexual assault (rape and attempted rape), all other assaults (including domestic violence), and robbery. Alcohol-involved vehicle crashes include any motor vehicle crashes in which a driver, pedestrian, or bicyclist had been drinking. Alcohol-related ED visits and hospitalizations include records that listed an alcohol-related primary or secondary diagnosis, or external cause of injury. Alcohol-involved deaths include any mention of alcohol in toxicology data provided by Los Angeles County Department of Medical Examiner - Coroner. Death data reflects the location where a death occurred, not the place of residence.

Rates per 10,000 residents for each of the five alcohol-related consequences were calculated using the 2013 population estimates for each city/community, SPA, and SD, and were categorized into three equal groups: "low," "medium," or "high" rate.

Determining the Relationship between Alcohol Outlet Density and Alcohol-Related Consequences

Logistic regression modeling was performed to examine the associations between on- and off-premises alcohol outlet densities (high - values above the county median; low - values below the county median) and alcohol-related consequences (high - values above the county median; low -values below the county median). All models were adjusted for the Economic Hardship Index (EHI) [18] to account for neighborhood socioeconomic conditions that include crowded housing, poverty level, unemployment, educational achievement, family dependency, and per capita income. Statistical significance was determined using $p < 0.1$.

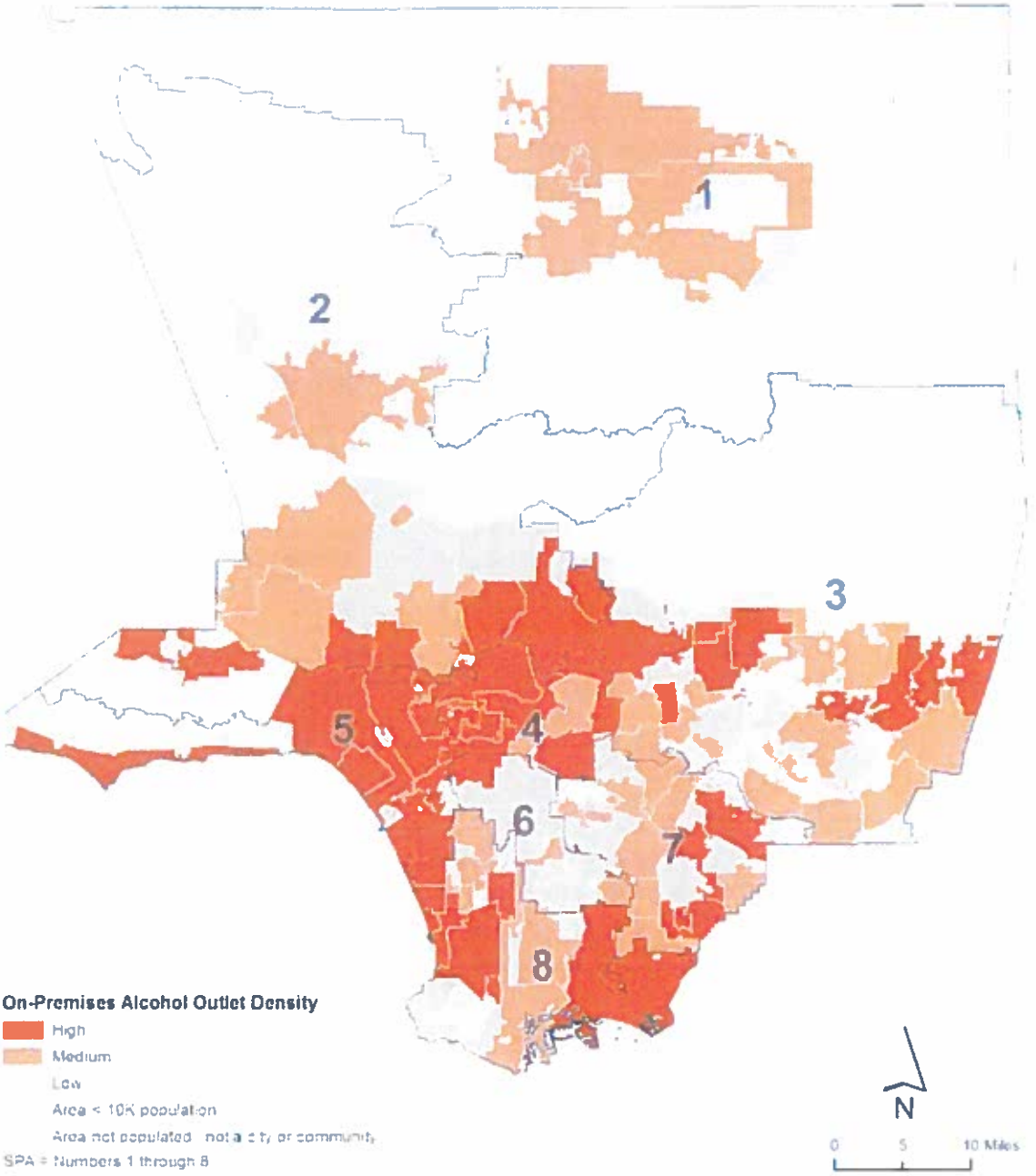
Findings

Alcohol Outlets

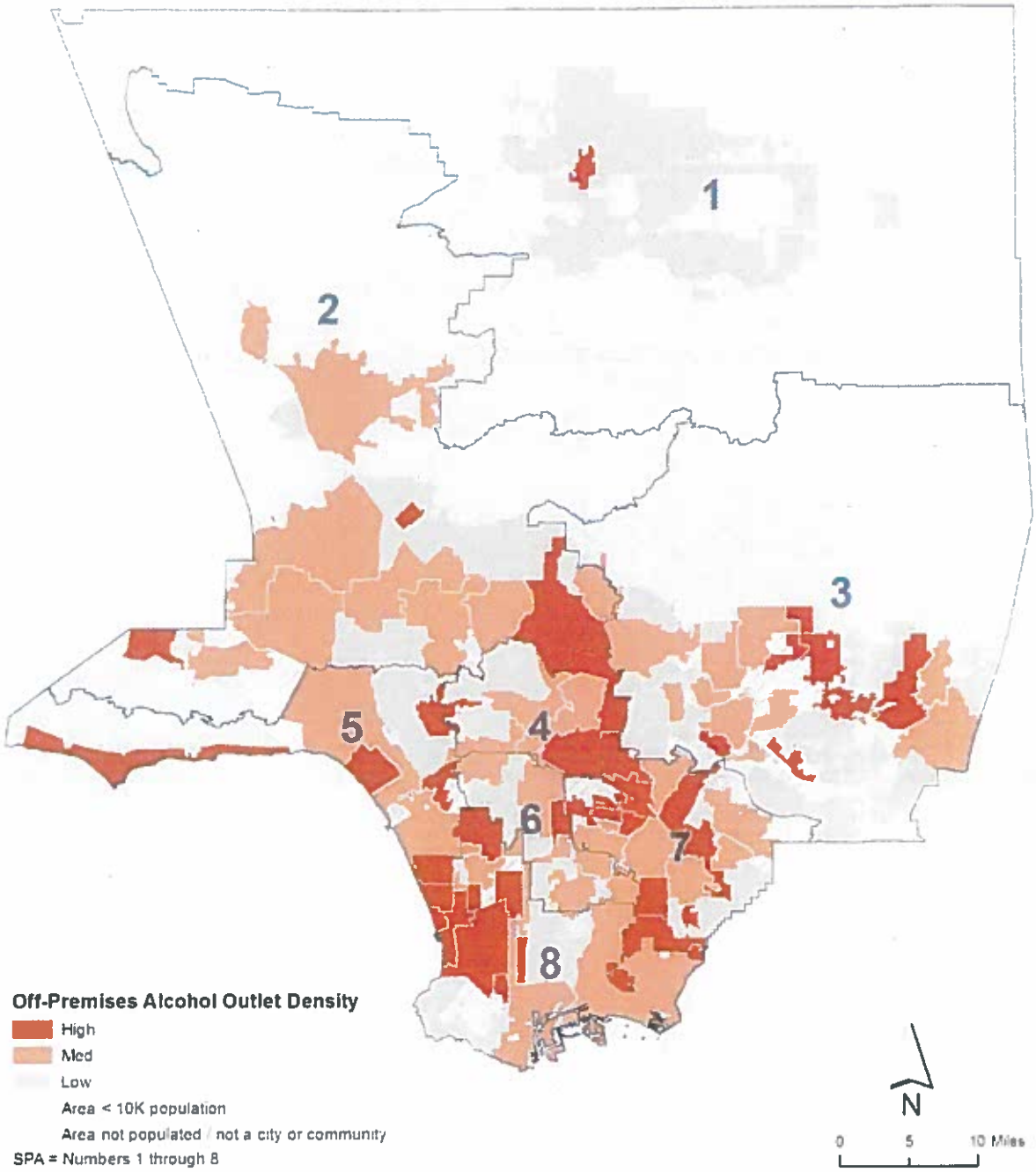
A total of 15,253 alcohol outlets were identified in LAC, of which 9,025 (59.2%) were on-premises, and 6,228 (40.8%) were off-premises. In 2013, the average density of on-and off-premises alcohol outlets was 8.9 and 6.2 outlets per 10,000 population, respectively. On-premises outlet density varied widely among cities and communities across the County, ranging from 0.0 (West Puente Valley and Westmont) to 51.1 (West Hollywood), with 40 (33.6%) cities/communities above the countywide average rate of 8.9. Off-premises outlet density ranged from 0.8 (San Marino) to 15.9 (Santa Fe Springs), with 56 (47.1%) cities/communities above the countywide average rate of 6.2. Tables 1A, 1B, and 1C present the densities of on-premises and off-premises alcohol outlets by cities and communities, SPAs, and SDs, respectively.

The geographical distribution of on- and off-premises outlets varied across LAC (Maps 1 and 2). A higher density of on-premises outlets was significantly associated with lower EHI, or more affluent communities such as West Hollywood, Beverly Hills, El Segundo, Hermosa Beach, and Santa Monica (Map 1, $p < 0.01$). On the other hand, a higher density of off-premises outlets was associated with higher EHI or less affluent communities (Map 2, $p = 0.08$) such as the City of Commerce and Santa Fe Springs.

Map 1. On-Premises Alcohol Outlet Density (per 10,000 population) Among Cities, Communities, and Service Planning Areas (SPA), Los Angeles County, 2013



Map 2. Off-Premises Alcohol Outlet Density (per 10,000 population) Among Cities, Communities, and Service Planning Areas (SPA), Los Angeles County, 2013



Association Between Alcohol-related Consequences and Alcohol Outlet Density

The rates of alcohol-related consequences (violent crimes, vehicle crashes, ED visits, hospitalizations, and death) are presented by each city and community (Table 2A, Maps 3 to 7), SPA (Table 2B), and SD (Table 2C).

Violent Crimes

The violent crime rate within Los Angeles County cities/communities ranged from 0.0 (Santa Fe Springs) to 159.5 (Westmont), with 36 (30.3%) cities/communities above the County average of 40.3 per 10,000 population (Table 2A, Map 3).

Cities and communities with a high density of off-premises alcohol outlets were 3.7 times more likely to have high violent crime rates than cities and communities with a low density of off-premises alcohol outlets, even after accounting for Economic Hardship Index ($p < 0.01$).

The association between on-premises outlets and violent crimes was not statistically significant.

Alcohol-involved Vehicle Crashes

The alcohol-involved vehicle crash rate within Los Angeles County cities/communities ranged from 0.0 (Lomita and Temple City) to 22.3 (Santa Fe Springs), with 42 (35.3%) cities/communities above the County average of 4.4 per 10,000 population (Table 2A, Map 3).

The association between alcohol outlet density and alcohol-involved vehicle crashes was not statistically significant.

Alcohol-related ED Visits

The alcohol-related ED visit rate within Los Angeles County cities/communities ranged from 12.4 (San Marino) to 134.1 (Willowbrook), with 33 (37.8%) cities/communities above the County average of 58.1, per 10,000 population (Table 2A, Map 4).

Cities and communities with a high density of off-premises alcohol outlets were 2.2 times more likely to have high alcohol-related ED visit rates than cities and communities with a low density of off-premises alcohol-outlets, even after accounting for Economic Hardship Index ($p < 0.05$).

The association between on-premises outlets and alcohol-related ED visits was not statistically significant.

Alcohol-related Hospitalizations

The alcohol-related hospitalization rate within Los Angeles County cities/communities ranged from 10.6 (West Puente Valley) to 115.6 (Willowbrook), with 45 (37.8%) cities/communities above the County average of 45.1 per 10,000 population (Table 2A, Map 6).

Cities and communities with a high density of on-premises alcohol outlets were 2.1 times more likely to have high alcohol-related hospitalization rates than cities and communities with a low density of on-premises outlets, even after accounting for Economic Hardship Index ($p = 0.07$).

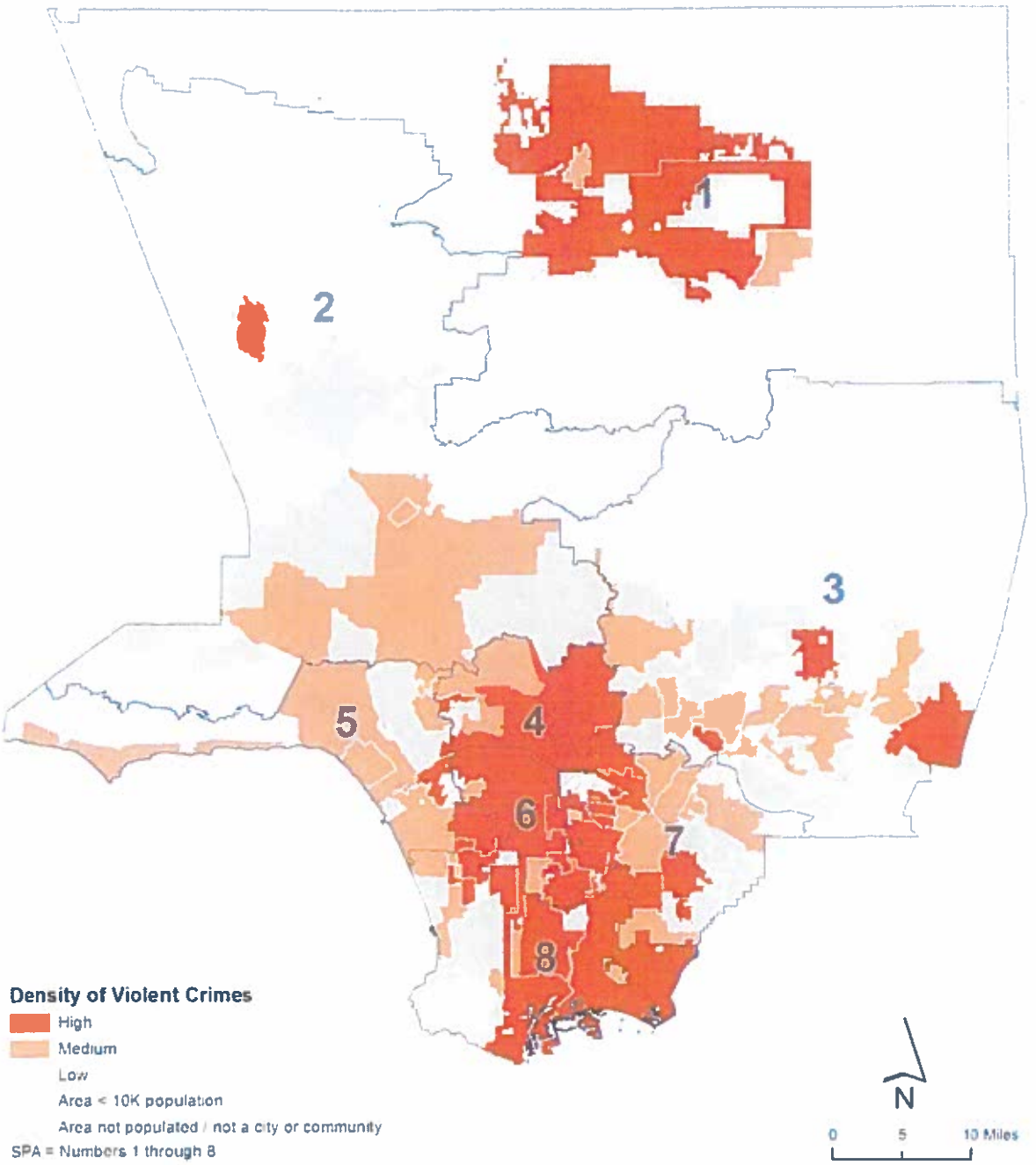
Cities and communities with a high density of off-premises alcohol were 2.0 times more likely to have high alcohol-related hospitalization rates than cities and communities with a low density of off-premises outlets, even after accounting for Economic Hardship Index ($p = 0.08$).

Alcohol-related Deaths

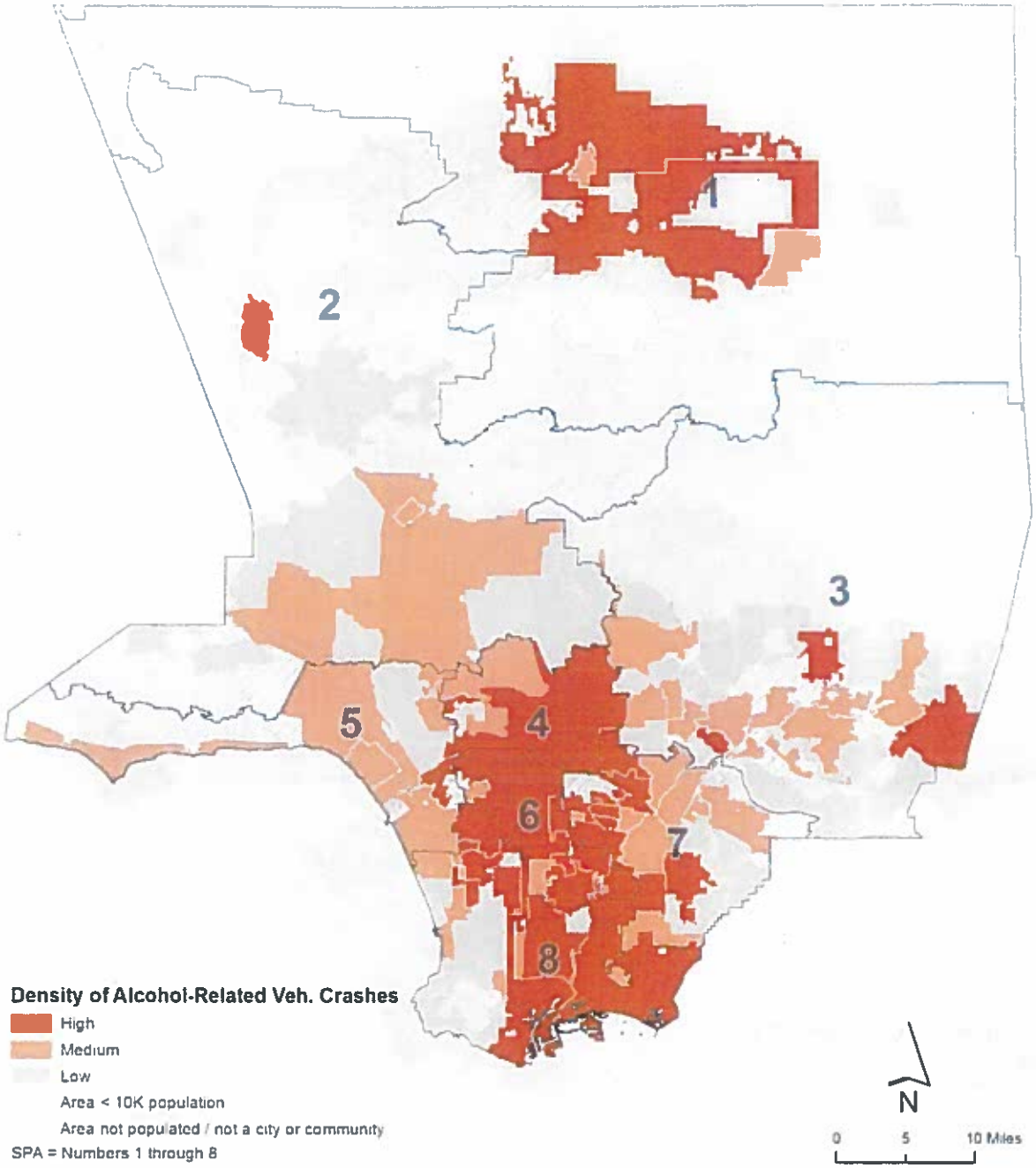
The alcohol-related death rate within Los Angeles County cities/communities ranged from 0.0 (Artesia, San Marino, South Pasadena, El Segundo, Temple City) to 2.7 (Willowbrook), with 35 (29.4%) above the County average of 45.1 per 10,000 population (Table 2A, Map 7).

The association between alcohol outlet density and alcohol-involved deaths was not statistically significant.

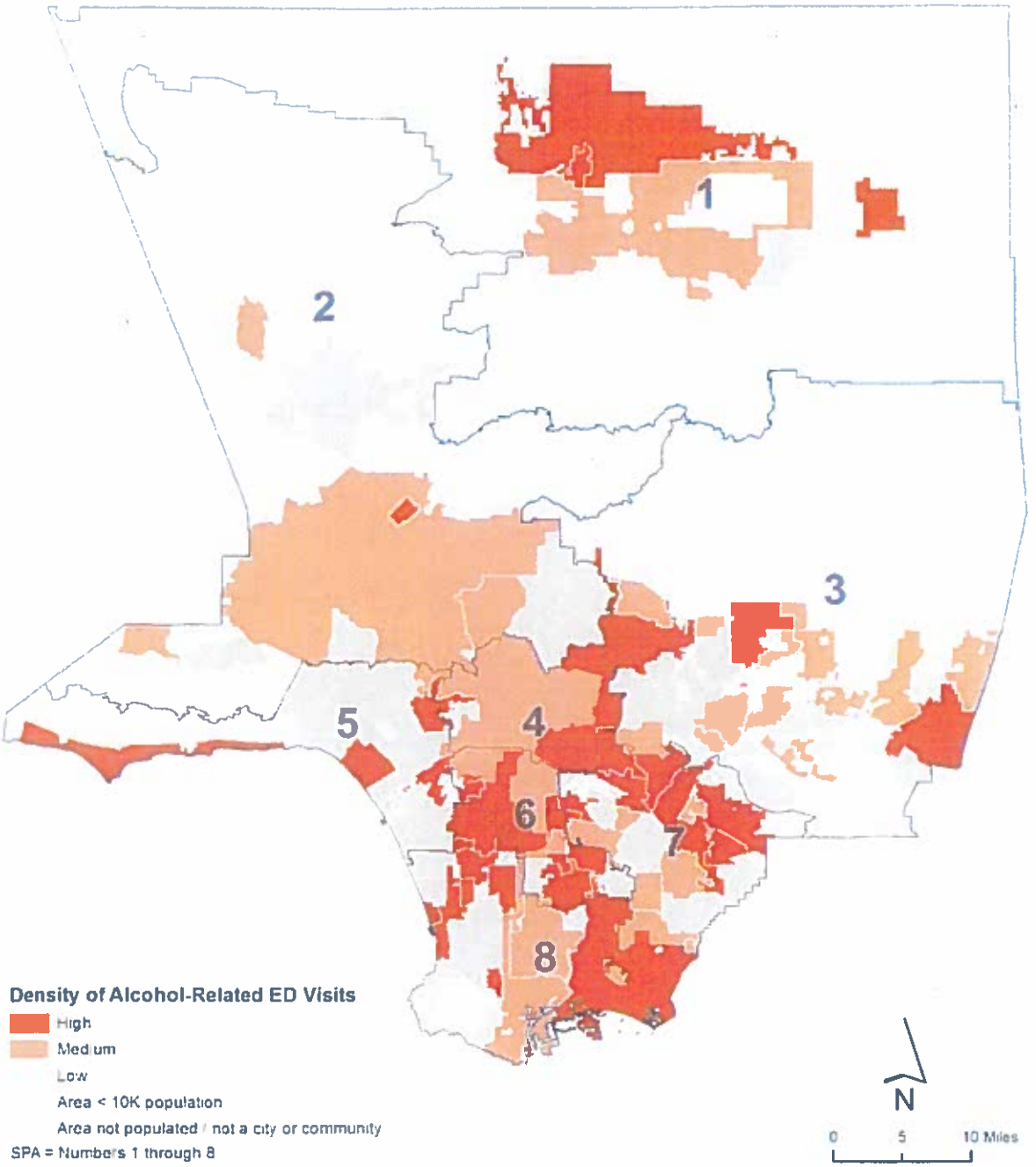
Map 3. Density (per 10,000 population) of Violent Crimes Among Cities, Communities, and Service Planning Areas (SPA), Los Angeles County, 2013



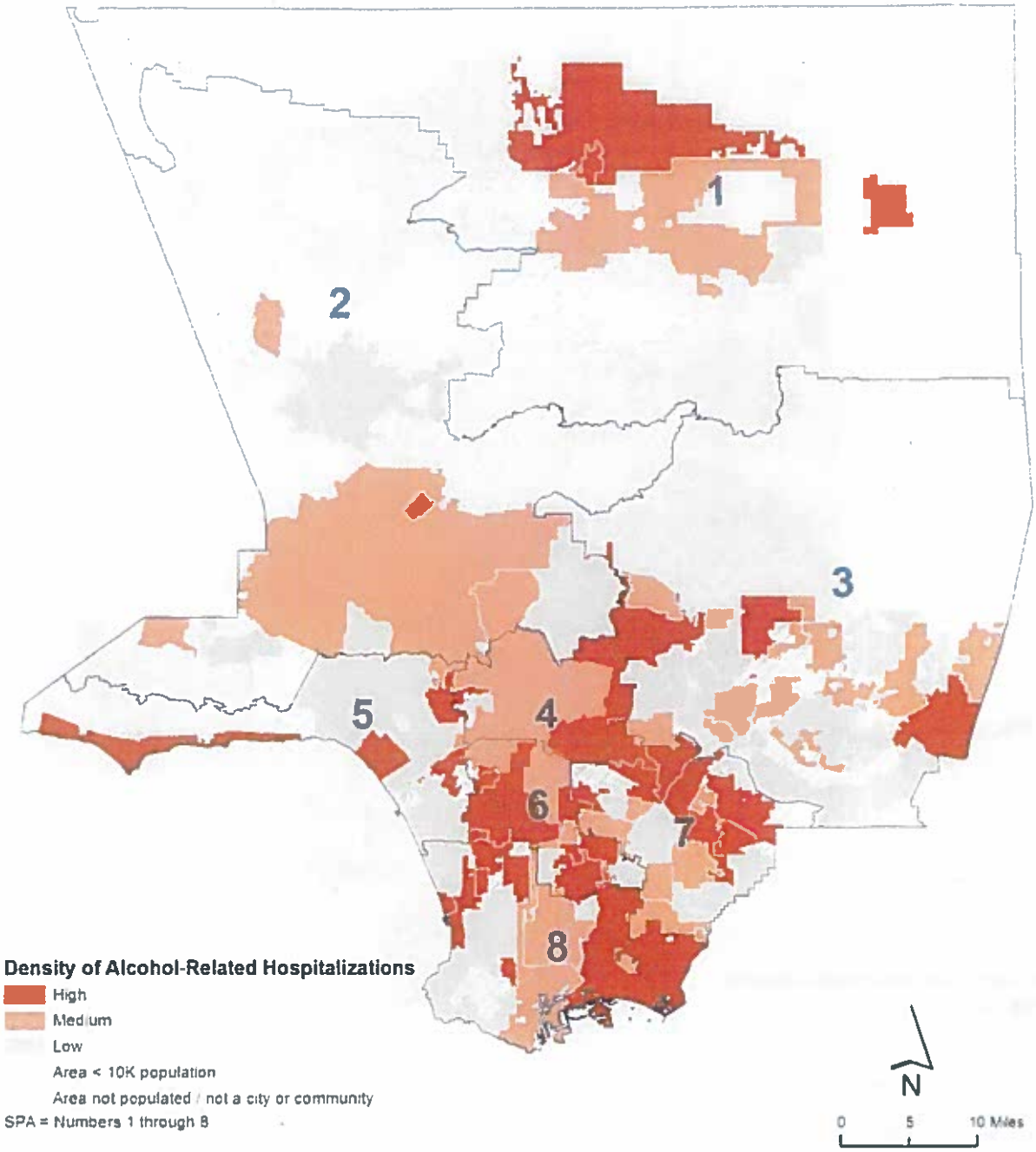
Map 4. Density (per 10,000 population) of Alcohol-Related Vehicle Crashes Among Cities, Communities, and Service Planning Areas (SPA), Los Angeles County, 2013



Map 5. Density (per 10,000 population) of Alcohol-related Emergency Department Visits Among Cities, Communities, and Service Planning Areas (SPA), Los Angeles County, 2013



Map 6. Density (per 10,000 population) of Alcohol-related Hospitalizations Among Cities, Communities, and Service Planning Areas (SPA), Los Angeles County, 2013



Map 7. Density (per 10,000 population) of Alcohol-related Deaths Among Cities, Communities, and Service Planning Areas (SPA), Los Angeles County, 2013

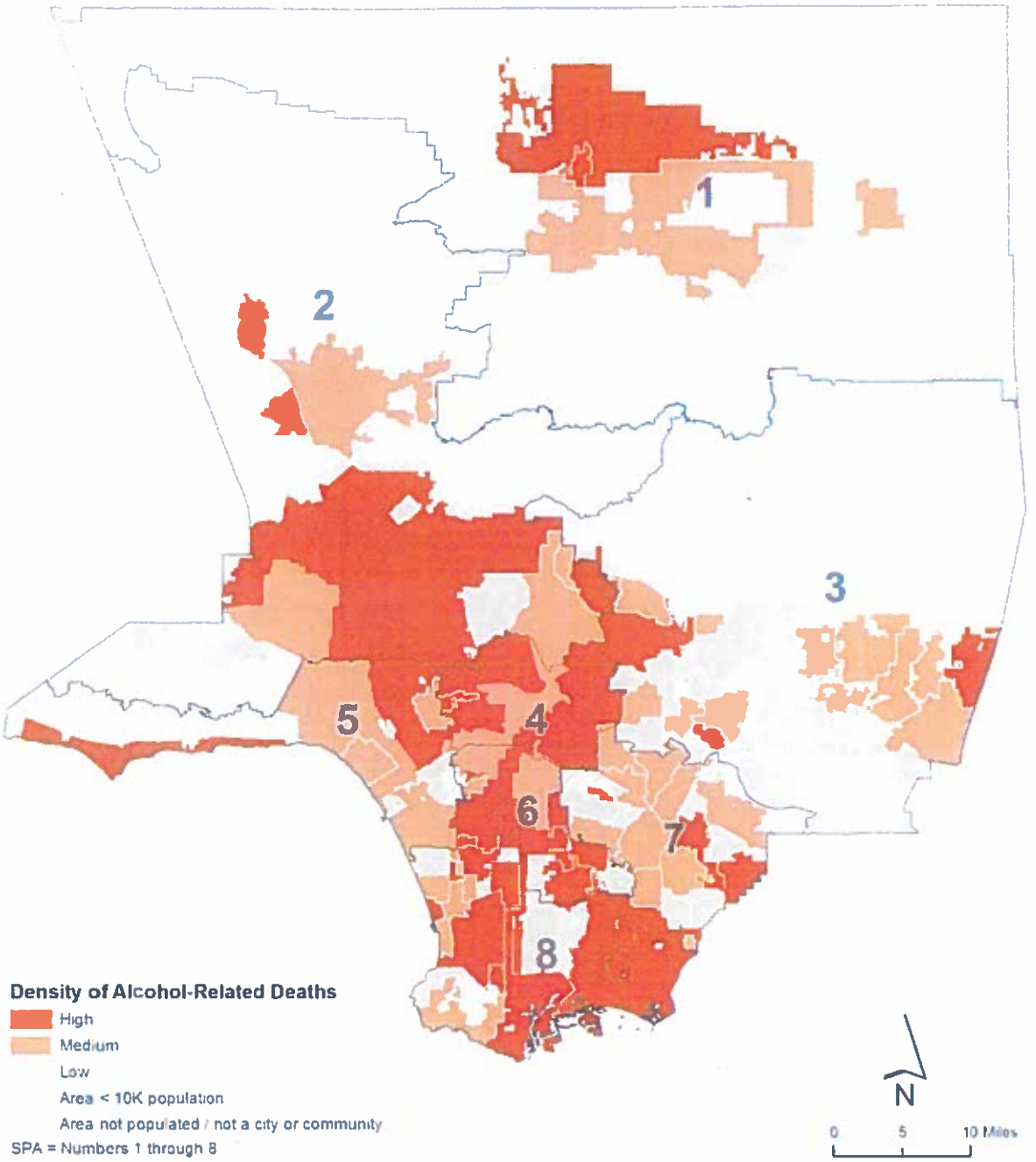


Table 1A. On-Premises and Off-Premises Alcohol Outlet Density (per 10,000 population) by City and Community, Los Angeles County, 2013*

City/Community Name	On-premises AOD	Off-premises AOD
Los Angeles County	8.9	6.2
Agoura Hills	16.5	7.8
Alhambra	7.8	4.5
Altadena	1.9	4.0
Arcadia	12.9	6.3
Artesia	20.9	10.1
Azusa	6.4	7.9
Baldwin Park	3.8	6.0
Bassett-Avocado Heights	3.9	6.5
Bell	5.8	7.2
Bell Gardens	4.5	9.4
Bellflower	4.8	7.1
Beverly Hills	38.1	7.5
Burbank	15.3	6.7
Calabasas	12.5	6.3
Carson	5.0	5.3
Castaic	4.1	5.6
Cerritos	12.3	4.0
Claremont	13.9	3.6
Commerce	7.7	13.1
Compton	1.5	6.1
Covina	10.3	8.4
Cudahy	2.1	6.6
Culver City	26.6	11.7
Del Aire	4.0	5.0
Diamond Bar	7.1	4.4
Downey	8.2	5.5
Duarte	8.8	8.8
East Los Angeles	3.9	8.2
East Rancho Dominguez	0.6	3.8
East San Gabriel	1.9	3.2
El Monte	4.1	6.3
El Segundo	39.7	10.7
Florence-Graham	3.2	9.6
Gardena	16.9	8.8
Glendale	9.9	7.1
Glendora	8.8	4.1
Hacienda Heights	4.5	4.2
Hawaiian Gardens	11.1	9.0
Hawthorne	5.0	5.7
Hermosa Beach	36.0	11.7
Huntington Park	7.1	9.3
Inglewood	4.6	8.1
La Canada Flintridge	10.7	6.8
La Crescenta-Montrose	1.5	3.5
La Mirada	6.3	5.1
La Puente	6.4	7.7
La Verne	12.0	5.6
Lake Los Angeles	0.8	3.9
Lakewood	7.4	8.0
Lancaster	6.0	4.6
Lawndale	5.4	8.1
Lennox	1.7	5.6
Lomita	16.0	8.7
Long Beach	10.7	6.8
City of Los Angeles†	8.9	6.0
Council District 01	5.6	6.7
Council District 02	7.3	6.2
Council District 03	8.6	5.5
Council District 04	14.2	4.8
Council District 05	16.7	5.1
Council District 06	4.0	5.5
Council District 07	2.8	5.1
Council District 08	1.1	5.1
Council District 09	2.5	6.0
Council District 10	11.8	5.9
Council District 11	16.0	5.7
Council District 12	6.4	5.7
Council District 13	14.5	7.0
Council District 14	16.1	9.0
Council District 15	5.9	6.4

Low (0-33%) Medium (34-66%) High (67-100%)

* Cities/communities with residence of less than 10,000 are excluded.

† For the city of Los Angeles, on-premises Alcohol Outlet Density was high and off-premises alcohol density was medium (66 and 46 percentile, respectively).

Table 1A. On-Premises and Off-Premises Alcohol Outlet Density (per 10,000 population) by City and Community, Los Angeles County, 2013* (*continued*)

City/Community	On-premises AOD	Off-premises AOD
Lynwood	3.4	6.2
Malibu	27.3	11.7
Manhattan Beach	25.3	7.3
Maywood	4.3	11.2
Monrovia	15.1	6.7
Montebello	7.4	6.3
Monterey Park	9.4	4.7
Norwalk	4.4	5.9
Palmdale	5.0	3.5
Palos Verdes Estates	4.4	3.7
Paramount	6.4	6.0
Pasadena	18.1	5.6
Pico Rivera	7.2	8.5
Pomona	6.5	5.5
Quartz Hill	5.4	7.2
Rancho Palos Verdes	4.0	2.6
Redondo Beach	17.4	8.1
Rosemead	8.4	5.3
Rowland Heights	8.9	3.0
San Dimas	9.4	7.4
San Fernando	7.0	9.1
San Gabriel	18.1	6.2
San Marino	3.8	0.8
Santa Clarita	8.7	5.8
Santa Fe Springs	14.7	15.9

City/Community	On-premises AOD	Off-premises AOD
Santa Monica	27.6	[illegible]
Sierra Madre	10.8	2.7
Signal Hill	11.5	[illegible]
South El Monte	7.8	11.8
South Gate	4.1	6.4
South Pasadena	8.9	4.7
South San Jose Hills	0.5	1.4
South Whittier	2.4	6.2
Stevenson Ranch	8.9	4.4
Sun Village	0.9	5.3
Temple City	5.3	6.1
Torrance	13.1	7.0
Valinda	1.3	3.9
View Park-Windsor Hills	2.9	4.8
Walnut	3.6	1.7
Walnut Park	3.7	4.4
West Carson	3.7	8.8
West Covina	6.6	4.6
West Hollywood	51.1	10.0
West Puente Valley	0.0	1.7
West Rancho Dominguez	2.3	5.1
West Whittier-Los Nietos	3.5	5.4
Westmont	0.0	6.5
Whittier	9.7	6.6
Willowbrook	0.5	4.6

Low (0-33%) Medium (34-66%) High (67-100%)

* Cities/communities with residence of less than 10,000 are excluded.

Table 1B. On-Premises and Off-Premises Alcohol Outlet Density (per 10,000 population) by Service Planning Area (SPA), Los Angeles County, 2013

SPA	On-premises AOD		Off-premises AOD	
Los Angeles County	8.9	-	6.2	-
Antelope Valley (SPA 1)	5.3		4.5	
San Fernando (SPA 2)	7.8		5.8	
San Gabriel (SPA 3)	8.3		5.5	
Metro (SPA 4)	15.7		7.2	
West (SPA 5)	18.3		6.2	
South (SPA 6)	2.0		5.4	
East (SPA 7)	6.4		7.2	
South Bay (SPA 8)	10.4		6.9	

Table 1C. On-Premises and Off-Premises Alcohol Outlet Density (per 10,000 population) by Supervisorial District (SD), Los Angeles County, 2013

SD	On-premises AOD		Off-premises AOD	
Los Angeles County	8.9	-	6.2	-
District 1	7.6		7.0	
District 2	5.6		6.1	
District 3	12.5		5.9	
District 4	10.5		6.5	
District 5	8.8		5.5	

Low (0-33%) Medium (34-66%) High (67-100%)

Table 2A. Alcohol-related Consequences (rates per 10,000 population) by City and Community, Los Angeles County, 2013*

City/Community	Violent Crimes		Vehicle Crashes		ED Visits		Hospitalizations		Deaths**	
Los Angeles County	40.3	-	4.4	-	58.1	-	45.1	-	1.0	-
Apollo Hills	9.2		2.4		41.9		33.5		0.4	
Alhambra	19.2		3.7		36.9		30.3		0.7	
Altadena	13.9		3.8		51.7		55.5		0.8	
Arcadia	13.5		2.4		26.2		30.3		0.4	
Artesia	37.6		4.8		31.6		37.0		0.0	
Azusa	51.0		3.3		44.6		40.0		0.8	
Baldwin Park	28.7		1.6		43.2		39.7		0.5	
Bassett-Avocado Heights	20.7		5.2		39.5		34.7		0.8	
Bell	57.8		6.4		41.3		35.7		0.5	
Bell Gardens	28.1		1.9		41.3		35.2		0.5	
Bellflower	35.9		2.6		51.1		40.7		0.6	
Beverly Hills	22.2		0.3		60.4		32.6		0.6	
Burbank	16.2		3.5		54.2		40.8		0.3	
Calabasas	8.4		2.1		34.4		23.8		0.4	
Carson	43.2		3.2		45.5		34.5		0.3	
Castaic	125.0		1.5		50.4		61.3		1.5	
Cerritos	16.5		4.0		14.9		39.2		0.2	
Claremont	10.3		3.9		44.7		29.6		1.1	
Commerce	63.8		13.8		55.9		53.7		0.7	
Compton	126.7		3.0		66.4		53.2		1.8	
Covina	28.4		0.6		43.8		53.9		0.7	
Cudahy	46.0		1.2		41.2		35.7		0.5	
Culver City	40.9		4.1		72.0		53.7		0.3	
Del Aire	19.9		3.0		26.7		15.5		0.6	
Diamond Bar	11.0		3.7		18.2		17.8		0.2	
Downey	28.8		6.7		39.4		29.5		0.6	
Duarte	18.9		0.5		52.5		50.6		0.4	
East Los Angeles	47.1		5.7		59.6		48.1		0.8	
East Rancho Dominguez	67.4		3.2		57.2		50.6		1.2	
East San Gabriel	11.0		0.6		29.7		31.0		0.5	
El Monte	29.6		3.5		45.1		44.7		0.9	
El Segundo	21.9		1.8		36.7		35.5		0.0	
Florence-Graham	75.8		6.0		78.5		56.3		1.2	
Gardena	40.9		5.8		70.6		40.8		1.1	
Glendale	9.3		2.3		40.9		37.8		0.8	
Glendora	12.8		2.2		35.4		53.4		0.8	

Low (0-33%) Medium (34-66%) High (67-100%)

*Cities/communities with residence of less than 10,000 are excluded.
** Death data reflects location where a death occurred, not place of residence.

Table 2A. Alcohol-related Consequences (rates per 10,000 population) by City and Community, Los Angeles County, 2013* (*continued*)

City/Community	Violent Crimes		Vehicle Crashes		ED Visits		Hospitalizations		Deaths**	
Hacienda Heights	13.8		4.9		23.4		22.5		0.5	
Hawaiian Gardens	38.8		0.7		43.4		44.1		0.7	
Hawthorne	67.5		5.4		72.1		38.5		1.6	
Hermosa Beach	13.7		3.5		59.5		27.7		1.5	
Huntington Park	60.9		2.7		60.3		35.0		0.3	
Inglewood	66.1		1.2		104.1		61.1		1.0	
La Canada Flintridge	5.8		2.4		28.5		28.6		1.0	
La Crescenta-Montrose	8.1		2.0		29.1		38.8		0.6	
La Mirada	14.6		2.4		34.0		31.1		1.2	
La Puente	35.4		4.0		45.2		37.7		0.3	
La Verne	11.4		3.4		34.4		33.5		0.9	
Lake Los Angeles	17.9		2.3		57.6		43.0		0.7	
Lakewood	27.7		1.7		41.4		35.2		1.4	
Lancaster	52.2		4.4		62.7		41.0		1.4	
Lawndale	48.8		2.4		65.0		34.3		0.6	
Lennox	46.0		3.4		55.9		37.3		1.4	
Lomita	32.0		0.0		63.8		49.8		2.3	
Long Beach	49.9		4.6		67.9		58.1		1.4	
City of Los Angeles[1]	**42.5**	-	**5.1**	-	**50.1**	-	**68.0**	-	**1.2**	-
Council District 1	49.9		5.9		52.4		67.6		1.4	
Council District 2	25.3		5.2		49.8		65.3		1.5	
Council District 3	23.8		5.4		43.0		61.4		0.9	
Council District 4	23.1		5.3		43.6		76.9		1.0	
Council District 5	16.5		4.5		33.5		66.4		1.4	
Council District 6	35.0		5.5		49.8		66.1		1.8	
Council District 7	25.5		4.7		50.0		59.4		1.2	
Council District 8	102.7		5.6		64.1		77.9		1.5	
Council District 9	85.0		5.4		53.8		69.3		0.8	
Council District 10	62.2		5.0		50.0		66.2		1.0	
Council District 11	25.1		3.8		32.5		45.8		0.8	
Council District 12	14.0		5.7		41.5		54.2		1.3	
Council District 13	53.1		5.4		50.6		72.3		1.0	
Council District 14	80.7		6.3		87.6		106.2		1.5	
Council District 15	55.0		4.0		49.9		66.7		1.4	

Low (0-33%) Medium (34-66%) High (67-100%)

*Cities/communities with residence of less than 10,000 are excluded.
**Death data reflects location where a death occurred, not place of residence.

[1] For the City of Los Angeles, most alcohol-related consequences measures ranked high (violent crimes, vehicle crashes, deaths, and hospitalizations were at 75th, 79th, 83rd, and 97th percentile, respectively) and ED visits ranked medium (59th percentile).

Table 2A. Alcohol-related Consequences (rates per 10,000 population) by City and Community, Los Angeles County, 2013* (*continued*)

City/Community	Violent Crimes	Vehicle Crashes	ED Visits	Hospitalizations	Deaths**
Lynwood	61.2	2.5	80.1	58.5	1.1
Malibu	21.8	10.9	74.6	44.1	1.7
Manhattan Beach	18.0	3.4	25.7	22.0	0.6
Maywood	40.4	0.7	38.4	39.1	1.1
Monrovia	15.3	4.0	63.3	66.2	0.5
Montebello	28.8	3.9	68.2	45.2	0.9
Monterey Park	16.8	3.6	45.3	24.9	0.3
Norwalk	38.2	3.2	46.1	45.1	0.6
Palmdale	48.9	3.5	48.1	27.9	0.9
Palos Verdes Estates	4.4	4.4	30.9	31.2	0.4
Paramount	40.4	3.6	37.1	29.9	0.6
Pasadena	30.8	3.9	61.0	62.2	1.0
Pico Rivera	32.4	3.1	64.8	59.9	0.8
Pomona	53.3	4.5	74.9	42.0	0.7
Quartz Hill	28.7	2.7	60.8	44.0	1.6
Rancho Palos Verdes	7.1	0.5	22.9	23.6	0.7
Redondo Beach	23.6	5.5	59.5	40.9	1.0
Rosemead	27.2	1.3	30.1	31.5	0.9
Rowland Heights	14.0	2.6	20.7	22.2	0.4
San Dimas	19.2	3.5	46.5	46.3	0.6
San Fernando	35.0	2.1	65.7	52.8	0.5
San Gabriel	25.5	4.0	28.6	23.4	0.3
San Marino	15.0	4.5	12.4	22.1	0.0
Santa Clarita	13.4	1.8	35.6	36.5	0.8
Santa Fe Springs	0.0	22.3	57.6	51.1	1.2
Santa Monica	35.3	6.0	105.5	54.4	0.7
Sierra Madre	11.7	0.9	48.7	59.4	0.9
Signal Hill	28.3	9.7	41.5	52.8	1.7
South El Monte	43.1	2.9	43.0	39.8	1.1
South Gate	51.8	5.1	44.8	35.8	0.8
South Pasadena	11.2	1.9	31.9	40.8	0.0
South San Jose Hills	17.8	0.5	45.9	38.4	0.3
South Whittier	17.5	2.6	55.9	35.9	0.5
Stevenson Ranch	16.1	5.0	31.2	31.8	1.2
Sun Village	21.4	4.5	-	-	-
Temple City	13.3	0.0	28.4	33.5	0.0
Torrance	12.7	3.3	39.4	34.7	1.1
Valinda	18.1	2.2	41.6	34.4	0.2
Vista Park-Windsor Hills	30.5	8.6	75.1	73.3	0.5

Low (0-33%) Medium (34-66%) High (67-100%)

*Cities/communities with residence of less than 10,000 are excluded.
**Death data reflects location where a death occurred, not place of residence.

Table 2A. Alcohol-related Consequences (rates per 10,000 population) by City and Community, Los Angeles County, 2013* (*continued*)

City/Community	Violent Crimes	Vehicle Crashes	ED Visits	Hospitalizations	Deaths**
Walnut	12.3	2.0	17.0	21.6	0.2
Walnut Park	28.7	7.5	60.8	35.3	0.3
West Carson	27.2	6.9	46.6	34.5	1.1
West Covina	21.4	4.3	33.7	36.6	0.5
West Hollywood	61.7	5.7	80.7	45.9	1.0
West Puente Valley	13.2	1.7	12.5	10.6	0.1
West Rancho Dominguez	23.5	9.2	18.2	14.9	0.6
West Whittier-Los Nietos	25.3	5.4	48.2	43.5	0.3
Westmont	159.5	5.6	111.1	89.2	2.3
Whittier	25.8	4.0	62.0	48.7	0.7
Willowbrook	154.1	10.1	134.1	**115.6**	2.7

Table 2B. Alcohol-related Consequences (rates per 10,000 population) by Service Planning Area (SPA), Los Angeles County, 2013

SPA	Violent Crimes	Vehicle Crashes	ED Visits	Hospitalizations	Deaths**
Antelope Valley (SPA 1)	39.5	5.0	53.4	34.4	1.2
San Fernando (SPA 2)	21.2	4.8	55.3	43.7	0.9
San Gabriel (SPA 3)	24.4	3.3	42.6	39.2	0.6
Metro (SPA 4)	54.6	5.6	80.8	56.2	1.4
West (SPA 5)	26.4	4.1	59.2	36.8	0.9
South (SPA 6)	87.2	4.9	72.0	57.9	1.4
East (SPA 7)	34.1	4.4	49.1	40.9	0.7
South Bay (SPA 8)	42.5	3.9	62.5	46.5	1.1

Table 2C. Alcohol-related Consequences (rates per 10,000 population) by Supervisorial District (SD), Los Angeles County, 2013

SD	Violent Crimes	Vehicle Crashes	ED Visits	Hospitalizations	Deaths**
District 1	42.4	4.5	57.8	46.1	0.9
District 2	70.5	4.6	70.1	52.1	1.3
District 3	28.3	5.4	68.0	44.6	1.0
District 4	29.8	4.1	49.3	41.1	0.9
District 5	25.0	3.6	45.2	40.9	0.8

Low (0-33%) Medium (34-66%) High (67-100%)

*Cities/communities with residence of less than 10,000 are excluded.
**Death data reflects location where a death occurred, not place of residence.

Discussion

Excessive alcohol consumption continues to be a serious public health concern with substantial implications for disease, violent crimes, traffic collisions, work loss, and social relationships. During 2013 in Los Angeles County, alcohol was involved in an estimated 4,420 motor vehicle crashes, 6,338 motor vehicle injuries, 246 motor vehicle fatalities, 63,424 ED visits, 56,191 hospitalizations,[4] and more than 2,800 alcohol-attributable deaths.[5]

Drinking among youth and adults is strongly influenced by environmental or structural factors, such as alcohol control policies, retailer marketing strategies[19], as well as alcohol access and availability. The findings of this report are consistent with the research literature on the relationship between alcohol availability, measured by alcohol outlet density, and alcohol-related adverse public health consequences. Communities and cities with higher alcohol outlet density were more likely to have higher rates of violent crimes, alcohol-related ED visits, and alcohol-related hospitalizations, even after accounting for economic hardship. High alcohol outlet density can increase alcohol consumption and its consequences by increasing local availability of alcohol, reducing alcohol prices due to retailer competition, and establishing and reinforcing drinking behavior norms.[20]

Alcohol misuse and abuse is highly preventable and treatable. The findings in this report underscore the need to take targeted preventive actions to reduce alcohol outlet density and adverse alcohol-related consequences among adults and youth, especially among those cities/communities that had particularly high (e.g. in the "high" category or above County average presented in Tables 1A, 2A) alcohol outlet densities and rates of alcohol-related social and health consequences.

Limit Alcohol Outlet Density

Limiting alcohol outlet density has been found to be an effective in limiting the availability of alcohol and reducing harms in communities. For example, eliminating one bar per zip code was estimated to lead to 290 fewer serious assaults per year in California.[5]

Although the California Alcoholic Beverage Control (ABC) has sole authority over the issuing and renewal of alcohol retail licenses in California, local jurisdictions, law enforcement, and community advocates can play an important role in the ABC decision-making process, including commenting on or protesting an application, and encouraging revocation of an existing ABC license for continued violations.[21,22] Furthermore, local jurisdictions can use land use powers to influence the process by limiting the number of new alcohol outlets allowed by the city or county general plans, or by imposing operating restrictions on new or existing outlets.[5]

> ***New Alcohol Outlets***: Local jurisdictions can require applicants to obtain a Conditional Use Permit (CUP) or implement zoning ordinances prior to new ABC license approval, which place legal conditions on the operation of alcohol outlets, such as restrictions on locations/density, hours of sale, training of staff, types of beverage sold, alcohol ads on public property, and operations for business (e.g. no drinking allowed outside of the premises).[23]

Existing Alcohol Outlets: Local jurisdictions can implement "deemed approved" ordinances that require off-premises outlets to comply with business performance standards (e.g. properly maintained premises that do not adversely affect the surrounding community), require owner/employees to not permit or facilitate unlawful behavior (e.g. alcohol sales to minors, public consumption in property or surrounding sidewalk, or conducting other illegal activities),[24] and recommend replacement of strong alcohol beverages with products of lower alcohol content and healthy alternative drinks. Community advocates can inform or work with ABC in identifying problem outlets or encouraging revocation of a license for continued violations.

In addition to these interventions, policymakers, schools, businesses, health care providers, and other community stakeholders can collaborate and implement a more comprehensive array of the following strategies to reduce the burden of excessive alcohol consumption in our cities and communities:

1. Enforce Restrictions on Alcohol Availability and Accessibility to Minors
2. Enforce Restrictions on Alcohol Marketing to Minors
3. Expand Available Community and Social-Support Programs for Alcohol Consumers and Their Families
4. Provide Educational Services for Minors Regarding the Risks of Substance Use
5. Increase Screening, Brief Intervention, and Referral to Treatment
6. Increase Access to Substance Use Disorder Treatment Services

1. Enforce Restrictions on Alcohol Availability and Accessibility to Minors

Early initiation and use of alcohol by youth increases the risk of alcohol-related problems in adulthood.[25] Restricting the ability of minors to obtain alcohol at home or in the community can change perceived norms regarding the permissibility of underage drinking, and may delay early initiation of alcohol use.[26] Parents and guardians should closely monitor alcoholic beverages in the home and ensure underage drinking does not occur at family events. Cities can implement and enforce social host ordinances that increase consequences for parents, guardians, or adults who knowingly permit underage drinking in private settings, such as parties. Cities can also influence the availability and accessibility of alcohol to minors by enforcing regulations focused on commercial availability (e.g. restricting alcohol sales at community events), social/public accessibility (e.g. implementing teen party ordinances, highly visible enforcement of youth access sales laws), and possession (e.g. banning false identification).[27] Further, enforcing geographic buffer zones (e.g. 600 feet[28]) between alcohol outlet and schools or other youth facilities may also reduce accessibility of alcohol for minors.[29]

2. Enforce Restrictions on Alcohol Marketing to Minors

A substantial body of scientific research establishes a positive link between youth exposure to marketing and early initiation and consumption.[30] Restrictions on marketing ads in public places

(e.g. billboards, sporting events, street-front stores) or enforcing signage restrictions at liquor and convenience stores (e.g. no more than 33% of square footage of window ads, specific area for alcohol product placement) can help reduce youth exposure to alcohol marketing. In addition, restrictions for alcohol ads on social media may also be important in limiting alcohol exposure among youth.

3. Expand Available Community and Social-Support Programs for Alcohol Consumers and Their Families

Community-wide efforts have been shown to effectively reduce alcohol consumption and its consequences[36] by developing and expanding community programs and social groups to provide emotional support for alcohol drinkers and their families, and decreasing stigmatization or discrimination against affected groups or individuals who are struggling with addiction. Through these awareness and educational programs, communities can also help to change social norms about drinking, raise awareness and recognition of alcohol-related harms, and promote alcohol use disorder treatment programs.

Workplaces can play an important role in reducing alcohol-related harms among employees through prevention and intervention programs, such as implementing policies restricting alcohol use in workplaces, creating health and wellness programs, and providing support for screening and brief interventions.[35] These programs may benefit workers and reduce productivity loss.

4. Provide Educational Services for Minors Regarding the Risks of Substance Use

Educating the public on recognizing substance misuse and abuse, skills in dealing with alcohol issues and concerns, along with educating on the short-term effects and long-term dangers of alcohol, is a key tool to reduce alcohol use and alcohol-related harms. Schools can provide education-based curricula (e.g., Building Skills, Creating Lasting Family Connections) to help youth develop personal and social skills, to help students identify internal stressors (e.g. fears, anxiety) and external pressures (e.g. peer pressure, advertising) to use alcohol, and to give students the skills to resist these pressures while maintaining relationships.[36] School-based educational programs that have parental or community involvement (e.g., Communities Mobilizing for Change on Alcohol) can play an important role in reducing alcohol use among youth.[37 38]

5. Increase Screening, Brief Intervention, and Referral to Treatment

Early screening and intervention is a cost-effective way to help individuals with or at risk of developing alcohol use disorders recognize and avoid problem alcohol use. A substantial body of evidence supports that universal Screening, Brief Intervention, and Referral to Treatment (SBIRT) reduces alcohol consumption and heavy drinking, particularly in the primary care setting. SBIRT for alcohol is recommended by the U.S. Preventive Services Task Force, and ranks among the best in return on investment of preventive services. Although SBIRT can easily be incorporated into clinical workflows, it is currently not commonly practiced in primary care. Health care providers who are unable to directly provide alcohol use disorder treatment

should refer patients that screen positive to further assessment and treatment services, and follow-up with patients to ensure that necessary services were received.

6. Increase Access to Substance Use Disorder Treatment Services

Alcohol use disorder treatment can be provided in a variety of health settings including substance use disorder treatment clinics, primary care, or mental health clinics. As such, it is important for health care providers and the community to be aware of where they can receive treatment services for alcohol and other drugs. Importantly, alcohol use disorder treatment is effective and can reduce alcohol-related hospitalizations[42], ED visits, homelessness[43], and motor vehicle accidents[44], and improve productivity and quality of life.[45] Ensuring access to necessary substance use disorder treatment can help to prevent alcohol-related individual and societal impacts.

In LAC, individuals with alcohol problems, including persons eligible for Medi-Cal or without insurance, can call the Community Assessment Services Centers at (888) 742-7900 to find the nearest appropriate treatment centers.

In summary, alcohol outlet densities were significantly associated with a variety of alcohol-related consequences. However, by working together, policymakers, health care providers, schools, and community stakeholders can reduce the burden of these human, economic, and societal repercussions by focusing on strategies to limit alcohol outlet densities, reducing access/availability/marketing to minors, ensuring access to educational services and community/social support programs, and increasing access to necessary substance abuse screening and treatment.

Notes

This is an ongoing report of alcohol density, alcohol-related consequences, and their association in Los Angeles County. Some results from this report may not be comparable to the results from previous reports due to the use of different data sources or measurement methods. This report is subject to limitations due to data availability (e.g. aggregated city level of data based on zip codes, use of de-identified data precludes data verification, potential unknown or unmeasured confounders not controlled for), and thus results should be interpreted with caution.

References

1. Kominski, G.F., Simon, P.A., Ho, A.Y., & Fielding J.E. (2010). Financial burdens and disability adjusted life years in Los Angeles County. In V.R. Preedy and R.R. Watson (Eds.), Handbook of Disease Burdens and Quality of Life Measures. New York, New York: Springer. Retrieved from http://publichealth.lacounty.gov/wwwfiles/ph/ohae/epi/DALY_AH.pdf.

2. Los Angeles County Department of Public Health, Office of Health Assessment and Epidemiology. Binge drinking, March 2014. Retrieved from http://publichealth.lacounty.gov/wwwfiles/ph/hae/ha/binge_drinking_2014_finals.pdf

3. Los Angeles County Department of Public Health, Substance Abuse Prevention and Control. Medical director's brief: Excessive drinking. March 2014. Retrieved from http://publichealth.lacounty.gov/sapc/MDU/MDBrief/AlcoholBriefFinal.pdf

4. Campbell, C.A., Hahn, R.A., & Elder, R., et al. (2009). The effectiveness of limiting alcohol outlet density as a means of reducing excessive alcohol consumption and alcohol-related harms. *American Journal of Preventive Medicine*, 37(6): 556-569. Retrieved from http://www.ajpmonline.org/article/S0749-3797(09)00604-7/abstract.

5. Livingston, M. (2011). Alcohol outlet density and harm: Comparing the impacts on violence and chronic harms. *Drug and Alcohol Review*, 30(5): 515-523. doi:10.1111/j.1465-3362.2010.00251.x.

6. Ponicki, W.R., Gruenewald, P.J., & Remer, L.G. (2013). Spatial panel analyses of alcohol outlets and motor vehicle crashes in California: 1999–2008. *Accident Analysis and Prevention*, 55: 135-143. Retrieved from http://www.sciencedirect.com/science/article/pii/S0001457513000894.

7. Das, M., Stewart, R., & Ardagh M., et al. (2014). Patterns and sources of alcohol consumption preceding alcohol-affected attendances to a New Zealand hospital emergency department. *New Zealand Medical Journal*, 127: 40-55.

8. Callaghan, R.C., Sanches, M., Gatley, J.M., & Cunningham, J.K. (2013). Effects of the minimum legal drinking age on alcohol-related health service use in hospital settings in Ontario: A regression-discontinuity approach. *American Journal of Public Health*, 103(12): 2284-2291. Retrieved from http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3828963/pdf/AJPH.2013.301320.pdf.

9. Richardson, E.A., Hill, S.E., Mitchell, R., Pearce, J., & Shortt, N.K. (2015). Is local alcohol outlet density related to alcohol-related morbidity and mortality in Scottish cities? *Health & Place*, 33:172-180. Retrieved from http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4415114/pdf/main.pdf.

10. Boundary data for cities and unincorporated communities in LAC was obtained from the University of California, Los Angeles (UCLA), Geoportal, and retrieved from http://gis.ucla.edu/geodata/dataset/california-places-cities-and-census-designated-places/resource/8ab5c2a6-0dd0-4b9f-a9bd-a073e20e73e1

11. Boundary data for City of Los Angeles Council Districts was obtained from the Los Angeles County GIS Data Portal and retrieved from http://egis3.lacounty.gov/dataportal/2012/08/07/la-city-council-districts-2012/

12. 2013 Active License data by State of California Alcoholic Beverage Control (ABC) were retrieved from

http://www.abc.ca.gov/datport/DataExport.html. Records of active licensed retail businesses authorized by the State of California to sell alcoholic beverages for either on- or off-premise retail consumption in Los Angeles County (LAC) were included in this report. Please note the ABC license dataset represented all active ABC licensed businesses in LAC as of May 30th, 2013.

13. 2013 Population Estimates by Hedderson Demographic Services and Los Angeles County Internal Services Department Social Services Division and retrieved from http://egis3.lacounty.gov/dataportal/2014/09/09/population-and poverty-estimates/. Population estimates are based on 2010 U.S. Census population counts and adjusted for projected annual demographic changes in LAC.

14. 2013 Violent Crime data for Los Angeles County were retrieved from three different sources - (1) Los Angeles Police Department (LAPD) Data for City of Los Angeles where the LAPD is the law enforcement agency. (2) Los Angeles County Sheriff's Department (LASD) data for unincorporated areas and 42 cities where the LASD is the law enforcement agency; and (3) Data on all other cities with independent police departments (n = 45) were obtained from the California Department of Justice in aggregate count format at the city-level. Violent crimes include homicide/murder, sexual assault (rape and attempted rape), all other assaults (including domestic violence), and robbery.

15. 2013 Statewide Integrated Traffic Records System (SWITRS) by University of California Berkeley Transportation and Injury Mapping System were retrieved from http://tims.berkeley.edu/. SWITRS records about persons involved in alcohol-related vehicle crashes for 2013 from Los Angeles County include time and date of accident, whether alcohol was involved, number of injuries and fatalities, and the latitude (Y) and longitude (X) points for each reported vehicle accident.

16. 2013 Emergency Department Visits and Patient Discharge (Hospitalization) data were obtained from California Office of Statewide Health Planning and Development (OSHPD). International Classification of Diseases, 9th Revisions (ICD-9). Diagnostic codes were used to identify alcohol-related emergency visits or hospitalizations.

17. 2013 Toxicology data were obtained from Los Angeles County Department of Medical Examiner-Coroner (DME-C) to identify alcohol-related deaths.

18. Montiel, L.M., Nathan, R.P., & Wright, D.J. (2004). An update on urban hardship. Albany, New York: Nelson A. Rockefeller Institute of Government. Retrieved from http://rockinst.org/pdf/cities_and_neighborhoods/2004-08-an_update_on_urban_hardship.pdf. The Economic Hardship Index (EHI) by city/community is based on U.S. Census Bureau, 2005-2009 5-Year American Community Survey (ACS).

19. Reboussin, B.A., Song, E., & Wolfson, M. (2011). The impact of alcohol outlet density on the geographic clustering of underage drinking behaviors within census tracts. *Alcoholism: Clinical and Experimental Research*, 35(8): 1541–1549. Retrieved from https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3132245/pdf/nihms275766.pdf.

20. Richardson, E.A., Hill, S.E., Mitchell, R., Pearce, J., & Shortt, N.K. (2015). Is local alcohol outlet density related to alcohol-related morbidity and mortality in Scottish cities? *Health & Place*, 33: 172-180. Retrieved from https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4415114/pdf/main.pdf.

21. The Alcohol Research Group (2011). Alcohol control systems and the potential effects of privatization. 3rd ed. Retrieved from http://www.nabca.org/Resources/Files/2012131124314.pdf.

22. Colman, V., & Sparks, M. (2006). Public convenience or necessity: A guide for local government and

interested citizens. Retrieved from http://www.ca-cpi.org/docs/Publications/Other/CARS_PCorN.pdf

23. California Business and Professions Code Section 23790. Retrieved on 08/22/16 from http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=23001-24000&file=23770-23792.

24. Saetta, S.L., & Mosher, J.F. (2014). Policy briefing 2. Best practices in municipal regulation to reduce alcohol-related harms from licensed alcohol outlets. NOTE: Original report prepared for Ventura County Behavioral Health Department. Retrieved from www.venturacountylimits.org.

25. Nelson, S.E., Van Ryzin, M.J., & Dishion, T.J. (2015). Alcohol, marijuana, and tobacco use trajectories from age 12 to 24 years: Demographic correlates and young adult substance use problems. *Development and Psychopathology*, 27(1). 253-277. doi: 10.1017/S0954579414000650

26. Rowland, B., Toumbourou, J.W., & Livingston, M. (2015). The association of alcohol outlet density with illegal underage adolescent purchasing of alcohol. *Journal of Adolescent Health*, 56(2): 146-152.

27. Mosher, J., & Stewart, K. (2011). Regulatory strategies for preventing youth access to alcohol: Best practices. NOTE: Guide written in support of the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. Retrieved from https://www.stopalcoholabuse.gov/townHallMeetings/pdf/tipsresources/accesslaws.pdf.

28. Legal Source: State of California Alcohol Beverage Control (ABC) Frequently Asked Questions (see Q. 18). Retrieved from https://www.abc.ca.gov/questions/licenses_faq.html.

29. Interagency Coordinating Committee on the Prevention of Underage Drinking. (2014). Environmental prevention of underage drinking: Controls on alcohol outlet location and density. Retrieved from https://www.stopalcoholabuse.gov/townhallmeetings/pdf/2014/ControlonAlcoholOutlets_508.pdf.

30. Substance Abuse and Mental Health Services Administration. (2015). Risk and protective factors associated with binge or heavy episodic drinking among adolescents and young adults. Retrieved from http://www.samhsa.gov/capt/sites/default/files/resources/binge-episodic-adolescents-young-adults.pdf.

31. Anderson, P., Bruijn, A.D., Angus, K., Gordon, R., & Hastings, G. (2009). Impact of alcohol advertising and media exposure on adolescent alcohol use: A systematic review of longitudinal studies. *Alcohol and Alcoholism*, 44(3): 229-243. doi:10.1093/alcalc/agn115

32. Snyder, L.B., Milici, F.F., Slater, M., Sun, H., & Strizhakova, Y. (2006). Effects of alcohol advertising exposure on drinking among youth. *Archives of Pediatrics & Adolescent Medicine*, 160(1): 18-24. doi:10.1001/archpedi.160.1.18

33. Byden, A., Roberts, B., McKee, M., & Petticrew, M. (2012). A systematic review of the influence on alcohol use of community level availability and marketing of alcohol. *Health & Place*, 18: 349-357. Retrieved from http://ac.els-cdn.com/S1353829211002097/1-s2.0-S1353829211002097-main.pdf?_tid=9f620486-7ab6-11e6-b9c7-00000aacb361&acdnat=1473883725_457a17d8194de0d8efbbfc492d9407e5.

34. Roski, J., Perry, C.L., McGovern, P.G., Williams, C.L., Farbakhsh, K., & Veblen-Mortenson, S. (1997). School and community influences on adolescent alcohol and drug use. *Health Education Research*, 12(2): 255-266. Retrieved from http://her.oxfordjournals.org/content/12/2/255.long.

35. Giesbrecht, N. (2003). Alcohol, tobacco and local control: A comparison of several community based prevention trials. *Nordic Studies on Alcohol and Drugs*. 20: 25–40. Retrieved from http://www.nordicwelfare.org/PageFiles/9708/Alcohol,%20tobacco%20and%20local%20control.%20A%20comparison%20of%20several%20community-based%20prevention%20trials.pdf.

36. Stigler, M.H., Neusel, E., & Perry, C.L. (2011). School-based programs to prevent and reduce alcohol use among youth. *Alcohol Research & Health*, 34(2): 157-162.

37. Jackson, C. (2002). Perceived legitimacy of parental authority and tobacco and alcohol use during early adolescence. *Journal of Adolescent Health*, 31(5): 425-432. Retrieved from http://bha.dhmh.maryland.gov/MSPF/Documents/Jackson_article_Parentl_authority.pdf

38. Nash, S.G., McQueen, A., & Bray, J.H. (2005). Pathways to adolescent alcohol use: Family environment, peer influence, and parental expectations. *Journal of Adolescent Health*, 37(1): 19-28. Retrieved from http://www.sciencedirect.com/science/article/pii/S1054139X04004161.

39. Altarum Institute Center for Prevention. Rankings of Preventive Services for the U.S. Population. 2016. Retrieved from http://www.prevent.org/National-Commission-on-Prevention-Priorities/Rankings-of-Preventive-Services-for-the-US-Population.aspx.

40. Jonas, D.E., et al. (2012). Screening, behavioral counseling, and referral in primary care to reduce alcohol misuse. *Comparative Effectiveness Review No. 64* (AHRQ Publication No. 12-EHC055-EF). NOTE: Prepared for Agency for Healthcare Research and Quality. Retrieved from http://www.ncbi.nlm.nih.gov/books/NBK99199/pdf/Bookshelf_NBK99199.pdf.

41. Los Angeles County Department of Public Health, Substance Abuse Prevention and Control. Medical director's brief: Costs of alcohol and other drug misuse/abuse, August 2016. Retrieved from http://publichealth.lacounty.gov/sapc/MDU/MDBrief/SUDCostBrief.pdf.

42. Parthasarathy, S., Weisner, C., Hu, T.W., Moore, C., (2001). Association of outpatient alcohol and drug treatment with health care utilization and cost: revisiting the offset hypothesis. *Journal of Studies on Alcohol*, 62(1): 89-97.

43. Annual Review of Clients in Publicly Funded Substance Use Disorder Treatment Programs in Los Angeles County, 2014-2015 Fiscal Year (2016). Research and Evaluation, Office of Medical Director and Science Officer, Substance Abuse Prevention and Control, Los Angeles County Department of Public Health, pg 105.

44. Hingson, R.W., Zakocs, R.C., Heeren, T., Winter, M.R., Rosebloom, D., DeJong, W. (2005). Effects on alcohol related fatal crashes of a community based initiative to increase substance abuse treatment and reduce alcohol availability. Injury Prevention, 11:84-90.

45. Srivastave, S., Bhatia M.S. (2011). Quality of life as an outcome measure in the treatment of alcohol dependence. *Industrial Psychiatry Journal*, 22(1): 41-46.

Substance Abuse Prevention and Control
Los Angeles County Department of Public Health

1000 South Fremont Avenue, Building A-9 East, 3rd Floor
Alhambra, CA 91803
Tel (626) 299-4198 • Fax (626) 299-3591

Los Angeles County Department of Public Health

Cynthia A. Harding, M.P.H.
Interim Director

Jeffery D. Gunzenhauser, M.D., M.P.H.
Interim Health Officer

Substance Abuse Prevention and Control

Wesley L. Ford, M.A., M.P.H.
Deputy Director, Health Promotion Bureau

Wayne K. Sugita, M.P.A.
Interim Director, Substance Abuse Prevention and Control

Gary Tsai, M.D.
Medical Director and Science Officer, Clinical Services and Research Branch

Research and Evaluation Unit

Tina Kim, Ph.D., M.A.
Director, Research and Evaluation Unit

Ricardo Contreras, M.P.H., M.A.
Farimah Fiali, M.S.
Ekaterina Gee, M.P.H.
Diana Khuu, Ph.D., M.P.H.
Jimmy Singh, M.A.
Kairong Wang, Ph.D., M.S.

Suggested Citation:

Alcohol Outlet Density and Alcohol-Related Consequences by City and Community in Los Angeles County, 2013. Research and Evaluation, Clinical Services and Research Branch, Substance Abuse Prevention and Control, Los Angeles County Department of Public Health. September 2016.

For more information about this report, please contact Tina Kim, Ph.D. at tkim@ph.lacounty.gov.

ATTACHMENT D – 2017 SURVEY RESULTS

SURVEY RESULTS

The Los Angeles County Department of Regional Planning is working to update alcohol sales regulations while promoting the sale of healthy food at establishments that sell alcohol throughout unincorporated Los Angeles County. A draft ordinance addressing alcohol sales was made available to the public for review in January 2017. A survey was also made available as an additional form of obtaining feedback on the draft ordinance. The survey was organized into three categories: 1) current business owners selling alcohol; 2) business owners wanting to sell alcohol in the future; and 3) non-business owners. Survey participants responded to the category applicable to them. The survey was made available on the department website and mailed directly to business owners currently selling alcohol.

The results from the survey have been summarized below.

CURRENT BUSINESS OWNERS SELLING ALCOHOL

If your business legally started selling alcohol before 1992, you will be allowed to continue to do so without a Conditional Use Permit (CUP) as long as you meet the performance standards. You will be required to apply for a CUP when:

1) You change the type of alcoholic beverages to be sold that requires a change in the type of retail liquor license; or
2) You increase the floor area of alcohol sales by 10%; or
3) You increase the display area of alcohol sales by 25%; or
4) The business has been abandoned or discontinued operation for three months or more.

If your business currently operates under a CUP, you will continue to operate under the provisions of the current CUP until it expires. Afterwards, you will be required to apply for a new CUP and the new rules will apply.

PERFORMANCE STANDARDS (ABBREVIATED VERSION)

1) Shall operate and maintain in accordance with all applicable laws and regulations.
2) No trash, debris, junk in exterior areas except in trash containers.
3) No graffiti anywhere visible by the public. Any graffiti must be removed within 24 hours.
4) Must have all required signs including: no loitering/public drinking/open containers on premises.
5) Must be able to see into the business from the parking lot and public street.
6) Must have and maintain a valid County business license.
7) Shall not allow the following on the property: loitering, drinking outside, littering, creating excessive noise, disturbing the peace, drug activity, gambling, prostitution, trafficking of stolen goods, harassing passerby or business patrons, panhandling, vandalism, or any other unlawful activities.
8) Must actively ensure 1-7 above by:
    a. Telling people to stop unless operator feels it will jeopardize his/her personal safety;
    b. Call the Sheriff's Department; and
    c. Prevent undesired actions by early intervention such as removing furniture from property or removing other items that may prompt people to engage in illegal activities.

SURVEY QUESTIONS

1) What community do you currently sell alcohol in?

Pasadena
60% Hispanic, 40% Others
Whittier
Golf course and banquet facility
Altadena
East Rancho Dominguez
Los Angeles
Torrance
Agoura
Huntington Park
Mostly Asian Americans
Palmdale
East Los Angeles
Valencia
Marina del Rey
Latino
Alondra Park
Hawthorne
Lennox
Black and Spanish
Hacienda Heights
Gardena

2) Are you able to meet the performance standards?

Yes – 93.3%
No – 6.7%

3) If you are not able to meet the performance standards, which one(s) and why?

Of all the seven standards, probably the one I'll have more trouble accomplishing will be #7. Drinking outside and creating excessive loud noise as my business is near an alley and a few customers hang around to drink there and also my business is near a public building and those who live there at times create loud noises.

#7 – drinking outside – we are a public golf course and people buy the beer inside and take it on the course while they are playing golf.

Located on the 3rd floor of a private club one cannot see into the premises from parking nor street.

N/A; however, we will have to change our operations to meet the whole grain/fruit requirements.

4) Other comments:

Once the CUP for our existing store expires, if another alcohol retailer opens within the defined radius, our business model would not be able to meet the % limit on sales floor dedicated to alcohol sales. In addition, the CUP would expire in the middle of the lease option for our store and we would either be forced to close and continue to pay rent or operate in violation of the zoning code.

We sell online only but hope to sell onsite in the future. The performance standards seem reasonable and we would expect to obtain a CUP for any onsite sales.

We can do our best not to allow all the performance standards for the business and the community but sometimes not easy to handle loitering and panhandling without practical sheriff's help.

This alcohol establishment has been here before 1992. We have all required signs posted outside. We also have two trash cans outside and we are graffiti free. We are also installing security cameras outside and sensored lights to avoid loitering. We are also painting the building outside to give it a fresh look. We will do anything we need to keep place clean and neighbors happy.

BUSINESS OWNERS WANTING TO SELL ALCOHOL IN THE FUTURE

When you apply for a Conditional Use Permit to sell alcohol, you will be subject to operating regulations.

OPERATING REGULATIONS (ABBREVIATED VERSION)

Off-Site Sales:

1) Limit of 5% alcohol shelf space if business is located within 500 feet of another business offering off-site alcohol sales.
2) Must provide at least five varieties of fresh produce and three varieties of whole grain foods. Items must be displayed in high-visibility area.
3) Gas stations must also comply with the following:
    a. Only beer and wine may be sold;
    b. No beer or wine displayed within five feet of the cash register or front door;
    c. No alcohol advertising displayed at motor fuel islands;
    d. No self-illuminated alcohol advertising on buildings or windows; and
    e. Employees selling alcohol must be at least 21 years old.

SURVEY QUESTIONS

1) What community will you be serving alcohol in?

Palmdale
Norwalk
TBD
Latino
Santa Monica Mountains

2) Are you able to comply with the operating regulations?

Yes – 66.7%
No – 33.3%

3) If you are not able to comply with the operating regulations, which one(s) and why?

5 items of fresh produce? Are you talking vegetables and fruit?

#1 would place a significant burden on potential future openings because our business model does not allow us to operate with just 5% shelf space dedicated to alcohol and our ability to locate future stores that would not have to comply with this requirement (i.e. stores not within 500' of another alcohol retailer) would be limited.

4) Other comments:

It's a good thing that gas stations can't sell hard liquor.

NON-BUSINESS OWNERS

Primary concerns related to alcohol sales expressed by the public included: panhandling, loitering, public drinking, and poor property maintenance. Existing businesses legally selling alcohol without a Conditional Use Permit (CUP) will be allowed to continue to do so as long as they comply with a set of performance standards. If they do not comply they may need to obtain a CUP. New businesses will be required to obtain a CUP.

SURVEY QUESTIONS

1) **Are there other land use issues that the alcohol sales regulations have not addressed? If yes, what are those other land use issues?**

   Sheriff should take more serious actions towards panhandlers and public drinkers. Put them with harder fines and jail times.

2) **Are there any alcohol sales regulations you would exclude? If yes, which ones and why?**

   No comments received.

3) **Are there additional alcohol sales regulations you would suggest? If yes, what are those other alcohol sales regulations?**

   No comments received.

4) **Other comments:**

   I would just say that I hope the regulations do not get in the way of bringing businesses that promote college and graduate school population patronage such as coffee shops that also sell craft beer and wine and are open past 10 pm. It is my personal experience that this population is forced to go out of their way to convene discussion groups in a relaxed yet conducive environment for homework, grad school and law school applications. I understand that many times our community is worried about alcohol sales, especially when looking at communities that are unduly burdened by a high concentration of alcoholic sales establishments—specifically when those sell for off-site consumption. Thus, the department must look at the quality of the establishments and not just grant CUPs for liquor stores or 7 elevens—and if an area has a high concentration of such establishments, this area should still be allowed to have an establishment that offers on-site consumption of alcoholic beverages as long as they provide seating space/ tables and or free wi-fi—and I mean specifically for community people to be able to work on their portable devices, books, etc. not just restaurants, night clubs, or exclusively entertainment establishments. Poor communities lack spaces where college-age and young professionals can gather and build the area's social capital, and in turn these communities lose out in the opportunity to create networks for localized, community improvement efforts. To reiterate, liquor stores, 7-elevens, restaurants, nightclubs, entertainment are not the only places where people want to consume alcohol—there are academic and professional settings as well, and these should be encouraged. Furthermore, they should not be placed in the same category as liquor stores, 7-elevens, restaurants, nightclubs, entertainment establishments--therefore these need their own category.