

## Santa Rosa, California City Code

### Title 20 ZONING

#### Division 4 Standards for Specific Land Uses

#### Chapter 20-42 STANDARDS FOR SPECIFIC LAND USES

### **20-42.034 Alcoholic beverage sales.**

Alcoholic beverage sales shall comply with the requirements of this section, where allowed by Division 2 (Zoning Districts and Allowable Land Uses).

A. Applicability. In addition to the regulations of the applicable zoning district, any establishment under 10,000 square feet that sells alcohol for on-site or off-site consumption, including liquor stores, convenience food stores, markets, taverns, and bars shall be permitted only by Conditional Use Permit. A large retailer of 10,000 square feet or greater, such as a supermarket that sells alcoholic beverages as a normal part of the business, is a permitted use. These provisions shall not apply to a winery, tasting room, and/or brewery that sells alcoholic beverages as a normal part of business, when these uses are permitted uses. Applicable provisions of these use regulations shall only apply to winery, tasting room, and/or brewery uses when conditionally permitted.

B. Operating standards. An establishment that is subject to the requirements of this section shall comply with the following standards. In considering a Conditional Use Permit application, the review authority may choose to waive any of the following standards, and/or to impose revised or additional standards as conditions of approval.

1. Customer and site visitor management.

a. The operator of the establishment shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours if directly related to the patrons of the subject alcoholic beverage outlet.

(1) "Reasonable steps" shall include calling the police in a timely manner; and requesting those engaging in objectionable activities to cease those activities, unless personal safety would be threatened in making the request.

(2) "Nuisance" includes disturbances of peace, illegal drug activity, prostitution, public drunkenness, drinking in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct or police detentions and arrests.

- b. The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.
  - c. The operator shall ensure that the hours of operation shall not be a detriment to the surrounding area.
- 2. Trash, litter, graffiti.
  - a. The operator shall clear the sidewalks adjoining the premises plus 10 feet beyond property lines along the street as well as any parking lots under the control of the operator as needed to control litter, debris and trash.
  - b. The operator shall install and maintain one permanent, non-flammable trash container on the property's exterior.
  - c. The operator shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.
- 3. Staff training. Within 90 days from issuance of a certificate of occupancy or if no Building Permit is required, within 90 days of issuance of the Conditional Use Permit, all owners, managers and employees selling alcoholic beverages shall complete a certified training program in responsible method and skills for selling alcoholic beverages. The certified program shall meet the standards of the ABC or other certifying/licensing body which the state may designate. New owners, managers and employees shall complete the training course within 30 days of the date of ownership or employment. Records of successful completion for each owner, manager and employee shall be maintained on the premises and presented upon request by a representative of the City.
- 4. Staffing, surveillance, and security.
  - a. Signs and displays on the premises shall not obstruct the sales counter, cash register and customer from view from the exterior.
  - b. The operator shall install and maintain in working order, interior and exterior surveillance cameras and monitors. At a minimum the external cameras shall monitor the entrance to the premises and vicinity of at least 20 feet beyond the entrance to the premises. At a minimum, the interior camera shall monitor the cash register area. The tapes from these cameras shall be retained for at least 10 days from date of recording before destruction or reuse. The tapes shall be made available to the Police Department upon request.
  - c. A monitored robbery alarm system shall be installed and maintained in good working condition. An alarm permit shall be obtained from the Police Department prior to operation.
  - d. Restrooms shall remain locked and under the control of the cashier.
  - e. The premises shall be staffed with at least one person during hours of operation who shall not be responsible for dispensing fuel or auto servicing.

5. Limitations on product sales and display.

- a. The operator shall not sell, furnish or give away empty cups, glasses or similar receptacles commonly used for the drinking of beverages in quantities of less than 24 count in their original packaging.
- b. Coolers, tubs and other storage containers holding alcoholic beverage shall be equipped with a locking mechanism which shall be in place and used to restrict access by customers during the hours when sales of alcoholic beverages are prohibited.
- c. No beer or wine shall be displayed within five feet of the cash register or front door of the premises.
- d. No video or arcade type games are permitted on the property. California State Lottery games are permitted.

6. Signs, postings.

- a. Premises identification shall comply with City Code Section 18-16.034 and Fire Department Illuminated Address Signs bulletin.
- b. A copy of the conditions of approval for the Conditional Use Permit must be kept on the premises of the establishment and be presented to any peace officer or any authorized City official upon request.
- c. Signs shall be posed on the inside of the premises stating that drinking on the premises or in public is prohibited by law.

7. Compliance with other requirements.

- a. The operator shall comply with all provisions of all local, state or federal laws, regulations or orders, including those of the ABC, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.
- b. The operator shall comply with all provisions of the City Code and conditions imposed by City issued permits.
- c. Any change in ABC license type including, but not limited to, a change from a Type 20 to a Type 21 license, or a substantial physical change or character of premises as defined in Title 4 of the [California Code of Regulations](#) Section 64.2(b), shall require a new Conditional Use Permit to continue operation.

C. Criteria for review. In granting a Conditional Use Permit for the sales of alcoholic beverages for offsite consumption and making the findings required for Conditional Use Permit approval by Section 20-52.050, the review authority shall consider the following:

- 1. Whether the use serves public convenience or necessity;

2. The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City;
3. The number of alcohol licenses per capita in the reporting district and in adjacent reporting districts as compared to the county-wide average;
4. The numbers of alcohol-related calls for service, crimes or arrests in the reporting district and in adjacent reporting districts;
5. The proximity of the alcoholic beverage outlet to residential districts, day care center, park and recreation facilities, places of religious assembly, and schools;
6. Whether the site plan and floor plan incorporated design features to assist in reducing alcohol related problems. These features may include, but are not limited to, openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.

D. Grounds for modification or revocation. In addition to the grounds in Section [20-54.100](#) (Permit Revocation or Modification), the Commission may require modification, discontinuance or revocation of a Conditional Use Permit if the Commission finds that the use is operated or maintained in a manner that it:

1. Adversely affects the health, peace or safety of persons living or working in the surrounding area; or
2. Contributes to a public nuisance; or
3. Has resulted in repeated nuisance activities including disturbances of the peace, illegal drug activity, prostitution, public drunkenness, drinking in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests; or
4. Violates any provision of the City Code or condition imposed by a City issued permit, or violates any provision of any other local, State or Federal law, regulation, or order, including those of the ABC, or violates any condition imposed by permits issues in compliance with those laws.

(Ord. 2021-012 § 32; Ord. 3989 § 5, 2012; Ord. 3968 § 14, 2011; Ord. 3766 §§ 2, 3, 2006; Ord. 3711 § 1 Exh. A, 2005; Ord. 3677 § 1, 2004)

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## Contact:

For code interpretation or subject matter understanding, please contact the [related city department](#).

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