



# City of Rialto

## Legislation Text

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**File #:** 18-565, **Version:** 1

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For the City Council Meeting [June 12, 2018]

TO: Honorable Mayor and City Council

APPROVAL: Robb Steel, Interim City Administrator

Request City Council to Conduct a Public Hearing to Introduce for first reading **Ordinance No. 1602** (Development Code Amendment No. 2017-0007) entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING SECTIONS 18.110.020 AND 18.110.050 OF THE RIALTO MUNICIPAL CODE REGARDING THE SALE OF ALCOHOLIC BEVERAGES IN SEALED CONTAINERS FOR OFF-SITE CONSUMPTION" Reading by Title only and Waiving further reading thereof.

**(ACTION)**

### **BACKGROUND:**

*Applicant:*

City Initiated

*Location:*

All zones, Citywide

The City recognizes that the separation distance requirement in the Rialto Municipal Code establishing the minimum distances between businesses engaging in the off-sale of alcoholic beverages may unfairly restrict such businesses. The City Council revisits the Municipal Code from time to time and amends the regulations for the benefit of the citizens, to promote economic vitality and sustainability of businesses within the community, and protect the general health, safety, and welfare of the public. The Planning Commission adopted a Resolution on February 18, 2018, recommending that the City Council approve the proposed Ordinance.

### **ANALYSIS/DISCUSSION:**

The attached Ordinance amends Chapter 18.110 of the Rialto Municipal Code ("Regulation of the off-sale of alcoholic beverages") as follows:

- eliminates the separation distance requirement between businesses that engage in sale of alcoholic beverages for off-site consumption;
- brings the method of measurement used by the City into alignment with the method used by Alcoholic Beverage Control;
- requires existing businesses that wish to change off-sale license types or that wish to increase their square footage to obtain a conditional development permit but does not require them to comply with any separation distance requirements and
- adds procedures and standards for making determinations of public convenience or necessity

and the required findings for approval.

The proposed amendment maintains all other existing requirements for off-sale of alcoholic beverages and will not permit the conversion of a business selling alcoholic beverages for off-site consumption to on-site consumption of alcoholic beverages with entertainment uses (i.e. night club), which requires a separate conditional development permit.

The amendment eliminates occurrences in which the strict and literal interpretation of this Title results in practical difficulties, unnecessary hardships, or inconsistency with the general purpose of this Title 18 while also securing public safety and welfare and provided substantial justice.

The text of Section 18.110.020 and 18.110.050 of the Rialto Municipal Code with this report as **Exhibit 'A'** is attached with deletions shown as strikethrough text (~~strikethrough~~) and additions in bold italicized text (***bold & italic***):

### **GENERAL PLAN CONSISTENCY:**

Modifying the Ordinance to remove the separation distance requirement between businesses that engage in the off-sale of alcoholic to eliminate practical difficulties, unnecessary hardships and promote economic vitality is consistent with the following goals and policies of the 2010 General Plan:

**Goal 3-1:** Strengthen and diversify the economic base and employment opportunities, and maintain a positive business climate.

**Policy 3-1.3** Support established businesses in the City, and work to retain the small, independent businesses while accommodating national/regional chain stores.

### **ENVIRONMENTAL IMPACT:**

The adoption of this Development Code Amendment 2017-0007 is exempt from the California Environmental Quality Act. Pursuant to Section 15378 of the California Environmental Quality Act, a 'Project' means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. A project does not include:

- Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

### **LEGAL REVIEW:**

The City Attorney has reviewed and approved the staff report.

### **FINANCIAL IMPACT:**

#### Operating Budget

No impact will occur to the Operating Budget as a result of the proposed Ordinance.

#### Capital Improvement Budget Impact

No impact will occur to the Capital Improvement Budget as a result of the proposed Ordinance.

**RECOMMENDATION:**

Staff recommends that the City Council approve an **Ordinance (Exhibit B)** (Development Code Amendment No. 2017-0007) entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING SECTIONS 18.110.020 AND 18.110.050 OF THE RIALTO MUNICIPAL CODE REGARDING THE SALE OF ALCOHOLIC BEVERAGES IN SEALED CONTAINERS FOR OFF-SITE CONSUMPTION.