

**STAFF REPORT**  
**City of Lancaster**

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MVB

DATE: October 25, 2016

TO: Mayor Parris and City Council Members

FROM: Toi Chisom, Assistant to the City Manager

SUBJECT: **Public Safety Strategy Regarding Alcohol Sales/Amendment to the Lancaster Municipal Code Alcoholic Beverage Establishments, and Repeal of Previously Adopted Ordinance No. 1013**

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**Recommendation:**

Introduce **Ordinance No. 1015**, amending Chapter 17.42 of the Lancaster Municipal Code, relating to alcoholic beverage establishments and repealing Ordinance No. 1013.

**Fiscal Impact:**

There is no immediate fiscal impact associated with this recommendation. After some history with the new process, staff will amend the pertinent departmental budget(s) if new costs are identified and not able to be absorbed in existing budgets.

**Background:**

On June 14, 2016, the City Council adopted Ordinance 1013 relating to public nuisance activities and conditions occurring at and immediately adjacent to alcoholic beverage establishments where purchases, specifically small, single serve items, are made for off-site consumption. As part of the adoption of the ordinance, the City Council responding to business owners and industry professionals' concerns, agreed to delay the effective date of the ordinance until January 1, 2017. The intent of the delay was to allow for the creation of a "working group", in coordination with City staff, to explore and identify an alternate, responsive solution to the public nuisance activities associated with alcoholic establishments.

Led by Councilmember Malhi, the "Public Safety Strategy Regarding Alcohol Sales" (The Strategy) was initiated. The first step included establishing the Strategy's purpose, goals, process, and timeline. After such, the creation of a diverse working group was formed, consisting of local liquor store owners, local brewery owners, the local beer distributor owner, local convenient store owners, local alcohol business training staff, and a community representative, along with City staff, a Sheriff's liaison, and representatives from both the Planning and Criminal Justice Commissions. The first Strategy meeting was held on July 7, 2016.

At the July 7, 2016, meeting, Strategy Goals to increase public safety, enhance the partnership between the City, Law Enforcement, and the Alcoholic Establishments, and obtain commitments from local businesses to be active participants, with an overall purpose of improving the quality of life for Lancaster residents, was shared and agreed to. As well, the complexities surrounding alcohol sales and controls were discussed, and an acknowledgement of the public safety issues/nuisance activities present in our community. These issues of public safety and the nuisance activities remained the same that were the focus of Ordinance 1013, which include, but are not limited to panhandling, fighting, loitering, drinking in public, public intoxication, and urination in public.

At the conclusion of the first meeting, group members shared their individual ideas of what Strategy Success should encompass. Such Strategy Success ideas included: access to City and Law Enforcement help; fines to owners; building a team to support all stores while working closely with (mentoring) troubled stores; the creation of an association; holding businesses accountable that are not willing to engage and be a responsible business owner, visual store improvements, training offerings for store/business owners and employees, and the creation of a resource guide to be shared with business owners of alcoholic establishments.

Building upon the success and momentum of the first meeting, the second Strategy Meeting held on August 2, 2016, further defined the purpose of the working group's effort to ensure the outcome was responsive to and acceptable by the City Council, and provided an opportunity for a detailed discussion on best practices and operating standards, public safety nuisance prevention measures, and remedies for those establishments that fail to try and comply—all which contributed to the framework of a new Ordinance. As well, a great deal of time was spent on the concept of a continuously engaged alcohol business committee, with the committed intent to carry on the Strategy goals.

As a result of the great discussion about and understanding of the industry, input from the working group, many internal staff discussions, and involvement of the Sheriff's Department, a draft ordinance was crafted with a primary focus on business/establishment owner performance standards and an administrative citation remedy. The intent of the ordinance is to strengthen the City's ability to deal with "deemed" approved establishments and to establish a more global approach to addressing public nuisances, specific to alcohol sales — allowing the City to "administratively" deal with such establishments who create and allow such nuisances.

The draft Ordinance was provided to the working group for feedback, at the third meeting on August 24, 2016. Moreover, the Sheriff/ABC Liaison was in attendance to provide the group with an understanding of how the California State Department of Alcoholic Beverage Control (ABC) and the Sheriff's Department coordinate. Noting the lack of local enforcement by ABC in Lancaster, it is necessary for local law enforcement to be engaged and assist with those establishments who choose to remain noncompliant and create public safety issues for our community.

As noted, The Strategy process has already set in motion the next step of the process--the creation of an Alcohol Beverage and Sales Business Improvement Committee. The purpose of the Committee is to be a cooperating resource for all—Alcoholic Beverage Establishment Business Owners, the City, and Law Enforcement, providing a mutually beneficial relationship through three-way communication, with a committed purpose of strengthening public safety and responding to nuisance activities, which in the past had not existed.

As a result of all efforts, discussions, and commitments, the working group concluded that the existing Ordinance No.1013, while well-intentioned, was not the best approach available to address the identified concerns, and a different approach was needed. The proposed ordinance seeks to focus on business operation and compliance to reduce nuisance effects, rather than blanket restrictions on the size or number of alcoholic beverage containers, and provides an administrative tool for the City to achieve compliance, up to and including establishments that continue to be a public nuisance losing their deemed approved status and the ability to sell certain types and sizes of alcohol. While the Alcohol Beverage and Sales Business Improvement Committee will focus on aiding the City and Law Enforcement in this effort and collaboratively work to guide establishments in need of help.

On September 14, 2016, the draft Ordinance was unanimously approved for recommendation to the City Council by the Criminal Justice Commission; and on September 19, 2016, the draft Ordinance was reviewed and unanimously approved by the Planning Commission.

As such, it is staff's recommendation that the City Council introduce **Ordinance No. 1015** and repeal Ordinance 1013. Accepting the solution not only encapsulates the concerns and suggestions expressed by the business owners but is also responsive to the direction provided to staff, by the City Council.

**Attachment:**  
Ordinance No. 1015