

Agenda Report

DATE: February 22, 1999

TO: CITY COUNCIL

FROM: CYNTHIA J. KURTZ, CITY MANAGER

SUBJECT: **Response to Day One Policy Recommendations for Managing Alcohol Risk in Pasadena**

RECOMMENDATION:

It is recommended that City Council direct staff to amend the General Fee Schedule to increase the inspection fee for monitoring of special conditions on alcohol-related CUPs from \$631 to \$900 to cover the cost of increasing inspections to monthly during the first six months of operation.

BACKGROUND:

In 1997, Day One's Board of Directors adopted a strategic plan targeting alcohol policy as one of three major issues. A Steering Committee of community residents and executives was created to develop the idea of convening a policy panel to do three things: 1) to raise community awareness of the issue of alcohol risk in the community, 2) assess the state of the city with regard to alcohol and city planning, local business and neighborhood issues, and 3) to make recommendations toward addressing key problem areas.

In October, 1998, the recommendations of the policy panel were presented to City Council, including fourteen specific actions that could be implemented by the City to better manage alcohol risks. These proposed actions were referred to the City Manager for review and possible recommendation for implementation.

Following each of the panel recommendations below is the staff response and recommendation:

City Planning

1. Standard Criteria for Conditional Use Permit Processing

Day One Recommendation: Develop a consistent set of criteria to guide planning staff in developing staff reports for alcohol-related Conditional Use Permit applications; this should include a standard set of questions to insure that all staff reports include the same elements and are consistent.

City Response: Staff concurs with this proposal and is currently revising the application for CUP for alcohol sales. A separate application is being created that will have a consistent set of criteria for evaluating each application.

2. Additional Review Agencies Added to the CUP Process

Day One Recommendation: Review the list of city government agencies that review alcohol-related CUP applications to determine if any other city agencies are essential to the review process; formalize the process if any changes are required.

City Response: In addition to the Planning & Permitting Department, CUP-Alcohol permits are currently reviewed by the Police Department and the Public Works and Transportation Department. Planning staff have reviewed this procedure and do not recommend the inclusion of any additional agencies.

3. Review/Inspection for Initial Period of CUP Recipients

Day One Recommendation: Develop a consistent review and inspection process during the initial six-month or one-year issuance period for alcohol-related CUP recipients.

City Response: CUPs approved with special conditions are inspected as specified by the permit conditions; they may be inspected monthly, bi-monthly or quarterly. Those approved without special conditions are not inspected. Staff recommends standardizing inspections of establishments with special conditions to monthly for the first six months, then moving to quarterly if the business maintains compliance. This recommendation would require an increase in the condition monitoring fee from \$650 to \$900 (a one-time fee) to accommodate after hours staff time for night and weekend inspections. Staff does not recommend instituting inspections for alcohol-related CUPs without special conditions. These establishments typically do not result in problems and additional inspection would not return significant results.

4. Standard Criteria for Code Enforcement

Day One Recommendation: Study alcohol-related CUP code enforcement procedures, with particular regard to developing a standard set of criteria for inspections, whether routine or complaint-driven.

City Response: As mentioned above, only those alcohol-related CUPs with special conditions are inspected. In those cases, the inspection monitors compliance with the conditions, such as placement of signs, hours of operations and placement of merchandise. Since the special conditions address all concerns raised during the review process, staff does not believe it is necessary to develop additional criteria.

5. Plan for Addressing Problem Businesses

Day One Recommendation: Review problem businesses holding alcohol-related CUPs and alcohol beverage licenses who were “grandfathered in,” including the numbers, locations and special circumstances of each; and further, develop a plan to address the problems associated with these businesses.

City Response: Through cooperation of the Police Department and the Code Enforcement Division, staff believe they have a clear picture of where problem businesses exist and are effectively addressing the issues. The Nuisance Abatement Team is also brought in on specific cases where appropriate. Standard practice to address problem establishments begins with a

meeting with the owner to try to resolve the problems immediately. If this is not effective, a hearing may be held to modify the conditions of the CUP, such as reducing hours of operation or eliminating signage. Finally, a revocation hearing may be held and the permit revoked.

6. Police Data to Be Made Available

Day One Recommendation: Collect and make available data through the Police Department pertaining to alcohol-related incidents in order to better track problematic alcohol outlets in the city.

City Response: The Police Department currently gathers information on several types of alcohol-related incidents and will forward the information to Day One quarterly. The Special Investigations Section currently has targeted three of the most problematic alcohol outlets to mitigate the problems through both owner cooperation and enforcement.

7. Formation of a Short-term Review Committee

Day One Recommendation: Form a short-term review committee to evaluate current city policies regarding alcohol and formulate methods to hold the City Council and city departments accountable for closely adhering to the policies.

City Response: Staff is supportive of participating on a short-term committee to evaluate current city policies.

8. Review Playhouse District and North and South Lake Areas*

Day One Recommendation: Review the development and growth of potential alcohol outlets in the Playhouse District and North and South Lake Avenue areas of Pasadena, to determine whether or not it would be beneficial to apply alcohol overlay district to those areas. *This recommendation did not receive complete agreement of the Policy Panel.

City Response: Two alcohol overlay districts already exist on North Lake Avenue, therefore it is not necessary to create an additional overlay. Planning staff does not recommend overlay districts for the Playhouse or South Lake districts. Neither area has been identified by the Police Department as having an excessive number of police calls related to alcohol availability and neither have had any signs of developing problematic uses. If a problem were to develop in the future, the city's current Conditional Use Permit process, supported by State law, now provides significant control over the approval and location of alcohol establishments.

LOCAL BUSINESS

1. Require Training for Commercial Alcohol Servers

Day One Recommendation: Establish a policy that encourages all commercial alcohol servers and sellers be trained in responsible beverage service.

City Response: Staff recommends attaching a pamphlet to the approval of all alcohol-related CUPs that encourages training, outlines problems to watch for, and may include further information on training availability. Staff does not recommend requiring training as it may incur costs and hiring delays for employers. However, required training may be used as a modified condition of approval for problem businesses.

2. Symposium on Alcohol Awareness

Day One Recommendation: Day One to sponsor a symposium or other similar gathering with city development staff and local landlords to increase awareness of alcohol impact in the community.

City Response: Staff are supportive of a symposium with staff, business owners and property owners. Key business associations in the various business districts should be encouraged to assume a lead role in this effort.

NEIGHBORHOODS

1. Improve Communication Between Business Owners and Neighborhoods

Day One Recommendation: Develop better communication between business owners and neighborhoods; and convey the message clearly to business owners that responsible operations are better for everyone.

City Response: It appears that there are few opportunities now where business and neighborhoods work together on this issue other than in typically adversarial circumstances. Facilitation for neighborhoods and businesses to gain better understanding of each others concerns, identify ways to work together and work toward common goals would be a positive step. Staff recommends that Day One and the Human Services, Recreation and Neighborhoods Department facilitate this process and encourage existing business associations take a larger role in creating this kind of communication with surrounding neighborhoods.

2. New Coordination Between ABC, Law Enforcement and Other Agencies

Day One Recommendation: Establish a mechanism to assist with coordination among ABC, law enforcement, and other appropriate government agencies, with particular regard to violations of HUD/Section 8 housing requirements including alcohol and drug-related incidents; this should include close work with the city's Nuisance Abatement Team who shares this goal.

City Response: A representative of the City's Housing Division currently sits on the Nuisance Abatement Team and has established information exchange regarding Section 8 participants who may be engaged in nuisance activities. The Housing Division works closely with the City Prosecutor's Office and jointly hosts a landlord training workshop with the Human Services, Recreation and Neighborhoods Department. The Housing Division also works with the Police Department and is currently developing improved information sharing (per Federal guidelines) regarding Section 8 participants.

3. Shared Information and Neighborhood "Policing" of Outlets

Day One Recommendation: Review procedures for gathering data about problem alcohol outlets with the goal of aligning more closely with residents and sharing the responsibility in policing the outlets.

City Response: The City welcomes the opportunity to work closely with neighborhood organizations in an effort to expand interaction in resolving problem locations. In the past, the Police Department has hosted meetings, worked with the Nuisance Abatement Team, residents and Day One to jointly resolve problem alcohol outlets. In addition, staff in the Human Services,

Recreation and Neighborhoods Department facilitates problem solving and communication between neighborhoods and city departments.

4. New Assistance to Residents Heavily Impacted by Problem Outlets


Day One Recommendation: Day One and city officials in the Planning & Permitting (Code Enforcement) and Police departments, and residents, work to find ways to help residents who are heavily impacted by problem alcohol outlets; this should include the formation of neighborhood task forces and education of community residents in using available prevention and enforcement tools effectively.

City Response: There are existing community-based programs readily available as both prevention and intervention tools. The City welcomes the opportunity to work with Day One and other groups to make this work. The Police Department currently works with *Safe Streets Now* to combat problem locations. In addition, the Police Department has shared information with residents and groups about state and municipal laws, ordinances, the Department of Alcoholic Beverage Control license conditions, and conditions on CUPs. As the Police Department takes an aggressive role in combating problem outlets, it is critical that the affected members of the community be involved. The testimony of a resident will have stronger impact on a hearing officer or jury than will the sole testimony of a police officer.

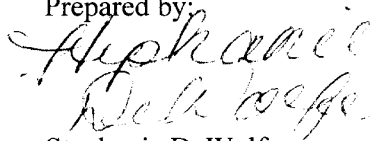
FISCAL IMPACT

This action will result in increased revenue to the Planning & Permitting Department to fund the additional workload associated with increased inspections.

Respectfully submitted,


for Cynthia J. Kurtz,
City Manager

Prepared by:



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