

City of Watsonville
Community Development Department



MEMORANDUM

DATE: May 21, 2019

TO: Matthew D. Huffaker, City Manager

FROM: Suzi Merriam, Community Development Director
Tamara Vides, Deputy City Manager

SUBJECT: Consideration of amendments to Watsonville Municipal Code Chapters 14-18 (Definitions) and 14-25 (Alcohol Related Uses) regulating alcohol related businesses in the City of Watsonville and establishment of new alcohol sales education and regulatory fee.

AGENDA ITEM: May 28, 2019 City Council

[Planning Commission Meeting May 7, 2019 Video](#)

RECOMMENDATION:

Staff recommends that the City Council introduce ordinances to amend the Watsonville Municipal Code (WMC) Title 14 (Zoning) by amending Chapter 14-18 (Definitions) and rescinding and adding a new chapter 14-25 (Alcohol Related Uses) for the regulation of alcohol related businesses located within the City; adding a new Article 3-6.14 (Alcohol Sales Education and Regulatory Fee) to Title 3 (Finance); and approving resolution setting same fee at \$400 per year with annual Consumer Price Index (CPI).

DISCUSSION:

Background

On September 10, 2002, a comprehensive alcohol ordinance became effective (Ord. 1135-02, codified at Chapter 14-25 of the Municipal Code), which marked the first time that the City regulated all alcohol-related businesses. The purpose of the ordinance was to address serious health and safety related impacts that alcohol-related businesses were causing in the City. In addition, Watsonville had 25% more alcohol outlets per capita than the state average.

The alcohol ordinance included standard conditions for the operation of each type of alcohol related business, and separation requirements to prevent overconcentration of alcohol related businesses. Further, separation requirements were established between alcohol-related businesses and sensitive uses such as schools, parks and churches.

Existing alcohol related businesses existing as of October 10, 2002 without a conditional use permit were required to obtain a no-cost conditional use permit without a hearing.

In the last 17 years, the current ordinance has been successful in ensuring that all alcohol related businesses operate under the same standard conditions and allowing the City to modify and/or revoke permits for problem operators. However, the separation requirements have significantly limited the ability to establish multiple alcohol-related uses in higher density areas such as the historic downtown core and shopping centers. As the City works toward revitalization of the historic downtown core, a modification of the alcohol ordinance is necessary in order to allow for newer alcohol-related business models and provide an alternative to the current separation requirements.

PROCESS:

Section 907 of the Charter of the City of Watsonville calls for the Planning Commission to make recommendation to the City Council on any proposal to amend or repeal any part of the Zoning Ordinance of the Watsonville Municipal Code.

Planning Commission Meeting

The proposed amendments to Watsonville Municipal Code(WMC) title 14 (zoning) by amending chapter 14-18 (definitions) and rescinding and adding a new chapter 14-25 (alcohol related uses) were considered by the Planning Commission on May 7, 2019.

At the meeting, several community members, business owners and prevention partners voiced support for the proposed modifications. Some of the Commissioners and members of the public argued for a higher percentage of alcohol related businesses be allowed in the CCA Zoning district and shopping centers, and that the weekend hours of operation be extended for later last call and closing time. After much discussion, and deliberation the Planning Commission voted 4-2-1 to recommend Council approval of the proposed ordinance with the following modifications:

- Up to 15% of business licenses related to alcohol in the CCA Zoning district vs. 10% recommended by staff and stakeholder subcommittee that prepared the draft ordinance.
- Up to 30% of business licenses related to alcohol in shopping centers vs. 20% recommended.
- Weekend hours: last call: 11:00 p.m., closing: 11:30 p.m. instead of original staff recommended of last call: 10:30 p.m., closing 11:00 p.m.

For reasons stated below and after further review of recommendations made by the Planning Commission, staff recommends that Council adopt modifications to the original draft ordinance to include:

- Weekend hours: last call: 11:00 p.m., closing: 11:30 p.m.

PROPOSED MODIFICATIONS TO CHAPTER 14-25:

In order to modify separation requirements that allow for new development in higher density areas such as the historic downtown core and shopping centers, there are several modifications proposed for the ordinance, which are described in the table below. Many of

these changes have been inspired by the Cannabis Ordinance (WMC Chapter 14-53) approved by Council in 2016.

Application Requirements. The draft ordinance requires new documentation to evaluate whether applicants have the education, training, experience, capital and a plan to be responsible business operators if a permit is approved and issued. The application requires a business plan, owner information, neighborhood compatibility plan, safety and security plan, and a statement of community benefits. By requiring the proposed business to spend the time to put together and provide this documentation, the applicant is more likely to understand the increased responsibility and cost that operating an alcohol-related business entails. Additionally, this allows the City to objectively determine whether a permit should be approved.

Application Scoring and Interviews. As part of the application process, City staff would schedule an interview with the applicant, and assemble an interview panel to consist of staff from the City Manager's office and Police, Fire, Finance, and Community Development Departments. Staff has developed a draft rubric that scores each of the items required to be submitted for review. An applicant must receive a score of at least 80% in order to qualify to submit an application for processing. The interview panel will use the rubric as a tool to objectively score the application, based on the submitted materials and the interview. If an application receives a passing score on the rubric, the application will be processed and a license will be issued.

Conditions of Approval. The conditions of approval are similar to the 2002 ordinance (WMC 14-25), however LEAD^[1] training is now a standard condition for all alcohol related uses. In addition, the closing time for all on-sale alcohol establishments would be:

Sunday—Thursday: last call at 10:00 p.m., closing at 10:30 p.m.

Friday—Saturday: last call at 11:00 p.m., closing at 11:30 p.m.

Later closing hours may be considered through the Entertainment Permit process.

The Police Department supports consistent closing hours for all alcohol related businesses. When different establishments have inconsistent closing hours, patrons will generally move to the businesses that close later, creating an environment where there may be more 'drinking and driving,' and where patrons would consume more alcohol than if all businesses closed at the same time. In addition, it is more difficult for these establishments to monitor overserving, since they would not know how much someone had consumed prior to coming to their business.

The 11:30 p.m. weekend closing hours are acceptable to the Police Department because at this time there are two patrol teams still on-duty, which allows for more effective enforcement. Past that hour, on-duty staffing diminishes significantly, and regulatory enforcement of alcohol businesses become a challenge.

Existing Uses Deemed Approved. All existing alcohol related businesses will be considered “deemed approved.” In this way, nuisance issues with existing alcohol related uses can be addressed administratively through modification of the conditions of approval or revocation of the permit. Currently all existing alcohol related uses in the City operate under an existing Use Permit issued under the 2002 ordinance and have existing conditions of approval.

Separation Requirements. Although the City-wide separation requirements have proven successful in limiting the concentration of alcohol related businesses and near sensitive uses, the separation requirements limit the establishment of responsible businesses in higher density areas such as the historic downtown core and shopping centers.

The ordinance would allow a variation from the separation requirements for those applicants in the Central Commercial Core Area (CCA) zoning district and existing shopping centers if the review panel can establish through the application process that they will be a responsible operator. The separation requirements will still apply for off-sale alcohol related uses and those not located in a shopping center or in the CCA zoning district.

This change will allow for significant development to occur in the CCA zone and in shopping centers. The use of percentage of total licenses allow for future growth as business developed in the downtown area and in many of the shopping centers around the city.

Maximum Limit On Alcohol-Related Businesses. In order that the City does not end up with a significant concentration of alcohol related uses in the CCA zoning district and shopping centers, staff proposes a cap on the percentage of business licenses in the zoning district or specific shopping center. For the CCA district, the maximum percent is proposed to be 10% of all business licenses, and in shopping centers, the maximum is proposed to be 20%. Restaurants with beer and wine sales (Type 41 license) are not proposed to be included in the cap. The following license types will be subject to the cap:

- 40 ON SALE BEER - (Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
- 42 ON SALE BEER & WINE – PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
- 47 ON SALE GENERAL – EATING PLACE - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and

must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

- 48 ON SALE GENERAL – PUBLIC PREMISES - (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.

SHOPPING CENTER	ADDRESS	TOTAL BUSINESS LICENSES	ALCOHOL LICENSES	% ALCOHOL LICENSES	Potential # of New Businesses
Crestview Center	1400 Freedom Blvd	31	2	6%	4
Cabrillo Center	1437 Freedom Blvd	13	3	23%	0
Freedom Centre	2010 Freedom Blvd	29	3	10%	2
Watsonville Square	1934 Main St	35	5	0%	2
Pajaro Plaza	South Green Valley Rd	14	0	0%	2
Crossroads Watsonville	1911 Main St	27	1	4%	4
Overlook Shopping Center	1417 Main St	36	3	8%	4
KMART Shopping Center	1720 Freedom Blvd	14	1	7%	1
East Lake Village	1906 E Lake Av	29	4	14%	1
Town & Country	1200 Main St	13	2	15%	0
CCA District	downtown	226	7	3%	15

For example, there are now 226 business licenses active in the CCA zoning district. Staff proposes that the percentage of alcohol related businesses not exceed 10% of the total business licenses, which would equal 22. Currently, there are 7 businesses that have alcohol licenses in the CCA District other than a Type 41 license. The cap would allow the establishment of up to 1 more alcohol related businesses in the CCA district with the current number of alcohol related businesses downtown. While a 10% limit can be perceived as a cap to the numbers of business that can open in the CCA, as vacant storefronts become occupied and/or density increases in the downtown, the number of alcohol related businesses allowed will increase in relation to other development in the downtown area. Further, because this cap does not apply to restaurants with beer and wine sales (Type 41 license), there is no limit on these types of businesses.

The Police Department supports the proposed maximum limits on alcohol related businesses. As stated previously with regard to Police staffing, during weekend evenings staffing levels are low. In addition, weekends are generally very busy with calls for service. Having measured growth of alcohol related businesses will allow the Police Department to monitor staffing needs and determine whether or not the Police and other City Departments have the capacity to manage the problems that will arise from the increase of alcohol related businesses.

Modification or Revocation of Permits. The current ordinance allows for the modification and/or revocation of use permits through a public hearing by the Planning Commission.

The process of bringing a nuisance operator to the Planning Commission can take 1-2 months and requires significant staff time. In order to provide immediate restrictions to a problem operator's actions, staff proposes to authorize the Zoning Administrator to modify any conditions of approval necessary to address the issues. In addition, findings have been added for the Zoning Administrator and/or Planning Commission to make in order to modify conditions or revoke a use permit:

1. Prior efforts to compel the owner and/or lessee to eliminate the problems associated with the use have failed; and
2. That the owner and/or lessee has failed to demonstrate, to the satisfaction of the Zoning Administrator or the Planning Commission, the willingness and ability to eliminate the problems associated with the use.

PROPOSED CHANGES TO CHAPTER 14-18 (DEFINITIONS)

The new ordinance contains three new or revised definitions:

- **14-18.035 Alcohol Related Problems.** This is a new definition that distinguishes alcohol related problems from the nuisance ordinance (WMC Chapter 5-17).
- **14-18.036 Alcohol-Sales Establishment: On-Sale and Off-Sale.** This is a revised definition. The modification of this definition addresses brewpubs, and acknowledges that brewpubs may sell off-sale alcohol as an ancillary part of the business.
- **14-18.698 Shopping Center:** This is a revised definition to accommodate local conditions in Watsonville.

PROPOSED ALCOHOL LICENSE FEE (3-6.14)

In order to continue to provide outreach and education to our alcohol related businesses, staff is recommending that a new Alcohol Sales Education and Regulatory Fee be adopted and assessed to each business on an annual basis. The fee would help the Police Department conduct annual inspections and undertake compliance checks on an ongoing basis. Currently, the Police Department conducts compliance checks such as minor-decoy operations (underage teens attempting to order alcohol or get adults to purchase it for them) only when the City receives an ABC grant. These grants are only issued bi-annually to jurisdictions.

The alcohol license fee would allow these operations to occur every year without strict reliance on the ABC grant. Staff proposes that the fee be set at \$400 per year per business and would be administered through a new Alcohol Sales Education and Regulatory Fee Ordinance in Chapter 3-6.1400, which is attached for reference. Because the proposed Alcohol Sales and Education Regulatory Fee Ordinance will not be part of Title 14, it will be considered for approval by the City Council, not the Planning Commission (Attachment 1).

City staff worked with the stakeholder group and researched practices in other jurisdictions to determine the minimum fee required to provide ongoing alcohol training and enforcement with the bi-annual ABC grant. Staff determined the cost of an entire police

sergeant and administrative staff that would be required to help administer this program, and determined that the cost to dedicate a full sergeant to alcohol related uses would be too high for businesses to bear. The \$400 fee is based on the fully burdened hourly rate of a police sergeant and administrative analyst based on the number of hours annually that would be dedicated to alcohol education and enforcement. The \$400 fee, coupled with the bi-annual ABC grant, will allow continued education and enforcement, however, the fee does not cover the entire cost to administer the program.

COMMUNITY OUTREACH:

In December, a panel of stakeholders from the City, Community Prevention Partners, and the business community convened and met monthly to assist in the development of the draft ordinance. In addition, City staff attended Community Prevention Partners meetings to further discuss the proposed amendments so that the ordinance developed would meet the dual goals of community safety and economic development. The group developed a set of guiding principles to stay on track when discussing challenging portions of the ordinance (see Attachment 2).

It was important to the group that the application process be accessible to all potential business owners, both experienced and not. It was also important that the City only issue permits to applicants that can demonstrate they could successfully handle the challenges that the service of alcohol creates in the City.

Because it is important to our community that our residents who want to start their own business without experience have sufficient support, the City will add business development guidance to our website in the next few months. This will include guidance on how to write a business plan, obtain licenses and permits, how to hire staff and pay taxes. Staff is hopeful that new business owners will also take advantage of resources such as El Pajaro CDC and the Small Business Development Center to develop business and safety plans as well as budgets for operation if needed.

On April 22, 2019, a Lunch and Learn event was held to present the highlights of the proposed ordinance with existing alcohol related businesses. Staff compiled many questions that existing businesses had related to the proposed changes. Businesses in attendance expressed support for the changes in this ordinance.

On May 1, 2019, a town hall meeting was hosted by Community Prevention Partners to provide information to the community on current youth alcohol use, ways to prevent underage drinking, and current efforts by the City to ensure responsible alcohol-related business' and safeguarding our community. Overall, community members expressed their support for the changes of the ordinance and requested more information available in Spanish.

On May 20, 2019, the Stakeholder Group was convened to discuss the recommendation made by the Planning Commission, review additional information on the ratios of alcohol licenses to businesses in all shopping centers in the City, and consider what portions of the Planning Commission's recommendations would be appropriate for the community.

City staff based the revised staff recommendation on the items agreed to at the stakeholder meeting.

STRATEGIC PLAN:

The proposed changes to this ordinance support priority number 4 of the Council Strategic plan of Economic Development: Strengthen and diversify the City's economy for all, by supporting and growing existing businesses, attracting new businesses, enhancing workforce development, revitalizing downtown, and engaging the community to reinvest in the City.

FINANCIAL IMPACT:

There is no financial impact to the City if the new elements of the ordinance are adopted. Given that there are 97 alcohol related licenses in the City of Watsonville, it is estimated that \$38,800 will be generated with the new fee in FY2019-2020.

ALTERNATIVES:

Council may decide to adopt the percentage limits recommended by the Planning Commission or proposed a different alternative.

ATTACHMENTS:

1. Vision and Guiding Principles
2. Copy of Chula Vista Business Development Page
3. Support Letter from Community Prevention Partners
4. California Business and Professions Code §23958.4

¹¹ "LEAD" is an acronym that stands for Licensee Education on Alcohol and Drugs. The LEAD Program is a free, voluntary prevention and education program for retail licensees, their employees and applicants which is provided by and administered by the California Department of Alcoholic Beverage Control. The mission of the LEAD Program is to provide high quality, effective and educationally sound training on alcohol responsibility and the law to California retail licensees and their employees. The LEAD Program provides the licensee and applicant with practical information on serving alcoholic beverages safely, responsibly, and legally, and preventing illicit drug activity at the licensed establishment.

VISION AND GUIDING PRINCIPALS

- Create a process to screen responsible operators and allow development
- Ensure equal opportunities for all responsible, qualified operators to be able to navigate the permit process.
- Revise alcohol ordinance to provide flexibility in the downtown area
- Include a deemed approved ordinance citywide
- Allow eating and drinking places in the downtown
- Allow multiple alcohol uses and restaurants in one shared space
- Provide experiences in the downtown
- Provide a mechanism to modify distance requirements in downtown
- More outdoor spaces



Start a Business



1. Create a Business Plan

A business plan is like a roadmap; it shows you where you are in relation to where you want to be.

[Business Plan Template](#)



2. Choose a Structure

Choosing the legal structure that best suits your business type is a top priority. The most common structures include: sole proprietorship, partnership, limited liability company (LLC), and corporation.

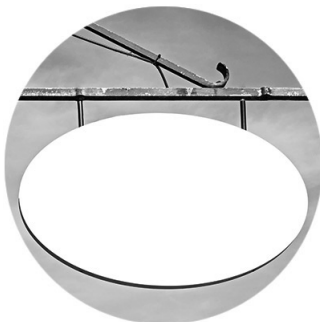
[Business Entity Types](#)



3. Location Options

Determining zoning requirements prior to signing a lease or contract is imperative. You must check with the City to see if the type of business you plan to operate is legal in the desired location.

[View eZoning](#)



4. Choose a Name



6. Tax Information



You've brainstormed and picked that perfect business name. So what's the next step to make it legal and protect your brand? File a Fictitious Business Name (FBN) with the County of San Diego.

[Fictitious Business Name Guidelines](#)

5. Obtain a Business License & Permits

The business activity type chosen determines the licenses and permits needed to operate a business legally. Building permits are required when a project involves a new/changed use of the property.

[View Licenses & Permits](#)

Several types of taxes may be levied on businesses including City business tax, income tax and employment tax.

[Tax Information](#)



7. Hire Employees

Hiring your first employee is a big step and introduces new complexities. As an employer, you must consider labor regulations and payroll taxes at the local, state and federal levels.

[Employment Tax Information](#)



8. Schedule a One-on-One Appointment

For more information on how to start a business schedule a one-on-one appointment with an Economic Development Specialist today!

[Make an Appointment](#)

For additional information please [contact us](#).



April 2019

Dear Planning Commission,

Community Prevention Partners is a coalition of public health representatives, community-based organizations, youth serving agencies, law enforcement, parents, and community members. We greatly appreciated the opportunity to work directly with City of Watsonville staff and the business community on the creation of an updated Alcohol Ordinance. Shared learning from other communities and research on best practices illuminated opportunities to provide a framework for consistency in policy for both established and emerging business interests. The new ordinance and tools utilize a health in all policies framework to preserve the safety and wellbeing of the community of Watsonville.

The proposed Alcohol Ordinance includes enhancements such as, a requirement for all employees to complete Responsible Beverage Service Training, which includes training on preventing service to minors and overserving, two of the issues that Community Prevention Partners, the City, and responsible businesses are dedicated to reducing. The ordinance includes more uniform business standards, a comprehensive assessment of new businesses with a rubric that evaluates location, business plan, neighborhood compatibility, safety and security and community benefits through a panel review. Additionally, businesses will pay an "Alcohol Sales Education and Regulatory Fee" which will support education, monitoring and enforcement of alcohol retailers. Relationships between law enforcement and alcohol merchants, regular on-site education, compliance checks, and enforcement significantly decrease negative individual and community consequences.

Community Prevention Partners is in alignment with the committee's values and shared commitment to a thriving Watsonville that is healthy, safe, economically vibrant, and family friendly. City staff have done a superb job in ensuring the ordinance before you is reflective of evidence-based best practices, was developed collaboratively with community stakeholders including alcohol retailers, and has been shared with the community at large through a Lunch and Learn and Town Hall meeting.

Community Prevention Partners supports the modifications to the ordinance and was honored to be able to contribute our expertise on alcohol policy, assist with community outreach and be an active partner in contributing to the development of an ordinance that will positively impact the community of Watsonville.

Sincerely,

Two handwritten signatures in black ink, one for Christopher Carr and one for Christina Borbely.

Christopher Carr and Christina Borbely
Community Prevention Partners, Co-Chairs



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. (AB 383) Effective January 1, 2014.)