

ALCOHOLIC BEVERAGE ESTABLISHMENT PERMIT GUIDE

When Do I Need A Permit to Sell Alcoholic Beverages for On-Site Consumption?

An Administrative Use Permit or Conditional Use Permit is required whenever you:

- Establish a new alcoholic beverage establishment,
- Change the retail liquor license type of an existing alcoholic beverage establishment,
- Substantially change the mode or character of operation of an existing alcoholic beverage establishment, or
- Continue to operate an alcoholic beverage establishment whose deemed approved status has been revoked.

The difference between the two types of permits is based on the hours of service. If your business will not sell, serve or allow consumption of alcoholic beverages after 11:00 PM, you qualify for an Administrative Use Permit. Otherwise, a Conditional Use Permit is required.

Exceptions: An Administrative or Conditional Use Permit shall not be required for a special event function, such as a neighborhood or community festival, provided that the following criteria are met:

- a. The person, group, business, or organization sponsoring the event obtains all permits required by any other applicable City law or regulation in order to lawfully conduct the special event; and
- b. The person, group, business, or organization sponsoring the event first obtains a temporary on-sale license from ABC for each of the dates the event will be held.

(WCMC Section 10-2.3.1206)

What Does the Application Look Like?

The application should contain all of the following information. Forms and Guidelines are available at the City website, and in person at the Development Center Counter.

- a. The name, address, and telephone number of the applicant. If the applicant is a corporation, the applicant shall set forth the name of the corporation exactly as shown in its articles of incorporation.
- b. The true and complete name and address of each lender or share holder with a five percent or more financial interest in the proposed business or any other

person to whom a share or percentage of the income of the establishment is to be paid.

- c. The name, address, and telephone number of the person who shall manage and operate the alcoholic beverage establishment for which the administrative or conditional use permit is requested.
- d. The name, address, and telephone number of the person authorized to accept service of legal notices.
- e. The proposed business name of the alcoholic beverage establishment and a business plan describing all operational aspects of the proposed business, including if there is to be live entertainment or dancing.
- f. Street address of the proposed alcoholic beverage establishment and the assessor parcel number for the property.
- g. A plot plan for the property depicting the location of the building in which the is proposed to be located and all existing and proposed parking, exterior lighting, signage, and landscaping, trash enclosures, waiting, or queuing areas.
- h. A floor plan of the establishment showing all seating and dining areas, bar areas, location of fixed and movable tables and chairs, waiting areas, dancing areas, live entertainment areas, restrooms, occupancy building type and any other information necessary to establish the mode and character of operation.
- i. The name and address of all existing schools, churches, hospitals, parks, playgrounds, or other alcoholic beverage establishments within 600 feet of the proposed premises.
- j. The type of ABC license the applicant is seeking.

(WCMC Section Sec. 10-2.3.1207)

How Many Copies Should I Provide?

Two copies of the complete application are required, one of which will be routed to the Police Department for a determination whether the public convenience or necessity would be served by the issuance of a liquor license.

(WCMC Section Sec. 10-2.3.1207)

What Happens Next?

The Planning Manager has 30 days to review the application and let you know if there is anything missing. Once the application is considered complete, the Planning Manager

has 30 days to approve or conditionally approve the permit, upon confirming that the alcoholic beverage establishment will conform to the compliance checklist and conditions of approval. These conditions are to ensure that each alcoholic beverage establishment approved pursuant to an administrative use permit conforms to the findings and purpose of this Article and the following goals:

- A. The sales, service, and consumption of alcoholic beverages will end at or before 11:00 P.M.;
- B. The proposed use will not cause adverse noise, litter, crowd control, or parking impacts;
- C. The proposed use will not create objectionable conditions that constitute a nuisance, as defined in California Business and Professions Code section 24200(f)(2); and
- D. The proposed use will otherwise be compatible with existing and potential uses within the general area.

(WCMC Section 10-2.3.1208 and Sec. 10-2.3.1209)

IMPORTANT DEFINITIONS

(WCMC Section 10-2.1.303(A))

Alcoholic beverage: A fermented or distilled beverage including alcohol, spirits, liquor, wine, beer, and any other liquid or solid containing alcohol, spirits, wine or beer that contains one-half of one percent or more of alcohol by volume and that is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

Alcoholic Beverage Control (ABC): The California Department of Alcoholic Beverage Control.

Alcoholic beverage establishment: Any establishment engaged in the retail sale, pursuant to a valid ABC license, of any alcoholic beverage for on-premises consumption. The term alcoholic beverage establishment shall include (1) any alcoholic beverage establishment that is not in existence on the effective date of this Article, but that is later permitted by the City and issued a valid ABC license, (2) any alcoholic beverage establishment engaged in the retail sale of any alcoholic beverage pursuant to a conditional use permit adopted prior to the effective date of this Article and a valid ABC license, and (3) any legal nonconforming alcoholic beverage establishment operating pursuant to a valid ABC license.

Deemed approved performance standards: The performance standards prescribed in section 10-2.3.1218, which are:

- A. It does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area;
- B. It does not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area;
- C. It does not result in repeated nuisance activities within the premises or in close proximity to the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests;
- D. It does not result in violations of any applicable provision of any other City, state, or federal regulation, ordinance, or statute; and
- E. Its upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

Deemed approved status: The status conferred upon an alcoholic beverage establishment operating pursuant to section 10-2.3.1215, which reads: All alcoholic beverage establishments lawfully operating pursuant to a valid ABC license that authorizes the retail sale of alcoholic beverages for on-site consumption shall automatically be deemed approved. An alcoholic beverage establishment with such deemed approved status may continue to lawfully operate pursuant to an administrative use permit or conditional use permit or, in the case of any legal nonconforming establishment, without an administrative or conditional use permit, provided it does not change its type of retail liquor license or “substantially change its mode or character of operation,” as provided in section 10-2.3.1217, and so long as its is operated and maintained in compliance with the “deemed approved performance standards” provided section 10-2.3.1218.

Substantial change in mode or character of operation: A substantial change in the mode or character of operation of an alcoholic beverage establishment, as defined in section 10-2.3.1217:

- A. The establishment changes its type of retail liquor license with the Department of Alcoholic Beverage Control.

- B. There is a substantial change in the mode or character of operation. As used herein, the phrase "substantial change in mode or character of operation" shall include, but not be limited to, any of the following:
1. The alcoholic beverage establishment substantially increases the floor area or expands the customer service area primarily devoted to the sale, service, or consumption of alcoholic beverages;
 2. The alcoholic beverage establishment extends the hours of sales, service, or consumption by 30 minutes or more;
 3. The alcoholic beverage establishment proposes to reinstate alcoholic beverage sales after the ABC license has been either revoked or suspended by ABC for a period greater than 30 days; or
 4. The alcoholic beverage establishment proposes to reinstate alcoholic beverage sales after a cessation of use for a period of 180 days or more.

A substantial change in the mode or character of operation shall not include:

- A. Re-establishment, restoration, or repair of an existing alcoholic beverage establishment on the same premises after the premises have been rendered totally or partially inaccessible by a riot, insurrection, toxic accident, or act of God, provided that the re-establishment, restoration, or repair does not substantially increase the sales or service of alcoholic beverages, extend the hours of operation, or add to the floor area or customer service area primarily devoted to the sale, service, or consumption of alcoholic beverages.
- B. Temporary closure for not more than 180 days in cases of vacation or illness or for purposes of repair, renovation, or remodeling if that repair, renovation, or remodeling does not substantially change the nature or operation of the premises or add to the floor area or customer service area primarily devoted to the sale, service, or consumption of alcoholic beverages.



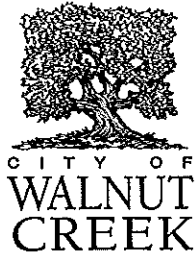
PLANNING APPLICATION

Community Development Department, Planning Division
 1666 North Main Street
 Walnut Creek, CA 94596
 (925) 256-3558 information (925) 256-3500 fax
www.walnut-creek.org website

Staff	<i>For Staff Use Only (Date Stamp)</i>	DRC
Work Order #: _____ Parcel Map #: _____ Total Deposit Fee: \$ _____ Receipt #: _____ Received By: _____		

APPLICANT: PLEASE PRINT CLEARLY AND FILL IN ALL APPLICABLE SECTIONS

TYPE OF APPLICATION (Mark all that apply): TENTATIVE MAP <input type="checkbox"/> MAJOR SUBDIVISION <input type="checkbox"/> CONDO CONVERSION <input type="checkbox"/> MINOR SUBDIVISION SUB #: _____ DESIGN REVIEW <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> OTHER <input type="checkbox"/> SIGN DESIGN REVIEW <input type="checkbox"/> ANTENNAS			<input type="checkbox"/> GENERAL PLAN AMENDMENT <input type="checkbox"/> ZONING AMENDMENT (REZONING) <input type="checkbox"/> CONDITIONAL USE PERMIT <input type="checkbox"/> MINOR USE PERMIT <input checked="" type="checkbox"/> ADMINISTRATIVE USE PERMIT <input type="checkbox"/> VARIANCE			<input type="checkbox"/> TREE REMOVAL PERMIT <input type="checkbox"/> DRIP LINE ENCROACHMENT <input type="checkbox"/> HILLSIDE PERFORMANCE STANDARDS <input type="checkbox"/> OTHER: _____		
PROJECT NAME: _____ PROJECT SITE ADDRESS: _____ APN: _____ PROJECT DESCRIPTION: _____ _____ _____								
CURRENT ZONING: _____		CURRENT GENERAL PLAN DESIGNATION: _____						
TOTAL LOT SIZE: _____		SQUARE FEET _____		ACRES _____				
		<input type="checkbox"/> REMODEL		<input type="checkbox"/> NEW CONSTRUCTION				
APPLICANT CONTACT INFORMATION: NAME: _____ COMPANY: _____ ADDRESS: _____ CITY, STATE: _____ ZIP: _____ PHONE #: _____ FAX #: _____ CELL #: _____ EMAIL: _____ <input type="checkbox"/> OWNER <input type="checkbox"/> ARCHITECT <input type="checkbox"/> ENGINEER <input type="checkbox"/> OTHER:			BILLING ADDRESS, IF DIFFERENT FROM APPLICANT: NAME: _____ COMPANY: _____ ADDRESS: _____ CITY, STATE: _____ ZIP: _____ PHONE #: _____ FAX #: _____ CELL #: _____ EMAIL: _____ <input type="checkbox"/> OWNER <input type="checkbox"/> ARCHITECT <input type="checkbox"/> ENGINEER <input type="checkbox"/> OTHER:					
PROPERTY OWNER OR AGENT AUTHORIZATION: NAME: _____ COMPANY: _____ ADDRESS: _____ CITY, STATE: _____ ZIP: _____ PHONE #: _____ FAX #: _____ EMAIL: _____			CHOOSE ONE: <input type="checkbox"/> I am the property owner and hereby authorize the filing of this application. <input type="checkbox"/> I am the applicant and am authorized by the owner to file this application. SIGNATURE: _____ DATE: _____					



STATEMENT OF UNDERSTANDING

Community Development Department, Planning Division
1666 North Main Street
Walnut Creek, CA 94596
(925) 256-3558 information (925) 256-3500 fax
www.walnut-creek.org website

For Staff Use Only

Work Order #: _____

Project Address: _____

READ AND SIGN BY PERSON RESPONSIBLE FOR BILLING

I understand that charges for staff time spent processing this application will be based on the Council-approved fee schedule, which is currently an **hourly rate of \$180.**

Further, I understand that my initial deposit is a retainer and not a fee. This deposit will set up an account which shall be charged at the above hourly rate for all staff processing time. Further, I understand that should the final costs be more than the deposit, I will be billed monthly for the additional charges. If the final costs are less, the unused portion of the deposit will be returned to me at the conclusion of the process or final inspection of the completed project, whichever occurs later (the necessary staff time will vary according to the complexity of the application and the project.) Also, I understand that staff processing time may include, but is not limited to:

- I. Initial review and ongoing project processing by Planning, Engineering and Transportation Divisions and the City Attorneys' Office including, but not limited to:
 - A. Reviewing plans / submittal packages
 - B. Routing plans to and communicating with inter-office departments and outside agencies
 - C. Researching documents relative to site history
 - D. Site visits
 - E. Consulting with applicant and/or other interested parties either in person or by phone
 - F. Preparing environmental documents
 - G. Drafting of staff reports and resolutions
 - H. Preparing pertinent maps, graphs and exhibits
 - I. Attending meetings / public hearings before the Zoning Administrator / Commissions / Council
- II. Plan checking subdivision, parcel and final maps and subdivision improvement plans by Engineering and Planning Divisions subsequent to receiving discretionary approvals;
- III. Plan checking building permits by Planning, Engineering and Transportation Divisions and plan checking Site Development permits by Planning and Transportation Divisions, subsequent to receiving all discretionary approvals;
- IV. Final, on-site inspections of the project by Planning, Engineering and Transportation Divisions;
- V. Enforcement by Planning and Engineering Divisions of any conditions of approval imposed by the City.

I also understand that receipt of all discretionary approvals does not constitute an entitlement to begin work. Non-discretionary approvals may be required from the Building and Engineering Divisions, Consolidated Fire District, Central Sanitary District, County Health Department, Water Districts and other agencies. Refer to the City Fee Schedule for other fees to be assessed prior to the issuance of project permits. These fees may include, but are not limited to:

- 1. Building Permit fees
- 2. Site Development Permit fees which may include street frontage improvements and undergrounding of utilities
- 3. Traffic Impact fees
- 4. Drainage fees
- 5. Parkland Dedication fees
- 6. Fire District, Flood Control District, Sanitary District, Water District, etc. fees
- 7. Filing and microfilming fees
- 8. Base Map Fee

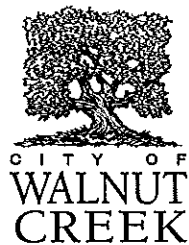
I assume full responsibility for all costs (as listed above in I. - V.), incurred by the City in processing this application. I understand and agree that if payment for these costs is not received by the City within 60 days of the billing date, processing will be terminated until all past due amounts have been fully paid.

DATE: _____

SIGNATURE: _____

PRINT NAME: _____

A copy will be provided to you.



STATEMENT OF OWNERSHIP
 Alcohol Service Establishments
 Supplement to Planning Application

Community Development Department, Planning Division
 1666 North Main Street,
 Walnut Creek, CA 94596
 (925) 256-3558 *information* (925) 256-3500 *fax*
www.walnut-creek.org *website*

Provide the true and complete name and address of each lender or shareholder with a five percent or more financial interest in the proposed business and any other person to whom a share or percentage of income of the establishment is to be paid.

<p>OWNER 1</p> <p>NAME: _____</p> <p>COMPANY: _____</p> <p>ADDRESS: _____</p> <p>CITY, STATE: _____ ZIP: _____</p> <p>PHONE #: _____ FAX #: _____</p> <p>CELL #: _____</p> <p>OTHER PHONE #: _____</p> <p>EMAIL: _____</p>	<p>OWNER 4</p> <p>NAME: _____</p> <p>COMPANY: _____</p> <p>ADDRESS: _____</p> <p>CITY, STATE: _____ ZIP: _____</p> <p>PHONE #: _____ FAX #: _____</p> <p>CELL #: _____</p> <p>OTHER PHONE #: _____</p> <p>EMAIL: _____</p>
<p>OWNER 2</p> <p>NAME: _____</p> <p>COMPANY: _____</p> <p>ADDRESS: _____</p> <p>CITY, STATE: _____ ZIP: _____</p> <p>PHONE #: _____ FAX #: _____</p> <p>CELL #: _____</p> <p>OTHER PHONE #: _____</p> <p>EMAIL: _____</p>	<p>OWNER 5</p> <p>NAME: _____</p> <p>COMPANY: _____</p> <p>ADDRESS: _____</p> <p>CITY, STATE: _____ ZIP: _____</p> <p>PHONE #: _____ FAX #: _____</p> <p>CELL #: _____</p> <p>OTHER PHONE #: _____</p> <p>EMAIL: _____</p>
<p>OWNER 3</p> <p>NAME: _____</p> <p>COMPANY: _____</p> <p>ADDRESS: _____</p> <p>CITY, STATE: _____ ZIP: _____</p> <p>PHONE #: _____ FAX #: _____</p> <p>CELL #: _____</p> <p>OTHER PHONE #: _____</p> <p>EMAIL: _____</p>	<p>OWNER 6</p> <p>NAME: _____</p> <p>COMPANY: _____</p> <p>ADDRESS: _____</p> <p>CITY, STATE: _____ ZIP: _____</p> <p>PHONE #: _____ FAX #: _____</p> <p>CELL #: _____</p> <p>OTHER PHONE #: _____</p> <p>EMAIL: _____</p>



**ALCOHOL SERVICE
ESTABLISHMENTS**
 Supplement to Planning Application
(pursuant to WCMC Section 10-2.3.1207)
 Community Development Department, Planning Division
 1666 North Main Street
 Walnut Creek, CA 94596
 (925) 256-3558 information (925) 256-3500 fax
www.walnut-creek.org website

*For Staff Use Only
(Date Stamp)*

Work Order #: _____
 Parcel Map #: _____
 Received By: _____

PLEASE INCLUDE ALL RELEVANT CONTACT INFORMATION

BUSINESS NAME OF ESTABLISHMENT: _____
STREET ADDRESS OF ESTABLISHMENT: _____ **APN:** _____
TYPE OF ABC LICENSE: _____ **ABC LICENSE NUMBER:** _____

APPLICANT

NAME: _____
 COMPANY: _____
 ADDRESS: _____
 CITY, STATE: _____ ZIP: _____
 PHONE #: _____ FAX #: _____
 CELL #: _____
 OTHER PHONE #: _____
 EMAIL: _____

BUSINESS MANAGER / OPERATOR

NAME: _____
 COMPANY: _____
 ADDRESS: _____
 CITY, STATE: _____ ZIP: _____
 PHONE #: _____ FAX #: _____
 CELL #: _____
 OTHER PHONE #: _____
 EMAIL: _____

AUTHORIZED RECIPIENT OF LEGAL NOTICES

NAME: _____
 COMPANY: _____
 ADDRESS: _____
 CITY, STATE: _____ ZIP: _____
 PHONE #: _____ FAX #: _____
 CELL #: _____
 OTHER PHONE #: _____
 EMAIL: _____

LICENSE HOLDER

NAME: _____
 COMPANY: _____
 ADDRESS: _____
 CITY, STATE: _____ ZIP: _____
 PHONE #: _____ FAX #: _____
 CELL #: _____
 OTHER PHONE #: _____
 EMAIL: _____

ATTACH HERETO:

- The true and complete name and address of each lender or shareholder with a five percent or more financial interest in the proposed business and any other person to whom a share or percentage of income of the establishment is to be paid.
- A business plan describing all operational aspects of the proposed business, including if there is to be live entertainment or dancing.
- A scaled plot plan for the property depicting the location of the building in which the establishment is proposed to be located and all existing and proposed parking, exterior lighting, signs, landscaping, trash enclosures, waiting, or queuing areas.
- A scaled floor plan of the establishment showing all seating and dining areas, bar areas, location of fixed and movable tables and chairs, waiting areas, dancing areas, live entertainment areas, restrooms, occupancy, building type, and any other information necessary to establish the mode and character of operation.
- Site photographs of the interior, exterior, and context.
- A location map and the name and address of all existing schools, churches, hospitals, playgrounds, and other alcoholic beverage establishments within 600 feet of the premises.

