



Information Package: Risk-Related Business Issues
for Reference in the Casa de Oro Specific Plan

Casa de Oro Alliance
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The Casa de Oro Alliance encompasses a group of local leaders, business owners, residents and property owners who share the mission and vision of a safe neighborhood that is inviting for shopping, dining and community events.

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Introduction

In 2017, members of the Casa de Oro Alliance (<http://casadeoroalliance.org>), working with the Institute for Public Strategies (<https://publicstrategies.org>) began an effort to research and share best practice public policy recommendations to achieve more comprehensive and contemporary land use regulations for Casa de Oro, particularly the business corridor along Campo Road.

As has been shared and discussed in many Casa de Oro Alliance meetings and forums, the Casa de Oro business corridor -- like many older commercial corridors in other cities -- gradually declined over the past 20 years and is in need of comprehensive, coordinated revitalization. This includes a robust set of land use policies and regulations to create a broader range of needed and desired land uses to be delivered in a safer, more inviting and organized setting. Revitalizing these older areas and corridors is commonplace and many of the region's cities already adopted and implemented new plans and regulations. These include La Mesa, El Cajon, Escondido, and San Diego, many to great success.

The Casa de Oro Alliance Policy Committee's first priority was a survey and review of information and references included in this document, specifically addressing "Risk-Related Businesses."

This document summarizes the information reviewed and highlights the primary aspects of successful risk-related business policy and regulation in other cities in our region and elsewhere in the state. The Casa de Oro Alliance shares this information with area stakeholders who should be involved in the pending update of land use provisions for the Casa de Oro business corridor. The Alliance also advocates for successful implementation, location and operation of risk-related business through incorporation of thoughtful policy and regulation in any Casa de Oro specific plan.

The Casa de Oro community will soon develop a specific plan for the Casa de Oro area. In addition to "risk-related businesses," we hope to support the creation of similar documents on smart urban design, contemporary commercial design principles, and landscape planning and rehabilitation on Campo Road.

Executive Summary

Health, Safety and Welfare in Land Use Policy

In the world of urban planning and design, and the establishment of land use regulations, there are some land uses whose nature and operating characteristics can produce potential negative health, safety and welfare effects on surrounding establishments, and/or the local community.

Large chemical plants, quarries and other heavier industry are the more typical and commonly understood examples. Other more common land uses, such as liquor stores and nightclubs, can also present health, safety and welfare “risks” and community nuisances if not properly regulated and managed, or allowed to become overconcentrated in an area. The possible negative health, safety and welfare effects from these more common, and so-called “risk-related” land uses are well documented in planning literature and real-world experiences, and are reflected in contemporary policies and zoning regulations in many local cities.

Outdated Land Use Policy

Current land use policies and regulations for Casa de Oro were largely adopted in the 1940s into the 1970s and are now outdated. Liquor stores, nightclubs, smoke shops and other risk-related business are allowed outright and are not subject to any conditional or performance-based permitting requirements, a common practice in most other cities. This has resulted in a documented overconcentration of these types of businesses in Casa de Oro, along with the common, attendant problems such as vagrancy, panhandling and public drunkenness.

Local Students Noticed

This problem was recognized in the work of Monte Vista High School students and members of the East County Youth Coalition. Since then, the Casa de Oro Community Alliance was formed and working with the Institute for Public Strategies, the concerns with risk-related businesses of community stakeholders were documented. Our findings are presented in the next section.

Good References and Good Examples Found

In the end, the solution is to prepare and adopt comprehensive land use policies and regulations to appropriately manage these “risk-related businesses,” “high-risk businesses,” “adult businesses,” and/or “adult-related businesses” as further defined and explained below. Many good references and best-practice examples from other cities are available, and sources are included.

Smart Policy for Casa de Oro’s Golden Future

As the forthcoming Casa de Oro specific plan is developed, land use policies and zoning regulations for the Casa de Oro business corridor will be comprehensively reviewed and updated. This presents a generational opportunity to update and implement land use policy and regulations for risk-related businesses so existing and future risk-related business can and will be wisely located and operated in Casa de Oro.

Scope of Risk Related Business Regulation

It is important to note that risk-related businesses are a normal part of a community's land use make-up. The types of contemporary risk-related business regulations outlined in this document are consistent with those used in other cities, and in summary consist of the following:

- Managing the overall number and location of various types of risk-related businesses to avoid overconcentration
- Controlling the location of risk-related businesses in relation to schools and other sensitive land uses to ensure sufficient separation and avoid any inherent frictions
- Regulating the design and location of buildings hosting risk-related businesses to promote good visibility, lighting and other safety considerations
- Establishing appropriate operating conditions and other business parameters to reduce and avoid common nuisance problems

Tools for Risk Related Business Regulation

These are typically accomplished through the following, common planning and regulatory tools:

- Updated zoning regulations for new risk-related business, including requirements for Conditional Use Permits
- A Deemed Approved Ordinance to address the operation of already existing risk-related businesses, and
- Design guidelines to address building location and business design details

Considerations and Suggestions

This document provides an overview of risk-related business considerations, along with suggestions as to the type and depth of risk-related business regulations that should be given thorough consideration during the county's preparation of the forthcoming Casa de Oro specific plan. A series of related recommendations to successfully address risk-related business regulation -- and references to support materials and best-practices of other cities are included.

What is a Risk-Related Business?

“Risk-Related Business” is a term-of-art used to encompass a group of typically adult-serving land uses such as bars, nightclubs, liquor stores, massage parlors, etc. (see more below) that can present certain “risks” to a community’s health, safety and welfare if not properly regulated and managed. Many cities have long had regulations to sufficiently address risk-related business using terms such as “high-risk businesses,” “adult businesses,” and “adult-related businesses.” The term “adult-oriented businesses” is also used, but more often relates to sexually-oriented businesses such as strip clubs, adult theatres and bookstores.

It’s very important to note that risk-related businesses are not inherently bad, unwanted or unnecessary land uses, but rather are simply those that possess a greater potential to create health, safety and/or welfare issues in a community if not properly located and managed.

Risks are typically associated with social, public health, and law enforcement concerns stemming from the products sold or consumed, the business operation itself, and the people who use these businesses.

A simple list (in no particular order) of the business types typically included in risk-related business publications reviewed by the policy committee:

- Liquor stores
- Tattoo / piercing shops
- Smoke shops/ tobacco/ smoking paraphernalia
- Motels
- Marijuana sales
- Pawn shops
- Massage parlors
- Check cashing / payday loans
- Bars, cocktail lounges, nightclubs, dance halls
- Pool halls / arcades / game rooms
- Hookah lounges
- Resale / secondhand stores
- Food pantries / homeless services
- Adult entertainment – theaters, cabarets, novelty bookstores
- Halfway houses and group homes

For example, liquor stores can present potential “risks” for underage drinking, loitering, vagrancy and public drunkenness. Too many in one area, or location near a school can exacerbate these negative effects, and much has been written and documented on this subject. Liquor stores themselves are not inherently bad; however, the location or over-concentration of liquor stores and how they are operated could significantly, and negatively, affect the local community.

Businesses selling or serving alcohol can be strong assets to a community by providing venues for social gatherings and entertainment, convenient shopping and contributing to the local economy. Our region has many examples of this, including some in Casa de Oro. Nonetheless, sales of alcohol, especially in communities with a high concentration of bars, nightclubs, restaurants and liquor stores, have been associated with a host of serious problems ranging from public intoxication to violent crime (e.g., areas of Pacific Beach and Lemon Grove).

Even relatively minor problems associated with alcohol sales, such as loitering, panhandling, and public urination can constitute public nuisances that adversely affect neighboring businesses and residents, and contribute to neighborhood blight. In some cities this has resulted in the loss of business diversity and a long-term decline in economic viability, similar to results seen in Casa de Oro. Fortunately, there are strategies based on scientific research that allow cities to mitigate alcohol-related problems in a way that supports local businesses selling or serving alcohol.

The references section at the end of this document contains references to several documents on risk-related business the Casa de Oro Alliance and the Institute for Public Strategies have reviewed, and provides a comprehensive explanation of the nature of risk-related businesses and how to best manage their locations, numbers and operations to reduce or eliminate associated risks. The group also consulted with local law enforcement about the current character of crime in the area, and policy/regulatory prescriptions to address and prevent crime. Much of this information is focused on alcohol-related risk-related business, although information and examples of best practices for managing other risk-related business types are also available.

Casa de Oro, a Case Study

The Casa de Oro commercial corridor was once a bustling center of commerce and activity for the surrounding community, which included a bowling alley, movie theatre, family restaurants and other commercial amenities. Over time, newer more contemporary commercial areas adjacent to Casa de Oro were developed, including the planned community of Rancho San Diego, and in the nearby cities of La Mesa, El Cajon and Lemon Grove. These newer areas offered larger format, more modern shopping and dining opportunities, along with more comprehensive zoning regulations to manage the type, location, design and operation of various land uses.

Among other regulations, these areas imposed land use and other operating parameters on certain risk-related business to ensure appropriate siting and operation, to reduce or avoid any health, safety and/or welfare concerns to their surrounding communities. Typical of these situations throughout the San Diego region, the newer areas became attractors for desired businesses while the older areas like Casa de Oro experienced a gradual loss of desired business, and an associated physical and social decline.

Casa de Oro is now left with an aging building supply, outmoded building and development configurations, and an absence of comprehensive, contemporary zoning regulations to manage various land uses, particularly those considered to be “risk-related.”

As a result, Casa de Oro is an attractive location for businesses such as liquor stores, tobacco outlets/smoke shops, hookah lounges, tattoo parlors, massage, illegal pot shops, and on- and off-site retail alcohol outlets; all business types associated with posing “risks” to community health and safety. As might be expected, the area is now considered blighted by many, and the

rate of calls for low-level crime problems such as vagrancy, panhandling and public drunkenness / disturbance is considered high by local law enforcement.

See the references section for a publication with a map of current risk-related businesses in the Casa de Oro corridor, which totaled 19 at last count. For liquor stores alone, given area demographics and crime rates, Casa de Oro hosts more than four times the number of stores than adopted ABC regulations indicate. This was also a major finding of Monte Vista High School student members of the East County Youth Coalition.

The pre-cursor to the Casa de Oro Alliance was a community project started by members the East County Youth Coalition who were concerned and vocal about the kinds of businesses they walked by every day on their way to and from Monte Vista High School. They surveyed the Campo Road businesses/liquor stores, and also went to La Jolla to note the differences. They were discouraged by the inequities they encountered and decided to host a community meeting at the Casa de Oro library to share their survey results. About 20 adults attended the meeting and decided to continue to meet and address the concerns the East County Youth Coalition identified. These meetings led to the formation of the Casa de Oro Community Alliance, now known as the Casa de Oro Alliance.

The Need for Better Regulations

Absent appropriate land use provisions via updated County zoning, the Casa de Oro community is currently left with the limited resources of the California Department of Alcohol Beverage Control (ABC), or the equally under resourced County code enforcement and law enforcement (Sheriff) departments to ensure these businesses operate within the law. Most other cities have adopted various zoning and other local provisions to regulate and manage potential negative effects, such as limits on the amount and location of “risk-related” businesses, and the requirement and enforcement of Conditional Use Permits (CUP), and a Deemed Approved Ordinance (DAO).

Proposed “Risk-Related Business” Policy & Zoning Provisions

The Casa de Oro Alliance recommends a full complement of policies and regulations in the Casa de Oro commercial corridor to limit the number and location, and to establish conditions of operation for risk-related business types. These provisions would address both new and existing businesses through the application of new zoning regulations and requirements for Conditional Use Permits (for new businesses), and creation of a Deemed Approved Ordinance (for existing businesses).

While the implementation of any policy/regulatory package should be effective in managing a full breadth of risk-related businesses, the scope of the efforts of the Casa de Oro Alliance, working with the Institute for Public Strategies, focused on alcohol, drug and tobacco outlets consistent with their County contract.

The finalization and implementation of any policy and regulatory provisions will require that specific language and activities be laid out for more detailed discussion with the community, business stakeholders and the Valle de Oro Community Planning Group.

We expect and intend that this will be accomplished as part of the forthcoming specific plan preparation process in conjunction with the County of San Diego and will involve a full range of stakeholder interests. The Casa de Oro Alliance seeks to support that process by promoting community discussions, collecting input on related issues, and providing the information collected to the community and the County.

This document is intended to share and provide information about our initial recommendations to the Valle de Oro Community Planning Group, its Casa de Oro Subcommittee, the County and the larger community.

Stakeholder Concerns

The Casa de Oro Alliance, working with the Institute of Public Strategies, hosted a retreat and other discussions regarding community stakeholder concerns about the Casa De Oro business corridor, including among many subjects, our current overconcentration of “risk-related” uses. The groups also conducted a survey of businesses in the corridor in 2016 to determine Casa de Oro business and community support for potential risk-related business regulation.

The primary issues and concerns identified:

- relate to problems people experience in Casa de Oro
- are associated with the amount and operation of risk-related business in Casa de Oro
- highlight the importance of implementation of risk-related business regulation within Casa de Oro
- is not an exhaustive list
- demonstrate the need to act

Individual businesses are not at issue, but collective change in community character resulting from an overconcentration of risk-related business is. Current zoning and other regulations do not provide Casa de Oro with the needed tools to address these concerns available in many other cities.

Findings

- Casa de Oro is overconcentrated with risk-related businesses, and many of those are located close to each other, and/or close to uses that may be sensitive to potential “risks” posed.^{1,2,3}
 - A roughly one-mile stretch of the Campo Rd. corridor in Casa de Oro is
 - currently home to 19 risk-related businesses of varying types.
 - contains, or is adjacent to, a number of sensitive uses such as schools, churches, daycare, and libraries.

- Typical zoning requires a 500 to 1000 foot separation between these types of risk-related business use.
- In Casa de Oro, risk-related businesses are often separated by less than 500 to 1000 feet.
- In contrast to California Department of Alcohol Beverage Control standards, Casa de Oro hosts at least four times the number of alcohol outlets than should be located in our community.
- When crime rates are also considered, Casa de Oro should have about four or five outlets selling alcohol. As of October 2018, Casa de Oro hosts 25 such outlets.

- Enforcement actions against alcohol outlets by the California Department of Alcohol Beverage Control are limited and may include County Sheriff's assistance.⁴ In meetings with department staff, Casa de Oro Alliance members were told enforcement actions against alcohol operators are a "last resort" with preference given to requests for compliance and cooperation.

- The amount of homelessness, vagrancy, panhandling and people creating public nuisance have greatly increased over the years, as the number of risk-related business increased. Many residents no longer frequent or shop within the corridor as they are uncomfortable.

- The number of congregate living facilities, group homes and half-way houses near Casa de Oro is moderately high. Some of the people wandering Casa de Oro during the day, panhandling and causing community disturbance, reside in this type of housing.¹²

- Casa de Oro is the recent home to one of the highest concentrations of illegal pot shops in San Diego County. Without County regulation or oversight, these businesses are able to quickly establish operations and change locations frequently. San Diego County authorities were able to close some facilities in Casa de Oro during 2018, but the community remains vulnerable. If the larger Spring Valley area is also considered, the unregulated retail sale of cannabis is compounding the health and safety risks to the community.

- To date, the County Board of Supervisors has voted to ban all cannabis related businesses in unincorporated areas, and has not developed any new zoning ordinances to appropriately regulate this growing industry.

- Casa de Oro does not limit
 - the number or types of risk-related businesses able to establish operations
 - where risk-related businesses can locate in relation to each other, or to other sensitive uses, such as schools and day care centers.

- Casa de Oro lacks necessary and contemporary zoning provisions needed to properly manage risk-related business uses, including requirements for Conditional Use permits (CUPs) and a Deemed Approved Ordinance (DAO), which are common in other cities within the San Diego region.

Highlights from the Casa de Oro 2016 Business Survey¹⁷

- There is a high level of support for establishing requirements for CUPs and a DAO; 62% of responding businesses support having CUPs, and 68% a DAO.
- 81% of respondents who work alone at night feel only somewhat, or not safe.
- 79% of respondents who walk to their cars at night feel only somewhat, or not safe.
- 23% feel unsafe during the day when they are alone.
- 38% say crime has increased.
- More than 55% identified the following as common problems in Casa de Oro
 - Homeless / transients
 - Litter / trash
 - Public drinking / drunkenness
 - Loitering / trespassing
 - Panhandling / begging
 - Drug use
- 61% felt businesses should be held accountable if causing problems

Highlights from Conversations with the Sheriff's Department

In January 2018, members of the Casa de Oro Alliance Policy Committee met with representatives of the San Diego County Sheriff to discuss the potential implementation of Conditional Use Permits and a Deemed Approve Ordinance for Casa de Oro. Committee members gained an understanding of Casa de Oro's issues from a law enforcement perspective.

- Calls for service in Casa de Oro occur mostly during the daytime and are primarily for responding to people with mental health issues, and nuisance calls such as drunk in public.
- Due to limited visibility and a lack of lighting, alleys and streets behind the business district are a problem.
- There are issues with the homeless, vagrancy, dumping and some drug dealing.

The committee found the representatives supportive of establishing specific requirements and suggested the following:

- Require more trash cans and more frequent trash pick-up to keep area cleaner.
- Require all dumpsters to be enclosed and locked.
- Limit the number of alcohol outlets and smoke shops.
- Limit the amount and location of recycling businesses.
- Enforce the removal of graffiti within 72 hours and trash within 24 hours.
- Require businesses to have "no trespass orders" on file with the San Diego County Sheriff. This allows people found to be loitering or causing disturbances on private property to be removed.
- Improve the system for "impact inspections" at ABC licensed businesses.
- Require stores to install anti-theft devices on shopping carts.

Policy and Regulatory Options

Risk-related business regulation is not a new subject, and much material exists on how to successfully regulate and manage the various risk-related business types. In summary, there are four basic components of needed provisions:

Updated Zoning Regulations are needed to determine which types of risk-related businesses are allowed or not; how many or how much of each is allowed; where they can be located in relation to each other, and to other sensitive uses in the community such as schools and day care centers for example.

Conditional Use Permits (CUP) is a related component of updated zoning to establish appropriate operational controls on new uses to reduce or mitigate risks, and to establish local enforcement provisions if required conditions are not met.

Deemed Approved Ordinance (DAO) is a complementary side to the CUP, but directed to existing businesses that were allowed to operate prior to the adoption of the new zoning regulations and CUP requirements. The DAO uses the new zoning regulations and CUP provisions to establish a base of “fair play” standards by which the existing businesses must operate. If they do so, then they are “deemed approved” as being compliant with the current requirements. If they do not conform to the DAO standards, then whatever enforcement remedies are established under the DAO would apply.

Design Guidelines to manage the local business setting to promote health, safety and welfare considering the typical risks associated with the various businesses. The design guidelines would address physical and visual attributes such as architectural style, landscaping, lighting, signage, visibility, etc. Compliance with the design guideline would only be required for new businesses as there are no existing design guidelines that apply in the Casa de Oro area. Design guideline compliance would be triggered with change of use (e.g., business type).

The Casa de Oro Alliance envisions updated zoning and implementation of provisions for conditional use permits, a Deemed Approved Ordinance, and design guidelines for risk-related businesses to be incorporated within the forthcoming specific plan to be developed for Casa de Oro.

Considerations for Risk-related Business Regulation

To establish specific provisions to risk-related business regulation within the Casa de Oro specific plan, a variety of issues, questions, and detail will need to be addressed. Some provisions will be generic to a range of high-risk uses, and others are particular to the specific type of high-risk use such as a liquor store, versus a smoke shop, versus a nightclub.

County staff and any contracted planning consultant should be familiar with a number of existing examples of successful approaches to regulation in the area of risk-related businesses by other jurisdictions (such as El Cajon). We do not want to recreate the wheel here.

These are the primary questions and considerations the Casa de Oro Alliance, working with consultants from the Institute For Public Strategies, determined should be addressed when developing regulations for risk-related businesses, organized around the previously noted four components.

Purpose behind risk-related business regulation

- Protect neighborhood character and quality
- Ensure outlets operate in mutually beneficial relationship
- Defines mechanisms to address problems
- Prevent undo public nuisances in the community
- Ensure sites are maintained to prevent harmful impacts to surrounding environment
- Establish a fee system to cover costs for services and products (permits, investigations, inspections, audits)

Potential Location Requirements

- Limit risk-related businesses to commercial or industrial zones, or to certain locations within mixed-use zones.
- Establish limits on the amounts and locations for risk-related businesses both within the overall community, and in relation to each other
 - Example: no more than 4 risk-related businesses within 1,000 ft of each other, and/or certain types of high-risk uses (such as liquor stores) must be 1000ft. from each other.
- Establish minimum separation requirements (typically 500 to 1000ft) from sensitive uses such as:
 - Residential areas
 - Playgrounds, parks and recreation areas
 - Schools, libraries and youth facilities
 - Places of worship
 - Alcohol or drug recovery facilities
 - Social service offices

- Limit the amount of risk-related businesses, or certain types, in so-called high crime areas where crime reporting indicates levels of crime are 20% or more above the comparable averages.

What Conditions of Approval should be considered discretionary or standard for a new risk-related business?

- Require sound walls or other noise mitigation when uses adjacent to noise-sensitive uses such as residential
- Graffiti removal within 24 hours
- Enhanced exterior lighting
- Sufficient / additional trash receptacles
- Limit the location of pay phones
- Require a Complaint Response or Community Relations Program
- Clearly identify prohibited activities (pool tables, video games)
- Require security cameras
- Limit the amount and location of signs and advertising on windows and doors to promote visibility of, and into the business
- Prohibit the sale of certain types of alcohol products -- single serves, etc.
- Specify and limit hours of operation
- No paper or plastic cup use for alcohol sales at restaurants and other on-site consumption outlets
- Limit the size and amount of alcohol signage
- Prohibit loitering
- Prohibit the sale of drug paraphernalia
- Require landscaping to avoid view blockage of and into businesses, and to avoid hiding places

What is a Deemed Approved Ordinance?

A Deemed Approved Ordinance is a mechanism for pre-existing risk-related businesses (primarily targeted to alcohol-related establishments) to continue to operate. State laws govern the establishment of any deemed approved ordinance. All of the provisions for new businesses under a Conditional Use Permit cannot be applied through a deemed approved ordinance. However, a deemed approved ordinance does allow for the establishment of business operational performance standards.

A Deemed Approved Ordinance does not typically exist absent Conditional Use Permit provisions for new businesses since the basis of “fair play” for the Deemed Approved Ordinance relies on the fact that similar types of new uses (such as liquor stores) have met required standards. El Cajon is a good example of a city that has both Conditional Use Permit provisions for high-risk uses, and a deemed approved ordinance for pre-existing alcohol outlets.

Establishing a deemed approved ordinance in unincorporated San Diego County is more complicated because land use zoning used within the Casa de Oro (for example C36) also occurs in many other unincorporated communities throughout the region. In conversations with the San Diego County planning and development services, legal counsel and office of [Supervisor Dianne Jacob](#), it was determined that moving forward with some form of overlay zoning provisions for conditional use permits and a Deemed Approved Ordinance for just Casa de Oro was not practical due to implications for other areas outside of Casa de Oro also carrying the C36 zone, for example.

The good news is that subsequent to those conversations, San Diego County was awarded a SANDAG grant to undertake preparation of a specific plan for Casa de Oro. The specific plan is effectively a customized planning and zoning document for Casa de Oro establishing provisions that only apply within Casa de Oro. This will allow us to adopt CUP and DAO provisions within the specific plan that will not have implications to other unincorporated areas.

How should existing businesses be treated within the specific plan?

- Provide “Deemed Approved” status to all non-conforming as of date of approval
- Able to keep status as long as in compliance with performance standards

What are the areas of performance standards for existing businesses?

- no adverse effects to health peace or safety for people working or residing in surrounding area
- does not jeopardize public health or safety
- does not result in repeated nuisance activities
- complies with local, state and federal law including ABC laws.
- taxes and fees are paid
- compatible with surrounding neighborhood
- subject to enforcement fee
- performance standards posted

Deemed Approved Status is terminated when:

- a business changes its license or use type
- there is a change to mode or character of operation
- floor, land area or shelf space is increased
- hours of operation are extended
- intensity of use is increased
- ABC license is revoked for more than 30 days
- a business voluntarily discontinues alcohol sales more than 90 days (does not include re-establishment, restoration or repair)
- there is a temporary closure for more than 90 days
- A business violates existing use or operating permit or other local, state or federal law enforcement regulation

Implementing and Monitoring New Risk-related Business Requirements

Along with proposed new zoning, Conditional Use Permits, a Deemed Approved Ordinance, and Design Guideline provisions, there must be a clear component and related obligations for implementation and administration. New regulations and requirements will not enforce themselves, and our success depends on well-defined provisions specifying roles and responsibilities, functions, a timeline for meeting requirements, and consequences if they are not met.

Finally, and perhaps most important to taxpayers and the affected businesses, how will this oversight be funded to ensure it consistently functions properly over time?

Roles need to be defined for the multiple parties including property owners, business owners and operators, landlords and property management companies, employees, law enforcement, County government, other agencies such as State ABC, and the community.

Defining and reasonably controlling the cost of implementation so that the program is not unduly burdensome on local owners and businesses is critical to public support. The forms of needed funding are also important (e.g., taxes, permit fees, specials financing districts), as is defining oversight for management of the funds.

The following outline includes key questions and information that must be considered and addressed in the proposed risk-related business policy and regulations. It is not the intent of this document to attempt to provide all the answers, but rather to frame the issue and serve as a reference going forward.

How is the policy administration and enforcement paid for?

- A significant share of the cost of the policy implementation is enforcement and business education. The cost of the program would be paid for by fees paid by the businesses included in the policy.

How are fees determined?

- The fees for the program should be based on the annual cost of the program and are paid annually. Fees collected should be used exclusively to pay for administration of the policy and any enforcement costs. Fees paid by individual businesses should be based on level of risk and number of program participants. How these funds will be managed and by whom needs to be determined.

How are businesses evaluated for level of risk?

- Various metrics and criteria including number of violations, police activity, EMS responses, or nature of the business should be used to determine risk to public health and safety. Businesses are usually assigned one of three Level of Risk Designation levels: low, medium, and high.

Are there any training requirements?

- Policy recommendations reflect the best practice of requiring alcohol training for businesses serving and selling alcohol.

How should the program be administered?

- Responsibility, and funding for the policy administration could be assigned to the County land use and code enforcement department, with the cost of enforcement and monitoring (see below) shared with County law enforcement.

Procedures will need to be clearly defined and understood as part of the policy ordinance.

- What information should be included in the permit application?
- How are existing businesses notified they are under the authority of the Deemed --- Approved Enforcement Authority?
- Which County departments should review applications?
- What applications should the Valle de Oro Planning committee review?
- What criteria should County departments or the VDOCPG use to approve applications?

These enforcement considerations will also need to be clearly defined and understood as part of the policy ordinance.

- How are Inspections, investigations and audits of the program handled?
- What types of inspections will be required?
 - Scheduled
 - Unannounced
 - Undercover
- What activities would trigger an inspection?
 - Violation of condition
 - Sale to minor or intoxicated persons
 - Law enforcement service calls
- The process for inspections, notices, re-inspections and citations must be defined
 - Inspection plan needs to be scheduled based on risk assessment
 - Process should address inspections, violation notifications, re-inspections, citations and appeals
- How are the public and other stakeholders informed about the program?
- What are the duties and responsibilities of the administrative hearing officer?
- How should the enforcement unit (admin hearing officer) consider violations of performance standards?
 - Determination based on time out of compliance, impact of violation, and effort to remedy
 - Admin hearing officer can revoke deemed approval status
 - Impose specific conditions to comply with performance standards
 - Impose administrative penalties to cover cost of enforcement actions

Next Steps

State law defines a process for community and stakeholder input as specific plan content is prepared, and we anticipate that attendant details in the development of specific, draft risk-related business regulations will take place through the process. This would include discussions with affected property and business owners and operators, and the Valle de Oro Community Planning Group well in advance of any proposed specific plan document being completed for formal consideration by the San Diego County Planning Commission and Board of Supervisors.

We hope the specific plan process will kick-off sometime in the first quarter of 2019. The process typically requires about two years to complete.

Recommendations

- The Casa de Oro Alliance recommends
 - acceptance of this document as a baseline of information on risk-related business regulation, and
 - support for the initial proposals it contains related to the development of risk-related business provisions in the Casa de Oro specific plan.
- The Casa de Oro Alliance
 - appreciates this approach to land use regulation is novel within unincorporated San Diego County, and
 - encourages vigorous public engagement involving community stakeholders with County staff and contracted consultants driving the Casa de Oro specific plan.
- The Casa de Oro Alliance
 - forwards this document to the Valle de Oro Community Planning Group, and members of the associated public subcommittee for acceptance of this document from the Casa de Oro Alliance, and
 - requests due reflection and consideration.

Further, we ask the Valle de Oro Community Planning Group to promote vigorous public discussion on these matters through public forums, discussion and consideration at meetings, and support for resolutions to:

- Express support for these initial proposals to create policies and regulations to manage risk-related businesses in Casa de Oro.
- Request County staff to:
 - consider this document, and to include a comprehensive set of risk-related business policies, regulations, and a monitoring and enforcement program as part of its forthcoming preparation of a specific plan for the Casa de Oro business corridor.
 - develop the details of any policies, regulations and programs in close coordination with affected stakeholders and the Valle de Oro Community Planning Group.

References

1. [Maps of Alcohol Sales \(On and Off Site\) Overconcentration](#)
2. [List of ABC License Outlets in 91977 zip code](#)
3. [Map of Casa de Oro Risk-related businesses](#)

Potential Risk-related Business Types

Alcohol Related Business Bars and Cocktail Lounges Liquor Stores Retail Outlets Full Service Restaurants	Smoking Related Business Tobacco Drug Paraphernalia Establishments Smoke Shops	Recycling Centers Payday Loan - Paycheck Advance Establishments Halfway houses and group homes
Body Work Tattooing Establishment Body Piercing Establishments Massage Establishments	Adult Businesses: Bookstores Novelty Store Video Stores Theaters Cabaret Entertainment Motels Peep-Show Establishment Escort Services Bath House Sex Supermarket Sex Mini-Mall	Entertainment Centers Arcades and Game Centers Pool Rooms, Billiard Rooms, and Shooting Galleries Dance Establishment Nightclubs

4. [California ABC Twitter Posting](#)
5. [SANDAG Meeting Update \(June 1, 2018\) - Draft Project Rankings and Funding Recommendations](#)
6. [California League of Cities - Alcohol Regulation](#)
7. [Campo Road Revitalization, Casa de Oro Alliance](#)
8. [Issue Briefing; Reducing Harms Related to Risk-related business in Casa de Oro: A Review of Best Practices \(Casa de Oro Alliance and Institute for Public Strategies\); July 2018\)](#)
9. [Best Practices in Municipal regulation to Reduce Alcohol-Related Harms from Licensed Alcohol Outlets \(Ventura County Health Care Agency, Pacific Institute for Research and Evaluation, and Center for the Study of Law and Enforcement Policy; January 2014](#)
10. [Reducing Community Alcohol Problems Associated with Alcohol Sales: The Case for Deemed Approved Ordinances in California; Alcohol Policy Consultants, September 2009](#)
11. [A Case for Deemed Approved Ordinance – a video](#)

12. [Group Home FAQ Sheet, City of La Mesa](#)

13. [Santa Cruz Fee Structure Proposal](#)

14. [Rancho San Diego Specific Plan](#)

15. Tobacco Retailer Licensing Model Ordinance

<https://www.changelabsolutions.org/publications/model-TRL-Ordinance>

16. Model Ordinance for Smokefree Places

<https://www.changelabsolutions.org/publications/comp-smokefree-places>

17. City of El Cajon Alcohol Sales Ordinance & Deemed Approved Ordinance

<https://www.cityofelcajon.us/home/showdocument?id=124>

18. City of El Cajon Smoking Ordinance

<https://www.cityofelcajon.us/home/showdocument?id=8305>

19. City of Oceanside Adult Business Ordinance

<https://publicstrategies.app.box.com/s/pzi7uc7h7r5fe0ed0ttewy68rp55uxjh>

20. [Casa de Oro Business Survey; Casa de Oro Alliance and Institute for Public Strategies \(March 2017\)](#)

21. [A Community Understanding of “Deemed Approved” FAQ; Alcohol Policy Panel of San Diego County, January 2015](#)

22. [Article: El Cajon business stripped of ability to sell alcohol; San Diego Union Tribune, Karen Pearlman, March 18, 2015](#)

23. [Tobacco Retailer Licensing is Effective; The Center for Tobacco Policy & Organizing, September 2013](#)

24. [Tobacco Retailer Licensing- An Effective Tool for Public Health; Change Lab Solutions, September 2012.](#)

25. Unincorporated San Diego County Youth Tobacco Purchase Survey; Community Action Service Advocacy and Live Well San Diego, Spring 2016

26. [Lemon Grove getting serious about halting tobacco sales to youths; San Diego Union Tribune \(August 2018\)](#)

27. [California Community Health Assessment Tool – Unincorporated San Diego County, December 2016](#)

28. [State of Tobacco Control 2016 – California Local Grades, San Diego County; American Lung Association, 2016](#)