

## Stronger Zoning Ordinances Needed to Reduce Alcohol-Related Harm Policy Statement - June 2013

### Recommendation:

In order to mitigate health and safety problems associated with the sales and service of alcoholic beverages, The Alcohol Policy Panel of San Diego County recommends cities and the County adopt the following regulations:

- Conditional Use Permits (CUPs) to regulate new alcohol outlets
- Deemed Approved Ordinances (DAOs) to establish responsible operating standards for existing or grandfathered outlets
- A Responsible Retailer Program that mandates Responsible Beverage Sales and Service training for line staff and managers of alcohol retail outlets and provides dedicated law enforcement officer(s) to assist retailers in staying in compliance with alcohol regulations. Dedicated enforcement is essential because, according to research, “if employees, managers and owners of licensed establishment believe they will be caught if they violate the law, they are more likely to be vigilant in their compliance with the law.”<sup>(1)</sup> The compliance officer(s) could also oversee the permitting process for new alcohol outlets
- A fee to be paid by all licensed on-sale and off-sale alcohol outlets to defray the costs of dedicating law enforcement personnel needed to educate, monitor compliance, and enforce local land-use ordinances as well as state regulations

None of these policies will be completely effective on its own. But together, we believe they offer a practical solution to the alcohol-related problems our communities face. In addition, such these policies would foster a healthier business climate and help responsible retailers be more competitive.

### Background:

According to the California Constitution, the State has exclusive power to regulate the sale of alcohol. However, cities and counties do have the right to regulate alcohol businesses through their land-use powers. And such regulations are needed as alcohol-related problems pose a serious threat to the health and safety of San Diego County residents.

For example, death rates due to alcohol-related causes increased between 2000 and 2007, and in four of those years, the rate of alcohol-related hospitalizations exceeded the statewide rate.<sup>(2)</sup> Furthermore, since 2001, San Diego County’s alcohol arrest rate has exceeded the state rate.<sup>(2)</sup> In 2009, San Diego County recorded the second highest number of alcohol-involved fatal collisions in California.<sup>(3)</sup> And in 2010, San Diego County surpassed Los Angeles and San Francisco counties in the number of DUI arrests per licensed driver.<sup>(4)</sup>

Fortunately, a great deal of insight has been gained over the last 25 years about how to deal with these problems. Specifically, there is a growing body of scientific research showing how environmental factors, especially alcohol availability, lead to excessive consumption and the negatives consequences that impact our communities.

Numerous studies confirm that neighborhoods with a higher concentration of alcohol outlets experience higher rates of alcohol consumption, resulting in increased alcohol-related traffic crashes and crime.<sup>(5)</sup> Underage drinking is also affected by alcohol outlet density, according to scientific studies. “When all other factors were controlled, high initial levels of drinking and excessive drinking were observed among youths residing in zip codes with high outlet densities.”<sup>(6)</sup>

When owners or servers act irresponsibly they contribute to the problem. “Many alcohol establishments have serving practices that promote risky drinking. For example, sales to underage or intoxicated individuals are known to occur in one-half-to three-quarters of all retail alcohol outlets.”<sup>(7)</sup> Research also shows that about 50 percent of drinking drivers start their intoxicated journey from a licensed establishment.<sup>(8)</sup>

The research is just as clear about potential solutions showing that policies and ordinances that regulate alcohol outlets will help reduce alcohol-related harms. We therefore urge cities and the County adopt the recommended alcohol policies.

# ALCOHOL POLICY PANEL

OF SAN DIEGO COUNTY

## References:

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