On April 19, 2016, letters were mailed to business and property owners regarding a recently adopted amendment to the Stockton Municipal Code (SMC) for new operating requirements of alcoholic beverage sales in the City. In response to the mailing, staff received numerous telephone calls with questions regarding the new alcohol ordinance. Staff prepared the following list of the most commonly asked questions, accompanied by staff’s responses to the questions.

What is the purpose of the letter related to the newly-adopted alcohol ordinance?

The purpose of the letter was to advise alcohol licensees and property owners of the newly-adopted alcohol ordinance and to tell them how it affects existing alcoholic beverage establishments in the City. SMC Section 16.80.040.E.2 and 3 now states that all alcoholic beverage sales establishments that had been legally nonconforming (grandfathered) with respect to the new alcoholic beverage standards are considered “deemed approved” activities and are no longer considered legal nonconforming activities. Every “deemed approved” alcohol establishment in the City is now required to comply with operational standards contained in SMC Section 16.80.040.E.5 in order to retain that status.

My retail store offered an alternative alcohol training program for employees involved with the sale of alcoholic beverages. Can the program substitute another program or class for the L.E.A.D. training course?

ABC maintains an approved list of other Responsible Beverage Service trainer courses that may be substituted for the L.E.A.D. training. You may contact California Department of Alcoholic Beverage Control (ABC) at (209) 948-7739 regarding your alternate alcohol training program and whether it complies with their requirements.

What should I do after receiving the alcohol letter?

You should carefully read the letter (SMC Section 16.80.040.E) and make sure that your existing alcohol-related business complies with the SMC’s new operational standards, including attending a Licensee Education on Alcohol and Drugs (L.E.A.D.) training course that is offered by the State of California’s Department of Alcoholic Beverage Control (ABC). Compliance with the operational standards is required in order to retain the “deemed approved” status for your business. If you have any question regarding the letter or the noted operational standards, you may contact the City Community Development Department’s Planning and Engineering Services Division at (209) 937-8266.

Do business owners or employees involved with the sale of alcoholic beverage have to take the L.E.A.D. training course every year?

The SMC does not require annual renewal of the L.E.A.D. training. Because the certificates for completion of the training do not expire and ABC regulations do not require renewal on a routine basis, the only reason for renewal would be if the certificate is lost or the City imposes such a condition on an approved Use Permit. However, the City of Stockton has not done so in the past.
I have an active ABC off-sale alcohol license for my business, but a Use Permit has never been approved for the business. How does the new alcohol ordinance affect my business?

In accordance with SMC Chapter 16.228, Nonconforming Uses, Structures, and Parcels, the existing business may have been legally nonconforming (grandfathered) with respect to the required Use Permit.

As of the effective date of the new alcoholic beverage sale regulations (March 26, 2016), the business became a “deemed approved” activity and was no longer considered a legal nonconforming activity. The business owner/operator must now comply with the “operational standards” listed in SMC Section 16.80.040.E.5. In the event that the alcoholic beverage establishment ceases its operation for a period of 180 days or longer, the business may not re-open until a new Use Permit is approved by the City Planning Commission for the former off-sale alcohol use. What should I do after receiving the alcohol letter?

Who is required to take the Licensee Education on Alcohol and Drugs (L.E.A.D.) training course?

The operator and all employees involved in the sale of alcoholic beverages must complete L.E.A.D training through the local office of the State Department of Alcoholic Beverage Control within 60 days of hire for employees hired after the passage of the ordinance or within six months of the passage of the ordinance for existing employees.

In addition, the alcoholic beverage sales establishment voluntarily discontinues active operation for more than 180 consecutive days or ceases to be licensed by the ABC.

Any subsequent alcoholic beverage sales commercial activity may be resumed only upon the granting of a commission use permit or land development permit, pursuant to the commission use permit or land development permit procedures in Chapters 16.136 and 16.168 of the Development Code.

Are the new operational standards required to be posted in the store?

Yes, upon receiving the notice, the business operator/owner is required to post the “operational standards” in the stores for public review.

When does the “Deemed Approved” status expire?

The following circumstances would result in the termination of a business’ “deemed approved” status:

a. The alcoholic beverage sales establishment increases the floor or land area or shelf space devoted to the display or sales of any alcoholic beverage.

b. The alcoholic beverage sales establishment expands the sale or service of any alcoholic beverages and/or increases the number of customer seats primarily devoted to the sale or service of any alcoholic beverages.

c. The alcoholic beverage sales establishment extends the hours of operation.

d. The alcoholic beverage sales establishment proposes to reinstate alcohol sales after the ABC license has been either revoked or suspended for a period 180 days or greater by ABC.

In addition, the alcoholic beverage sales establishment voluntarily discontinues active operation for more than 180 consecutive days or ceases to be licensed by the ABC.

Any subsequent alcoholic beverage sales commercial activity may be resumed only upon the granting of a commission use permit or land development permit, pursuant to the commission use permit or land development permit procedures in Chapters 16.136 and 16.168 of the Development Code.