AGENDA

ALISO VIEJO CITY COUNCIL REGULAR MEETING
WEDNESDAY, JANUARY 21, 2015
7:00 P.M. PUBLIC MEETING / PUBLIC HEARINGS

City Hall
Council Chambers
12 Journey
Aliso Viejo, CA

Mayor William A. Phillips
Mayor Pro Tem Mike Munzing
Councilmember Ross Chun
Councilmember David C. Harrington
Councilmember Phillip B. Tsunoda

WELCOME to the City of Aliso Viejo City Council meeting. Those persons wishing to address the City Council are requested to complete and submit to the City Clerk a "Request to Address City Council" form available at the entrance to the City Council Chambers. Speakers will be called at the appropriate time as their interested matter is heard. COMMENTS WILL BE LIMITED TO THREE MINUTES PER SPEAKER. Council proceedings are recorded.

It is the City's intention to comply with the Americans with Disabilities Act (ADA). If you need special assistance to participate in the meeting, the City will make reasonable arrangements to ensure accessibility and/or accommodations. [28 CFR 35.102-35.104 ADA Title II] Please contact the City Clerk's Office at (949) 425-2505 at least 48 hours prior to the meeting.

Regular meetings of the City Council are held on the first and third Wednesday of the month at the City Hall Council Chambers, 12 Journey, Aliso Viejo. Copies of the agenda are available in the lobby at City Hall on the Thursday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available for review in the City Clerk's office, 12 Journey, Aliso Viejo. For more information, please contact City Hall at (949) 425-2505.

DAVID A. DOYLE	SCOTT C. SMITH	MITZI ORTIZ
CITY MANAGER	CITY ATTORNEY	CITY CLERK

PLEASE SILENCE ALL CELL PHONES AND OTHER
ELECTRONIC EQUIPMENT WHILE CITY COUNCIL IS IN SESSION

CALL TO ORDER: Convene Meeting to Open Session and Roll Call - 7:00 p.m.

PRESENT:
ABSENT:

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATIONS

A. COUNCIL RECOGNITION AND PRESENTATION TO ALISO NIGUEL GIRLS VARSITY VOLLEYBALL TEAM

RECOMMENDED ACTION: Present Certificates of Recognition.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

CONSENT CALENDAR NOTICE: Any member of the public who wishes to discuss a Consent Calendar item should complete and submit to the City Clerk a "Request to Address City Council" form available at the entrance to the City Council Chambers. Speakers will be called at the appropriate time as their interested matter is heard. COMMENTS ARE LIMITED TO THREE MINUTES PER SPEAKER.

CONSENT CALENDAR ITEMS NOS. 1-6

All matters listed on the Consent Calendar will be acted upon by one vote unless members of the City Council, staff, or the public request a matter to be discussed and/or removed from the Consent Calendar for separate action. Items removed from the Consent Calendar will be discussed and voted upon immediately following City Council action on the remainder of the Consent Calendar.

1. WAIVE THE READING OF ALL ORDINANCES AND RESOLUTIONS

RECOMMENDED ACTION: Approve the reading by title only of all ordinances and resolutions wherein the titles appear on the public agenda; said titles shall be determined to have been read by title, and further reading is waived.

2. APPROVAL OF MINUTES – JANUARY 7, 2015 REGULAR MEETING

RECOMMENDED ACTION: Approve the subject Minutes as submitted.

3. ACCOUNTS PAYABLE

RECOMMENDED ACTION:

1. Ratify accounts payable checks issued December 31, 2014 in the amount of $186,266.22; and
2. Ratify accounts payable checks issued January 8, 2015 in the amount of $684,272.37.

4. TREASURER'S STATEMENT – NOVEMBER 2014

RECOMMENDED ACTION: Approve the November 2014 Treasurer's Statement.

5. ECONOMIC DEVELOPMENT STATUS REPORT

RECOMMENDED ACTION: Receive and file the Economic Development Status Report.

6. RESOLUTION IN SUPPORT OF PROPOSITION 13

RECOMMENDED ACTION: Adopt Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, IN SUPPORT OR PROPOSITION 13

END OF CONSENT CALENDAR

PUBLIC HEARING ITEMS NOS. 7-9

7. AN APPEAL BY THE CITY COUNCIL OF THE DIRECTOR OF PLANNING SERVICES' APPROVAL OF ADMINISTRATIVE USE PERMIT PA14-020, A REQUEST TO ESTABLISH A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR EDWARDS THEATER – ALISO VIEJO 20 AT 26701 ALISO CREEK ROAD IN ALISO VIEJO, CA – THIS ITEM WAS CONTINUED FROM JANUARY 7, 2015, CITY COUNCIL MEETING

RECOMMENDED ACTION: Staff recommends the City Council take one of the following actions:

1. Approve Resolution affirming the Director of Planning Services' action of November 10, 2014, and approve Administrative Use Permit PA14-020;

Or

2. Direct Staff to return with a Resolution reversing the Director of Planning Services' action of November 10, 2014, and deny Administrative Use Permit PA14-020.

8. ORDINANCES RELATED TO PROHIBITION OF SHORT-TERM RENTALS IN RESIDENTIAL DISTRICTS AND THE RECOVERY OF HEARING OFFICER COSTS IN ADMINISTRATIVE APPEALS, AND RESOLUTIONS RELATED TO APPEALS FEES AND INCREASING ADMINISTRATIVE FINE AMOUNTS

RECOMMENDED ACTION: Staff recommends the City Council take the following actions:

1. Introduce and approve for first reading an Ordinance entitled:

   AN ORDINANCE OF THE CITY COUNCIL OF ALISO VIEJO, CALIFORNIA, AMENDING TITLE 15 OF THE ALISO VIEJO MUNICIPAL CODE BY AMENDING TABLE 15.10.020 OF SECTION 15.10.020, ADDING SECTION 15.14.165, AND AMENDING SECTION 15.94.020 TO PROHIBIT SHORT-TERM RENTALS IN RESIDENTIAL DISTRICTS – PA 15-002 (ZCA)

2. Introduce and approve for first reading an Ordinance entitled:

   AN ORDINANCE OF THE CITY COUNCIL OF ALISO VIEJO AMENDING SECTIONS 1.10.050 AND 1.10.060 OF THE ALISO VIEJO MUNICIPAL CODE PROVIDING FOR THE RECOVERY OF COSTS OF HEARING OFFICERS IN APPEALS OF ADMINISTRATIVE DECISIONS

3. Approve the following Resolution:

   A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADOPTING FEES FOR APPEALS UNDER CHAPTER 1.10 OF THE ALISO VIEJO MUNICIPAL CODE

4. Approve the following Resolution:

   A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADOPTING ADMINISTRATIVE FINE AMOUNTS FOR CERTAIN VIOLATIONS OF THE ALISO VIEJO MUNICIPAL CODE AND ADOPTED CODES

9. ZONING CODE AMENDMENT – CHANGES TO STANDARDS FOR RESIDENTIAL ACCESSORY STRUCTURES, RECREATIONAL VEHICLES, AUTO RENTAL AGENCIES, MEDICAL OFFICE USES, OUTDOOR DINING, BUSINESS SIGNS, PARKING, HOUSING DEFINITIONS AND OTHER AMENDMENTS (PA15-001). THE CODE AMENDMENT IS NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) BECAUSE THE AMENDMENT: 1) WILL NOT RESULT IN A PHYSICAL CHANGE IN THE ENVIRONMENT; AND 2) IS NOT A PROJECT AS DEFINED IN THE CEQA GUIDELINES

RECOMMENDED ACTION: Staff recommends the City Council introduce the ordinance amending the Zoning Code as described in this report.

DISCUSSION ITEMS NOS. 10-11

10. PLANNED SIGN PROGRAM FOR OFFICE BUILDING AT 2 MAREBLU (PA14-034) THE SIGN PROGRAM IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT BECAUSE IT PROVIDES FOR THE CONSTRUCTION OF SIGNS AS ACCESSORY STRUCTURES APPURTENANT TO EXISTING FACILITIES

    RECOMMENDED ACTION: Staff recommends the City Council adopt the Resolution to approve a sign program for the building at 2 Mareblu Lane.

11. ALISO CREEK TRAIL

    RECOMMENDED ACTION: Receive and file the status report relating to the proposed Aliso Creek Trail.

COMMUNITY INPUT

Members of the public wishing to address the City Council are requested to complete and submit to the City Clerk a "Request to Address City Council" form available at the entrance to the City Council Chambers. **IN COMPLIANCE WITH THE BROWN ACT, NO DISCUSSION OR ACTION MAY BE TAKEN ON COMMENTS RECEIVED AT THIS TIME, EXCEPT THE CITY COUNCIL MAY BRIEFLY RESPOND TO STATEMENTS MADE OR QUESTIONS POSED.** Comments are limited to three (3) minutes per speaker.

CITY MANAGER'S REPORT

ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES

ADJOURNMENT: The next regularly scheduled meeting is February 4, 2015.

City of Aliso Viejo
Agenda Item

DATE: January 21, 2015

TO: Mayor and City Council

FROM: Kelly Tokarski, KT Community Relations

SUBJECT: COUNCIL RECOGNITION AND PRESENTATION TO ALISO VIEJO NIGUEL GIRLS VARSITY VOLLEYBALL TEAM

Recommended Action:

Present Certificates of Recognition.

Summary:

The Aliso Niguel Girls Varsity Volleyball Team recently won the CIF-Southern Section Division 1A Championship against Santiago/Corona.

The talented team of players went 29-2 overall, with losses in a pre-season tournament to Mater Dei and to Clovis in the first round of state championships.

With an 8-0 record this year and the first league championship in Aliso Niguel's 22-year history (in 2013), the team clinched back-to-back championships.

The girls set pre-season goals in August at training camp to go undefeated in league and win CIF, which they did.

The team was coached by Peter Butler. The players include Olivia Amador, Kirsten Battle, KK Booher, Ashley Edson, Jewel Hayes, Katie Kerins, Summer Kerins, Kathryn Plummer, McKenna Ross, Lindsey Ruddins, Rachelle Runyon and Alee Wise.

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL

Dave Doyle
City Manager

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
JANUARY 7, 2015, 7:00 P.M.
Council Chambers, City Hall, 12 Journey
Aliso Viejo, California

CALL TO ORDER: Mayor Phillips called the Regular Meeting of the City Council of the City of Aliso Viejo to order at 7:00 p.m.

PRESENT: MAYOR WILLIAM A. PHILLIPS
MAYOR PRO TEM MIKE MUNZING
COUNCILMEMBER ROSS CHUN
COUNCILMEMBER DAVID C. HARRINGTON
COUNCILMEMBER PHILLIP B. TSUNODA

ABSENT: NONE

STAFF PRESENT: DAVID A. DOYLE, CITY MANAGER
SCOTT SMITH, CITY ATTORNEY
MITZI ORTIZ, CITY CLERK
GLENN YASUI, ADMINISTRATIVE SERVICES DIRECTOR
KAREN CROCKER, COMMUNITY SERVICES DIRECTOR
GINA THARANI, FINANCE DIRECTOR
SHAUN PELLETIER, PUBLIC WORKS DIRECTOR / CITY ENGINEER
ALBERT ARMIJO, PLANNING DIRECTOR
ERICA ROESS, SENIOR PLANNER
JENNIFER LOWE, ASSOCIATE PLANNER
LT. JOHN MACPHERSON, CHIEF OF POLICE SERVICES

PLEDGE OF ALLEGIANCE: Led by Grace Sabherwal.

SPECIAL PRESENTATIONS

A. COUNCIL RECOGNITION AND PRESENTATION TO ALISO VIEJO GIRLS SOFTBALL REBELS AND AMERICAN GIRLS

Mayor Phillips introduced Team Manager Mike Memoly who provided information about the Southern Orange County Softball Fall Championship. Mayor Phillips presented the Rebels and American Girls team members with Certificates of Recognition.

B. RECOGNITION OF 2014 MAYOR

Mayor Phillips, on behalf of the City Council, presented Councilmember Tsunoda with a mayoral gavel plaque and commended his commitment and leadership during his term as Mayor in 2014. Councilmember Tsunoda expressed his appreciation and commented on his experiences throughout the year.

C. SAN JOAQUIN HILLS REFINANCING UPDATE PRESENTED BY TRANSPORTATION CORRIDOR AGENCIES

Mayor Phillips introduced Amy Potter, Transportation Corridor Agencies (TCA) Chief Financial Officer, who provided the update. Councilmember Chun expressed appreciation to TCA staff for their efforts on the refinancing project.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

City Manager David Doyle requested removal of Discussion Item No. 12 from consideration.

CONSENT CALENDAR ITEMS NOS. 1-8

Mayor Phillips asked if any member of the City Council or the public wished to remove an item from the Consent Calendar. Councilmember Chun requested to pull Item No. 5 and Mayor Pro Tem Munzing requested to pull Item No. 6. There were no requests from the public or staff to remove any items on the Consent Calendar.

MOTION: COUNCILMEMBER TSUNODA MOVED AND COUNCILMEMBER MUNZING SECONDED TO APPROVE CONSENT CALENDAR ITEMS 1 – 4, 7 & 8, AS PRESENTED.

1. WAIVE THE READING OF ALL ORDINANCES AND RESOLUTIONS

Approved the reading by title only of all ordinances and resolutions wherein the titles appear on the public agenda; said titles shall be determined to have been read by title, and further reading is waived.

2. APPROVAL OF MINUTES – DECEMBER 3, 2014 REGULAR MEETING

Approved the subject Minutes as submitted.

3. ACCOUNTS PAYABLE

1. Ratified accounts payable checks issued November 25, 2014 in the amount of $78,821.15;

2. Ratified accounts payable checks issued December 4, 2014 in the amount of $206,536.57;
3. Ratified accounts payable checks issued December 11, 2014 in the amount of $351,054.65; and
4. Ratified accounts payable checks issued December 18, 2014 in the amount of $666,734.14.

4. CHANGE IN SIGNATURE AUTHORITY FOR THE CITY'S BANK ACCOUNTS

Adopted Resolution No. 2015-01 designating signatories for the City checks and rescinding Resolution No. 2014-09, effective January 1, 2015.

5. WEBSITE MAINTENANCE, HOSTING & SUPPORT SERVICES

Removed from Consent Calendar.

6. AUTHORIZING CALIFORNIAFIRST AND FIGTREE PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCING PROGRAMS IN THE CITY OF ALISO VIEJO

Removed from Consent Calendar.

7. AGREEMENT WITH STANLEY R. HOFFMAN ASSOCIATES, INC. FOR TOWN CENTER ECONOMIC STUDY

Approved a Professional Services Agreement with Stanley R. Hoffman Associates, Inc. for Planning Consultant Services pertaining to the Aliso Viejo Town Center Concept Plan.

8. AUTHORIZATION TO SIGN FOR CAL EMA OR FEMA GRANTS OR REIMBURSEMENTS

Adopted Resolution No. 2015-04, the California Emergency Management Agency's Governing Body Resolution Form, designating the City Manager, Chief of Police Services and Director of Financial Services as authorized agents when dealing with the California Emergency Management Agency (Cal EMA) or the Federal Emergency Management Agency (FEMA) regarding grants or reimbursements to the City.

MOTION UNANIMOUSLY CARRIED

END OF CONSENT CALENDAR

REMOVED FROM CONSENT CALENDAR

5. WEBSITE MAINTENANCE, HOSTING & SUPPORT SERVICES

Councilmember Chun removed this item from the Consent Calendar to request clarification on the scope of services, website functionality and future development and staff provided a response.

MOTION: COUNCILMEMBER CHUN MOVED AND COUNCILMEMBER HARRINGTON SECONDED TO AUTHORIZE CITY MANAGER TO EXECUTE A JOINT SERVICE AGREEMENT WITH THE CITY OF MISSION VIEJO FOR THE CITY'S WEBSITE MAINTENANCE AND HOSTING SERVICES IN THE AMOUNT OF $15,660 ANNUALLY AND $9,840 FOR ADDITIONAL WEBSITE ENHANCEMENTS TO BE APPROVED AND AUTHORIZED BY CITY STAFF.

MOTION UNANIMOUSLY CARRIED

6. AUTHORIZING CALIFORNIAFIRST AND FIGTREE PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCING PROGRAMS IN THE CITY OF ALISO VIEJO

Mayor Pro Tem Munzing removed this item from the Consent Calendar to request clarification on the lack of a pre-payment penalty and staff provided a response.

MOTION: MAYOR PRO TEM MUNZING MOVED AND COUNCILMEMBER TSUNODA SECONDED TO:

1. **MAKE FINDINGS THAT THE CITY'S PARTICIPATION IN THE CALIFORNIAFIRST AND FIGTREE PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCING PROGRAMS IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO STATE CEQA GUIDELINES SECTION 15378(B)(4);**
2. **ADOPT RESOLUTION NO. 2015-02 TO: 1) AUTHORIZE THE CITY TO JOIN CALIFORNIAFIRST PACE PROGRAM; 2) AUTHORIZE THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) TO CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE CITY OF ALISO VIEJO'S JURISDICTION; AND 3) AUTHORIZE RELATED ACTIONS IN FURTHERANCE OF THE CALIFORNIAFIRST PACE PROGRAM; AND**
3. **ADOPT RESOLUTION NO. 2015-03 TO: 1) AUTHORIZE THE CITY TO JOIN FIGTREE PACE PROGRAM; 2) AUTHORIZE THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY (CEDA) TO CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE CITY OF ALISO VIEJO'S JURISDICTION; 3) AUTHORIZE RELATED ACTIONS IN FURTHERANCE**

OF THE FIGTREE PACE PROGRAM; AND 4) APPROVE THE ATTACHED ASSOCIATE MEMBERSHIP AGREEMENT WITH CEDA.

MOTION UNANIMOUSLY CARRIED

PUBLIC HEARING ITEM NO. 9

9. AN APPEAL BY THE CITY COUNCIL OF THE DIRECTOR OF PLANNING SERVICES' APPROVAL OF ADMINISTRATIVE USE PERMIT PA14-020, A REQUEST TO ESTABLISH A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR EDWARDS THEATER – ALISO VIEJO 20 AT 26701 ALISO CREEK ROAD IN ALISO VIEJO, CA

City Manager David Doyle introduced Associate Planner Jennifer Lowe who presented the staff report. Mayor Phillips opened the public hearing and the following persons spoke:

1. Bill Perkins expressed various concerns, including concentration of Alcoholic Beverage Control licenses in Town Center and safety risks.
2. Rachel Westfall expressed concern with exposing children to alcohol in a family oriented environment.
3. Mark Van Bloem expressed concern with exposing children to alcohol in a family oriented environment.
4. Ken Virgin expressed various concerns, including potential increase in crime and concentration of Alcoholic Beverage Control licenses in Town Center.
5. John Cardall commented on the effects of alcoholism.
6. Natalie Affleck commented on the effects of drunk driving.
7. Shawn Hansen presented the City Council with a petition opposed to the matter.

There were no other speakers. Mayor Phillips closed the public hearing. City Attorney Scott Smith noted for the record two emails were received, one being in favor and one in opposition of the matter. Bruce Evans, representing Regal Entertainment Group, provided additional information. Staff and applicant responded to questions regarding conditions of approval, proposed controls for alcohol sales and consumption, number of alcohol licenses, crime data for this type of establishment and market trends.

MOTION: COUNCILMEMBER TSUNODA MOVED TO DIRECT STAFF TO RETURN WITH A RESOLUTION REVERSING THE DIRECTOR OF PLANNING SERVICES' ACTION OF NOVEMBER 10, 2104 AND DENY ADMINISTRATIVE USE PERMIT PA14-020.

MOTION FAILED DUE TO LACK OF A SECOND

MOTION: MAYOR PRO TEM MUNZING MOVED AND COUNCILMEMBER HARRINGTON SECONDED TO APPROVE RESOLUTION AFFIRMING THE DIRECTOR OF PLANNING SERVICES' ACTION OF NOVEMBER 10, 2014, AND APPROVE ADMINISTRATIVE USE PERMIT PA14-020.

MOTION AND SECOND WITHDRAWN

MOTION: COUNCILMEMBER CHUN MOVED AND MAYOR PRO TEM MUNZING SECONDED TO CONTINUE THE PUBLIC HEARING TO THE JANUARY 21, 2015 CITY COUNCIL MEETING.

MOTION CARRIED 4-1 WITH COUNCILMEMBER TSUNODA DISSENTING

MAYOR PHILLIPS RECESSED THE MEETING AT 9:13 P.M. AND RECONVENED AT 9:18 P.M.

DISCUSSION ITEMS NOS. 10-13

10. SUMMARY OF AQUATIC CENTER OPERATIONS (May 3, 2014-September 28, 2014)

City Manager David Doyle introduced Kelly Addington (KemperSports) who presented the staff report. Staff responded to questions regarding Aquatic Center oversight, financial losses and potential for increased use. No further action was taken.

11. CONFERENCE CENTER MANAGEMENT AGREEMENT AMENDMENT AND EXTENSION DISCUSSION (KemperSports)

City Manager David Doyle presented the staff report related to the Aquatic Center portion of the Conference Center Management Agreement.

MOTION: MAYOR PRO TEM MUNZING MOVED AND COUNCILMEMBER HARRINGTON SECONDED TO AMEND THE CURRENT MANAGEMENT AGREEMENT WITH KEMPERSPORTS BY REMOVING THE MANAGEMENT, OPERATIONS AND MAINTENANCE SERVICES OF THE AQUATIC CENTER.

MOTION UNANIMOUSLY CARRIED

City Manager David Doyle introduced Community Services Director Karen Crocker who presented the staff report related to Conference Center Management Agreement extension discussion. Ollie Becker (KemperSports) provided additional information related to the proposed agreement extension. Staff and contractor responded to questions regarding financial deficits,

clarification of proposed incentives, projected revenue increases and 90-day termination clause. Mayor Phillips opened for public comment.

1. Nancy Conley suggested and increase in advertising and renaming of the Conference Center.

There were no other speakers.

MOTION: MAYOR PRO TEM MUNZING MOVED AND COUNCILMEMBER HARRINGTON SECONDED TO DIRECT STAFF TO ISSUE REQUEST FOR PROPOSALS FOR THE MANAGEMENT OF THE CONFERENCE CENTER BEGINNING JULY 1, 2015.

MOTION CARRIED 4-1 WITH COUNCILMEMBER TSUNODA DISSENTING

12. AN ORDINANCE AMENDING TITLE 8 OF THE ALISO VIEJO MUNICIPAL CODE BY ADDING CHAPTER 8.28 REGARDING TRESPASS ON PRIVATE PROPERTY

THIS MATTER WAS PREVIOUSLY REMOVED FROM CONSIDERATION.

13. CITY COUNCIL APPOINTMENTS TO SERVE ON OUTSIDE AGENCY BOARDS, COMMISSIONS AND COMMITTEES AND ANNUAL REVIEW OF AD HOC COMMITTEE

City Manager David Doyle presented the staff report related to appointments to outside agency boards, commissions and committees.

MOTION: COUNCILMEMBER HARRINGTON MOVED AND COUNCILMEMBER CHUN SECONDED TO APPROVE THE REGIONAL APPOINTMENTS AS FOLLOWS:

AGENCY	DELEGATE	ALTERNATE
Library Task Force (Countywide)	**Phillips**	**Tsunoda**
SJHTCA	**Chun**	**Harrington**
TCA	**Chun**	**Harrington**
LOCC – City Selection Committee	**Mayor (Phillips)**	**Appointed as needed**
OCFA	**Tsunoda**	**Harrington**
OC Vector Control District	**Tsunoda**	**Harrington**
California JPIA	**Phillips**	**Staff**
OCTA-GMA 10	**Mayor (Phillips)**	**Appointed as needed**
Laguna Canyon Foundation	**Phillips**	**Chun**
Coastal Greenbelt Authority	**Phillips**	**Chun**
The Great Park Advisory Council	**Mayor (Phillips)**	**Appointed as needed**
Aliso Creek Watershed	**Harrington**	**Munzing**
SCAG (General Assembly)	**Munzing**	**Harrington**
South OC Watershed Management Area	**Harrington**	**Public Works Staff**

MOTION UNANIMOUSLY CARRIED

MOTION: COUNCILMEMBER HARRINGTON MOVED AND MAYOR PRO TEM MUNZING SECONDED TO ADOPT RESOLUTION NO. 2015-06 DESIGNATING AND APPOINTING THE CITY'S REPRESENTATIVE AND ALTERNATE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS.

MOTION UNANIMOUSLY CARRIED

City Attorney Scott Smith presented the staff report related to annual review of Ad Hoc Committees.

MOTION: COUNCILMEMBER CHUN MOVED AND MAYOR PRO TEM MUNZING SECONDED TO DISSOLVE THE BOYS & GIRLS CLUB AD HOC COMMITTEE.

MOTION UNANIMOUSLY CARRIED

COMMUNITY INPUT

1. Bob Bunyan commented on proposed relocation of Cars and Coffee meet to the Aliso Viejo Town Center due to various reasons, such as location, accessibility, surrounding businesses and safety.

CITY MANAGER'S REPORT

None.

ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES

Councilmember Chun:

- Attended SCAG Economic Recovery Summit representing TCA
- Will be participating in series of briefings regarding TCA
- Met with Supervisor Bartlett regarding Trail to the Sea
- Attended Boys & Girls Club Operation Holiday Homework event
- Attended Boys & Girls Club yuletide event

Councilmember Harrington: None

Councilmember Tsunoda:

- County to re-evaluate ambulance services proposals

Mayor Pro Tem Munzing:

- Attended SCAG Economic Recovery Summit
- Attended holiday event at SOKA University

Mayor Phillips: None

ADJOURNMENT: The Council meeting adjourned at 10:36 p.m. to the next regularly scheduled meeting of January 21, 2015.

Respectfully submitted:

_____
MITZI ORTIZ, MMC
CITY CLERK

Approved by:

_____
WILLIAM A. PHILLIPS
MAYOR

City of Aliso Viejo
Agenda Item

DATE: January 21, 2015

TO: Mayor and City Council

FROM: Gina M. Tharani, Director of Financial Services

SUBJECT: ACCOUNTS PAYABLE

Recommended Action:

1. Ratify accounts payable checks issued December 31, 2014 in the amount of $186,266.22 and
2. Ratify accounts payable checks issued January 8, 2015 in the amount of $684,272.37.

Fiscal Impact:

Expenditures in the amount of $870,538.59

Background:

The City issues accounts payable checks on a bi-monthly basis and submits them to the City Council for review and approval prior to the creation of accounts payable checks. Special check runs are done on a weekly basis with the City Council ratification at its next regularly scheduled City Council Meeting.

Discussion:

The issued accounts payable checks were reviewed and approved for payment. The register is being presented to City Council for approval.

Gina Tharani

Gina M. Tharani
Director of Financial Services

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL

David Doyle
City Manager

Attachment: Accounts Payable Reports

Accounts Payable

12/31/2014

	Vendor Name	Description (Item)	Amount
101 - GENERAL FUND			
	CALPERS HEALTH	JAN'15 HEALTH PREMIUM	14,308.32
	CALPERS RETIREMENT	CC PAY PERIOD 11	291.36
	CALPERS RETIREMENT	PERS PAY PERIOD 25	10,527.32
	COPOWER	JAN'15 DENTAL INSURANCE	1,586.59
	COPOWER	JAN'15 VISION INSURANCE	295.00
	UNITED OF OMAHA LIFE INSURANCE CO.	JAN'15 LIFE INSURANCE	558.86
			27,567.45
CITY COUNCIL			
	AAA AWARDS & MONOGRAMMING	D.H. - NAME TAG	13.77
	PHOTOGRAPHIC IMAGES BY DWAYNE	D.H. - COUNCIL MEMBER PORTRAIT	174.00
	ALISO VIEJO FLORIST	C.C. - COUNCIL MEMBER OUTGOING	108.00
		CITY COUNCIL TOTAL:	**295.77**
CITY MANAGER			
	FEDERAL EXPRESS	11/21 FEDEX TO J.BARCENAS	17.66
	STAPLES ADVANTAGE	CM - KITCHEN SUPPLIES,PAPER,TONER	55.50
		CITY MANAGER TOTAL:	**73.16**
ECONOMIC DEVELOPMENT			
	FREEDOM COMMUNICATIONS INC	10/2-10/23/14 SHOP N DINE AV BUS. CONNECT	435.04
	FREEDOM COMMUNICATIONS INC	10/2-10/23/14 SHOP N DINE AV ONLINE RETAIL DISP	32.00
		ECONOMIC DEVELOPMENT TOTAL:	**467.04**
CITY CLERK			
	FREEDOM COMMUNICATIONS INC	11/20 PA 14-022 PUBLIC HEARING	131.18
		CITY CLERK TOTAL:	**131.18**
FINANCE			
	CALPERS HEALTH	JAN'15 ADMIN CHARGES	54.02
	GFOA	FY 2013-14 CAFR AWARD APPLICATION	435.00
	COPOWER	JAN'15 ADMIN CHARGES	15.00
		FINANCE TOTAL:	**504.02**
NON-DEPARTMENTAL			
	CINTAS CORP.	JAN'15 FIRST AID MAINTENANCE	124.50
	N.E.A.D. INC	JAN-MAR'15 APP SUPPORT FEE	840.00
	SIGMANET INC.	CITY HALL WIFI ACCESS POINTS & LICENSES	2,909.31
	STAPLES ADVANTAGE	CEN - OFFICE SUPPLIES	995.25
	MICROSOFT CORPORATION	DEC'14 MS OFFICE 365 LICENSES FEE	850.00
		NON-DEPARTMENTAL TOTAL:	**5,719.06**
C. S. ADMINISTRATION			
	CALPERS HEALTH	JAN'15 HEALTH RETIRED	122.00
	STAPLES ADVANTAGE	CS - CERT. HOLDERS,TAPE,SCISSORS	273.17
		C. S. ADMINISTRATION TOTAL:	**395.17**
PLANNING			
	CALPERS HEALTH	JAN'15 HEALTH RETIRED	122.00
	R MATTHEW SHANNON	NOV'14 AVTC IMPLEMENTATION STRATEGY	5,250.00
	STAPLES ADVANTAGE	PLAN - FOLDERS,PLANNER	57.53
		PLANNING TOTAL:	**5,429.53**
BUILDING			
	CHARLES ABBOTT ASSOC INC	NOV'14 CAA BUILDING SVCS	45,348.25
	STAPLES ADVANTAGE	BLDG - TAPE,CLIPS,PENS	93.77
		BUILDING TOTAL:	**45,442.02**
CODE ENFORCEMENT			
	CHARLES ABBOTT ASSOC INC	NOV'14 CAA CODE ENFORCEMENT	8,135.30
		CODE ENFORCEMENT TOTAL:	**8,135.30**
ENGINEERING (GENERAL)			
	CHARLES ABBOTT ASSOC INC	NOV'14 CAA WQ TESTING	180.00

Vendor Name	Description (Item)	Amount
CHARLES ABBOTT ASSOC INC	NOV'14 CAA NPDES COSTS	21,088.30
CHARLES ABBOTT ASSOC INC	NOV'14 CAA SOLID WASTE	2,616.70
CHARLES ABBOTT ASSOC INC	NOV'14 CAA PW ENGINEERING	8,773.20
STAPLES ADVANTAGE	ENG - BINDERS,INDEX TABS,TAPE	79.58
	ENGINEERING (GENERAL) TOTAL:	**32,737.78**
TRAFFIC ENGINEERING		
CHARLES ABBOTT ASSOC INC	NOV'14 CAA TRAFFIC ENGINEERING	753.50
	TRAFFIC ENGINEERING TOTAL:	**753.50**
STREET MAINTENANCE		
CHARLES ABBOTT ASSOC INC	NOV'14 CAA ST MAINTENANCE	17,586.40
	STREET MAINTENANCE TOTAL:	**17,586.40**
LAW ENFORCEMENT-OTHER		
MISSION YAMAHA INC	WELD SIREN BRACKET	146.07
OC SHERIFF-CORONER DEPARTMENT	H.L. - PALS FINGERPRINT	44.00
COUNTY OF ORANGE TREASURER-TAX COLLECTOR	DEC'14 AFIS	1,354.42
	LAW ENFORCEMENT-OTHER TOTAL:	**1,544.49**
CRIME PREVENTION		
STAPLES ADVANTAGE	CM - FAN,PRINTER	450.74
	CRIME PREVENTION TOTAL:	**450.74**
	GENERAL FUND TOTAL:	**147,232.61**
102 - GEN. FD-CITY HALL		
NON-DEPARTMENTAL		
ACCESS LOCK SYSTEM INC	DUPLICATE KEYS 2	81.86
PSG ENTERPRISES INC	OCT-NOV'14 PROP MNGT FEE	2,964.92
ALISO VIEJO COMMUNITY ASSOCIATION	FY14-15 AVCA QTR 2 DUES	1,256.98
PEAK LIGHTING & ELECTRIC INC	DEC'14 LIGHTING SERVICE	92.54
FOSTERS' GARDENS INC	DEC'14-FEB'15 CH PLANT MAINTENANCE	100.00
WESTCON ELEVATOR	DEC'14 CH ELEVATOR MAINT	115.00
PACIFIC PARK II ASSOCIATION	JAN'15 HOA ASSESSMENT	329.40
	NON-DEPARTMENTAL TOTAL:	**4,940.70**
	GEN. FD-CITY HALL TOTAL:	**4,940.70**
203 - GAS TAX		
STREET MAINTENANCE		
SO CAL EDISON	SEP'14 LS1 STREET LIGHT ELECTRICITY ACCT #8474	14,331.46
EL TORO WATER DISTRICT	11/10/-12/8/14 MTR #3335	55.47
AT&T CALIFORNIA	DEC'14 TRAFFIC CONTROLLER ACCT #9167	170.17
R F DICKSON CO INC	DEC'14 STREET SWEEPING	6,239.46
	STREET MAINTENANCE TOTAL:	**20,796.56**
	GAS TAX TOTAL:	**20,796.56**
241 - TECHNOLOGY FUND		
CHARLES ABBOTT ASSOC INC	COMPUTER LEASE CREDITS	(550.00)
		-550.00
	TECHNOLOGY FUND TOTAL:	**-550.00**
311 - STREET IMPROVEMENTS		
STREETS & HIGHWAYS		
CHARLES ABBOTT ASSOC INC	NOV'14 CAA #092 ALISO CREEK REHAB DESIGN	439.40
CHARLES ABBOTT ASSOC INC	NOV'14 CAA #093 FY14-15 SLURRY SEAL	291.90
	STREETS & HIGHWAYS TOTAL:	**731.30**
	STREET IMPROVEMENTS TOTAL:	**731.30**
331 - CAPITAL IMPROVEMENTS		
CAPITAL IMPROVEMENTS		
CHARLES ABBOTT ASSOC INC	NOV'14 CAA #098 IGLESIA BALL PARK FIELD	734.40
	CAPITAL IMPROVEMENTS TOTAL:	**734.40**
	CAPITAL IMPROVEMENTS TOTAL:	**734.40**

Vendor Name	Description (Item)	Amount
332 - STORM WATER		
DRAINAGE IMPROVEMENTS		
FEDERAL EXPRESS	11/26 FEDEX TO RJM DESIGN	27.65
CHARLES ABBOTT ASSOC INC	NOV'14 CAA #091 DAIRY FORK WERLAND DESIGN	3,283.20
	DRAINAGE IMPROVEMENTS TOTAL:	**3,310.85**
	STORM WATER TOTAL:	**3,310.85**
711 - DEPOSIT ACCOUNTS FUND		
FEDERAL EXPRESS	11/19 #5027 FEDEX TO SO CAL EDISON	23.60
CHARLES ABBOTT ASSOC INC	NOV'14 CAA 5003 COX	1,424.00
CHARLES ABBOTT ASSOC INC	NOV'14 CAA 2179 VANTIS HOTEL GRADING	2,093.30
CHARLES ABBOTT ASSOC INC	NOV'14 CAA 5004 MNWD	1,691.00
CHARLES ABBOTT ASSOC INC	NOV'14 CAA 5027SHEA PROPERTIES VANTIS	3,481.90
CHARLES ABBOTT ASSOC INC	NOV'14 CAA 5002 ATT/SBC	356.00
		9,069.80
	DEPOSIT ACCOUNTS FUND TOTAL:	**9,069.80**
	GRAND TOTAL:	**186,266.22**

Fund Summary

Fund	Expense Amount	Payment Amount
101 - GENERAL FUND	147,232.61	147,232.61
102 - GEN. FD-CITY HALL	4,940.70	4,940.70
203 - GAS TAX	20,796.56	20,796.56
241 - TECHNOLOGY FUND	-550.00	-550.00
311 - STREET IMPROVEMENTS	731.30	731.30
331 - CAPITAL IMPROVEMENTS	734.40	734.40
332 - STORM WATER	3,310.85	3,310.85
711 - DEPOSIT ACCOUNTS FUND	9,069.80	9,069.80
Grand Total:	**186,266.22**	**186,266.22**

Accounts Payable

1/8/2015

	Vendor Name	Description (Item)	Amount
101 - GENERAL FUND			
	LJ HAUSNER CONST CO	PERMIT#72776 CANCELED REFUND	121.08
	LJ HAUSNER CONST CO	PERMIT#72776 CANCELED REFUND	6.00
	LJ HAUSNER CONST CO	PERMIT#72776 CANCELED REFUND	33.30
	LJ HAUSNER CONST CO	PERMIT#72776 CANCELED REFUND	1.00
	AFLAC	PP 26 & 27 ACCT#CJ261	414.26
	COUNTY OF ORANGE PFRD	OCT-DEC'14 MOULTON FEES COLLECTED	2,885.93
	COUNTY OF ORANGE PFRD	OCT-DEC'14 MOULTON/CARITS FEES COLLECTED	6,423.50
			9,885.07
CITY COUNCIL			
	AAA AWARDS & MONOGRAMMING	MAYOR PRO TEM NAMEBADGE	13.77
		CITY COUNCIL TOTAL:	**13.77**
ECONOMIC DEVELOPMENT			
	KELLY TOKARSKI	DEC'14 ECONOMIC DEVELOPMENT	343.75
		ECONOMIC DEVELOPMENT TOTAL:	**343.75**
FINANCE			
	CMTA	GT-CCMT RECERTIFICATION FEE	35.00
	ROBERT HALF INTERNATIONAL INC	WE 12/5/14 28.5 HRS LIU	369.07
	ROBERT HALF INTERNATIONAL INC	WE 12/12/14 28 HRS LIU	362.60
	ROBERT HALF INTERNATIONAL INC	WE 12/19/14 28 HRS LIU	362.60
	ROBERT HALF INTERNATIONAL INC	WE 12/26/14 14 HRS LIU	181.30
		FINANCE TOTAL:	**1,310.57**
NON-DEPARTMENTAL			
	LILY FIORE FLORAL	12/3 COUNCIL MEMBER EVENT	60.00
	TOWNSEND PUBLIC AFFAIRS INC	JAN'15 CITY HALL CONSULTING SERVICES	5,000.00
	AT&T CALIFORNIA	12/22/14-1/21/15 CH BACKUP PHONE LINES	1,085.27
	INCONTACT INC	11/21-12/21/14 ACCT#3333	9.44
	JOBS AVAILABLE	JUNIOR ACCOUNTANT JOB AD	561.60
	JOBS AVAILABLE	FINANCIAL ANALYST JOB AD	273.00
	KELLY TOKARSKI	DEC'14 MAYOR OUTREACH	110.00
	KELLY TOKARSKI	DEC'14 COMMUNITY RELATIONS	3,190.00
	MICROSOFT CORPORATION	JAN'15 MS OFFICE 365 LICENSES FEE	850.00
	ASCAP	2015 ASCAP MUSIC LICENSE	335.00
	COX COMMUNICATIONS ORANGE COUNTY	12/25/14-1/24/15 INTERNET SERVICE #3302	79.20
	COX COMMUNICATIONS ORANGE COUNTY	1/1-1/31/15 INTERNET SERVICE #8802	329.00
	JOVENVILLE LLC	JUL'14 AVX WEB MAINT	300.00
		NON-DEPARTMENTAL TOTAL:	**12,182.51**
C. S. ADMINISTRATION			
	LILY FIORE FLORAL	VETERANS PROGRAM FLOWERS	200.00
		C. S. ADMINISTRATION TOTAL:	**200.00**
IGLESIA PARK			
	EL TORO WATER DISTRICT	WATER 11/10-12/8/14 MTR#3499	232.52
	EL TORO WATER DISTRICT	11/10-12/8/14 MTR#4114	211.08
		IGLESIA PARK TOTAL:	**443.60**
IGLESIA BUILDING			
	EL TORO WATER DISTRICT	WATER 11/10-12/8/14 MTR#1850	199.20
	GREENSTAR HOME SERVICES INC	12/5 TOILET REBUILD SERVICE	814.00
		IGLESIA BUILDING TOTAL:	**1,013.20**
PLANNING			
	RK ENGINEERING GROUP INC	DEC'14 RK AV TOWN CENTER	7,865.00
	ENVIRONMENTAL & REGULATORY SPECIALISTS INC	DEC'14 GENERAL PLAN UPDATE	7,425.00
	ENVIRONMENTAL & REGULATORY SPECIALISTS INC	DEC'14 AV RANCH SITE	2,295.00
		PLANNING TOTAL:	**17,585.00**

Vendor Name	Description (Item)	Amount
LAW ENFORCEMENT-CONTRACT		
COUNTY OF ORANGE TREASURER-TAX COLLECTOR	JAN'15 LAW ENFORCEMENT	585,526.79
COUNTY OF ORANGE TREASURER-TAX COLLECTOR	JAN'15 VANCANT POSITION CREDIT	(9,824.00)
COUNTY OF ORANGE TREASURER-TAX COLLECTOR	JAN'15 LAW CONTRACT CREDIT	(1,479.62)
	LAW ENFORCEMENT-CONTRACT TOTAL:	**574,223.17**
LAW ENFORCEMENT-OTHER		
ALL CITY MANAGEMENT SERVICES	12/7-12/20/14 SCOOL CROSSING GUARD SVCS	7,745.00
PARTNERS ART/FRAMING	PICTURE FRAME-SANDRA H	192.24
PARTNERS ART/FRAMING	PICTURE FRAME-OC SHERIFF	205.20
PARTNERS ART/FRAMING	PICTURE FRAME-POLICE ASSISTANTS W.B.	172.80
VOYAGER FLEET SYSTEMS INC	12/25/14-1/24/15 MOTORCYCLE FUEL	295.06
	LAW ENFORCEMENT-OTHER TOTAL:	**8,610.30**
CRIME PREVENTION		
JULIA SMITH	1/7/15 MTG SUPPLIES	51.96
ALISO VIEJO SELF STORAGE	JAN'15 STORAGE UNIT 75	345.00
	CRIME PREVENTION TOTAL:	**396.96**
	GENERAL FUND TOTAL:	**626,207.90**
102 - GEN. FD-CITY HALL		
NON-DEPARTMENTAL		
CTJAMJT CORP.	DEC'14 PEST CONTROL SERVICES	100.00
SONITROL GOLD COAST LP	DEC'14 CITY HALL SECURITY SYS.	269.96
	NON-DEPARTMENTAL TOTAL:	**369.96**
	GEN. FD-CITY HALL TOTAL:	**369.96**
203 - GAS TAX		
TRAFFIC ENGINEERING		
HARTZOG & CRABILL INC	NOV'14 TRAFFIC SIGNAL MONITORING	655.84
	TRAFFIC ENGINEERING TOTAL:	**655.84**
STREET MAINTENANCE		
MOULTON NIGUEL WATER DIST	DEC'14 WATER MTR#1683	52.98
MOULTON NIGUEL WATER DIST	DEC'14 WATER MTR#4551	61.40
MOULTON NIGUEL WATER DIST	DEC'14 WATER MTR#2551	56.48
	STREET MAINTENANCE TOTAL:	**170.86**
	GAS TAX TOTAL:	**826.70**
215 - PUBLIC SAFETY GRANTS		
LAW ENFORCEMENT-OTHER		
COUNTY OF ORANGE TREASURER-TAX COLLECTOR	JAN'15 PVS REPLACEMENT	1,124.39
COUNTY OF ORANGE TREASURER-TAX COLLECTOR	JAN'15 MDC RECURRING	2,260.79
COUNTY OF ORANGE TREASURER-TAX COLLECTOR	JAN'15 MDC REPLACEMENT	1,647.17
COUNTY OF ORANGE TREASURER-TAX COLLECTOR	JAN'15 PVS RECURRING	1,288.78
	LAW ENFORCEMENT-OTHER TOTAL:	**6,321.13**
	PUBLIC SAFETY GRANTS TOTAL:	**6,321.13**
245 - DEVELOPMENT IMPACT		
GEN-DEVELOPMENT IMPACT		
CITY OF MISSION VIEJO	FY 14-15 CATTERY EXPANSION #2	50,000.00
	GEN-DEVELOPMENT IMPACT TOTAL:	**50,000.00**
	DEVELOPMENT IMPACT TOTAL:	**50,000.00**
711 - DEPOSIT ACCOUNTS FUND		
ROBERT HALF INTERNATIONAL INC	WE 12/5/14 28.5 HRS LIU	158.18
ROBERT HALF INTERNATIONAL INC	W 12/12/14 28 HRS LIU	155.40
ROBERT HALF INTERNATIONAL INC	WE 12/19/14 28 HRS LIU	155.40

Vendor Name	Description (Item)	Amount
ROBERT HALF INTERNATIONAL INC	WE 12/26/14 14 HRS LIU	77.70
		546.68
	DEPOSIT ACCOUNTS FUND TOTAL:	**546.68**
	GRAND TOTAL:	**684,272.37**

Fund Summary

Fund	Expense Amount	Payment Amount
101 - GENERAL FUND	626,207.90	626,207.90
102 - GEN. FD-CITY HALL	369.96	369.96
203 - GAS TAX	826.70	826.70
215 - PUBLIC SAFETY GRANTS	6,321.13	6,321.13
245 - DEVELOPMENT IMPACT	50,000.00	50,000.00
711 - DEPOSIT ACCOUNTS FUND	546.68	546.68
Grand Total:	**684,272.37**	**684,272.37**

City of Aliso Viejo
Agenda Item

DATE: January 21, 2015

TO: Mayor and City Council

FROM: Gina M. Tharani, City Treasurer

SUBJECT: TREASURER'S STATEMENT – NOVEMBER 2014

Recommended Action:

Approve the November 2014 Treasurer's Statement.

Fiscal Impact:

No Fiscal Impact.

Background:

Per City policy, the Finance Department presents the monthly Treasurer's Statement for the City Council's review and approval. This statement shows the cash balances for the various funds, with a breakdown of bank account balances, investment account balances and the effective yield earned from investments.

Discussion:

The City of Aliso Viejo is invested in the State Treasurer's Local Agency Investment Fund (LAIF). Investment in LAIF is allowed under the City's formally adopted investment policy. All funds are available for withdrawal within 24 hours. In addition, in accordance with the City's Investment Policy, the City has the option to purchase Certificate of Deposits with its local bank. These funds will be insured by Federal Deposit Insurance Corporation (FDIC). FDIC is an independent agency created by Congress in 1933 to supervise banks, insure deposits, and help maintain a stable and sound banking system.

As a secondary investment option, the City continues to maintain its Money Market account with J.P Morgan Chase & Co. Excess funds are invested into an investment pool of US Treasury Notes. Interest is credited to the City's bank account on a monthly basis.

Gina M. Tharani
City Treasurer

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL

David Doyle
City Manager

Attachment: Treasurer's Statement
LAIF Statement

CITY OF ALISO VIEJO
TREASURER'S MONTHLY CASH STATEMENT

October 31, 2014

	BEGINNING BALANCE	RECEIPTS	DISBURSEMENTS	TRANSFERS IN (OUT)	ENDING BALANCE
GENERAL FUND	$ 17,392,673.88	896,244.04	1,290,282.92	-	16,998,635.00
GAS TAX FUND	1,460,231.17	18,766.01	83,726.06	-	1,395,271.12
MEASURE M	1,311,216.17	102,348.64	2,545.92	-	1,411,018.89
PUBLIC SAFETY GRANTS	77,266.44	15,379.00	6,321.13	-	86,324.31 (1)
AIR QUALITY IMPRVMNT FD	713,265.72	-	-	-	713,265.72
INTEGRATED WASTE MGMT FD	19,832.74	-	-	-	19,832.74
OTHER GRANTS	182,158.92	-	-	-	182,158.92
TECHNOLOGY GRANT	521,036.10	-	-	-	521,036.10
DEVELOPMENT IMPACT	8,185,790.84	349,283.00	-	-	8,535,073.84
FEDERAL GRANTS	-	-	-	-	-
STREET IMPROVEMENTS	(10,419.50)	-	1,788.50	-	(12,208.00) (2)
CAPITAL IMPROVEMENTS	(2,442.86)	-	-	-	(2,442.86) (2)
STORM WATER	(14,259.10)	5,000.00	10,000.00	-	(19,259.10) (2)
COP 2006/CFD 2005-01	(8,044.28)	-	1,043.00	-	(9,087.28)
REFUNDABLE DEPOSIT	789,414.73	61,143.00	13,065.65	-	837,492.08
COMMUNITY TRUST	126,573.27	-	1,066.52	-	125,506.75
TOTALS	**$ 30,744,294.24**	**$ 1,448,163.69**	**$ 1,409,839.70**	**$ -**	**$ 30,782,618.23**

SUMMARY OF CASH:

DEMAND DEPOSITS:	GENERAL ACCOUNT	$ 5,157,244.98		
	TOTAL DEMAND DEPOSITS		$ 5,157,244.98	
INVESTMENTS:	LOCAL AGENCY INVESTMENT FD	$ 25,625,373.25		
	TOTAL INVESTMENTS		$ 25,625,373.25	
	TOTAL CASH			**$ 30,782,618.23**

L.A.I.F. - Effective Yield for November 2014	0.261%
Money Market-Effective Yield for November 2014	0.040%

All investments are placed in accordance with the City of Aliso Viejo's Investment Policy.

The above summary provides sufficient cash flow liquidity to meet the next six month's estimated expenditures.

Other monies held include Cash with Fiscal Agent, Payroll Account, and City Facilities in the amount of $ 3,536,121.88

(1) Public Safety Grant includes the MDC and PVS Program Costs budgeted with SLESF funds.

(2) Transfers in and out are done on a quarterly basis.
Street Improvements include the Slurry Seal, Traffic Management and Street Improvement Projects.
Capital Improvements include park improvement and pedestrian bridge projects.
Storm Water includes the Wood Canyon Emergent Wetland Project.

Gina Tharani

Gina M. Tharani, City Treasurer

Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

www.treasurer.ca.gov/pmia-laif/laif.asp
January 08, 2015

CITY OF ALISO VIEJO

FINANCE DIRECTOR
12 JOURNEY, #100
ALISO VIEJO, CA 92656

PMIA Average Monthly Yields

Account Number:
98-30-007

Tran Type Definitions

November 2014 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	25,625,373.25
Total Withdrawal:	0.00	Ending Balance:	25,625,373.25

JOHN CHIANG
TREASURER
STATE OF CALIFORNIA

PMIA Performance Report

Date	Daily Yield*	Quarter to Date Yield	Average Maturity (in days)
12/18/14	0.27	0.26	216
12/19/14	0.27	0.26	212
12/20/14	0.27	0.26	212
12/21/14	0.27	0.26	212
12/22/14	0.26	0.26	207
12/23/14	0.26	0.26	206
12/24/14	0.26	0.26	207
12/25/14	0.26	0.26	207
12/26/14	0.27	0.26	210
12/27/14	0.27	0.26	210
12/28/14	0.27	0.26	210
12/29/14	0.27	0.26	205
12/30/14	0.26	0.26	203
12/31/14	0.26	0.26	200

*Daily yield does not reflect capital gains or losses

LAIF Performance Report

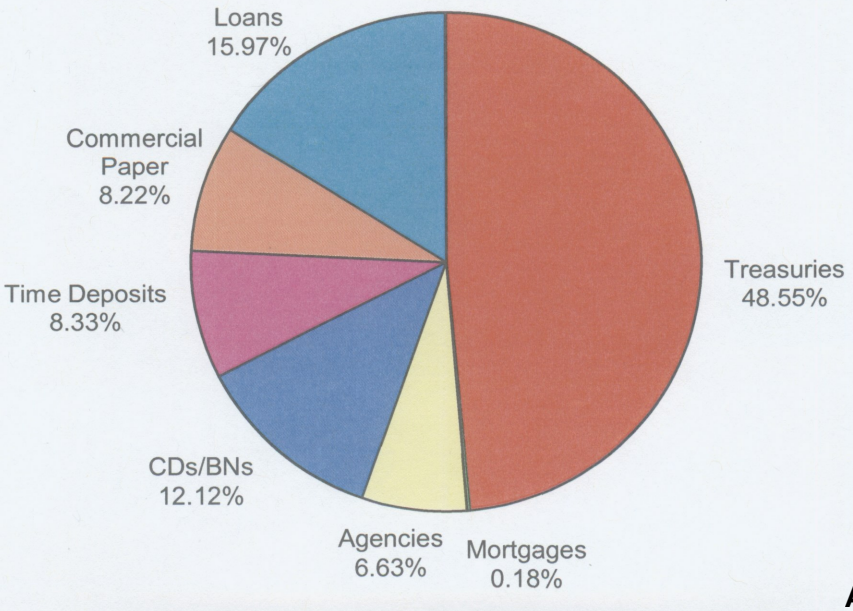
Quarter Ending 09/30/14

Apportionment Rate:	0.24%
Earnings Ratio:	.00000662348923179
Fair Value Factor:	1.000181284
Daily:	0.25%
Quarter To Date:	0.25%
Average Life:	232

PMIA Average Monthly Effective Yields

DEC 2014	**0.267%**
NOV 2014	0.261%
OCT 2014	0.261%

Pooled Money Investment Account
Portfolio Composition
$59.8 Billion
11/30/14



City of Aliso Viejo
Agenda Item

DATE: January 21, 2015

TO: Mayor and City Council

FROM: Glenn Yasui, Director of Administrative Services

SUBJECT: ECONOMIC DEVELOPMENT STATUS REPORT

Recommendation:

Receive and file the Economic Development Status Report.

Fiscal Impact:

There is no direct fiscal impact associated with the recommended action.

Background:

On January 16, 2013, an Economic Development Work Plan was presented to the City Council. The Council directed Staff to provide status reports relative to progress on the Economic Development Work Plan.

Discussion:

The Economic Development Work Plan consists of five major components listed below:

- Town Center
- Marketing
- Business Retention and Attraction
- Business Assistance
- Development Opportunities

The attached Status Report provides an update for the five components. Each component consists of specific projects, current status of the projects and individuals/organizations assigned to the project.

Glenn Yasui
Director of Administrative Services

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL

David Doyle
City Manager

Attachments: Economic Development Status Report

City of Aliso Viejo
Economic Development Status Report
January 2015

TOWN CENTER		
Project	**Comments**	**Assignment**
Coordinate with the Town Center property owners and property management companies to design and install new monument signage as part of the Town Center Vision and Opportunities Plan.	• Powerstone Property Management has replaced all seven monument signs for the north portion of Town Center. • Staff is working with Donahue Schriber to design and install new monument signs for the south portion of Town Center. • The PCM Board of Directors has approved the replacement of six monument signs around the perimeter of Town Center. PCM is working with Southern California Edison to address electrical issues. PCM plans to replace the signs in early 2015. • Staff is working with all parties to maintain a consistent appearance for the monument signage.	• Diamond Star Associates City Manager Dept. Planning Department
Coordinate with the Town Center property owners and property management companies to undertake a variety of improvements	• Twenty light pole banners were installed around the perimeter of Town Center. The light pole brackets are configured to be able to change banners for different events.	• Diamond Star Associates
Meet with property owners and property managers to ascertain current leasing information and develop an owner/tenant database	• A database of 1,031 businesses including retail, office and industrial has been obtained via subscription from Inside Prospects, Inc. The database will be used as a source for informing the business community of special events and disseminating other information.	• Interns • Diamond Star Associates Interns
Establish a working group of businesses, property owners and property management companies to enhance communications and cooperation.	• Matt Shannon of Urbanus, LLC was hired to provide consultant services for developing an implementation strategy for the Town Center Vision and Opportunities Plan. Mr. Shannon has met with several stakeholders to gain support from businesses, property owners and property management companies for implementing the Town Center improvements.	• Urbanus, LLLC
Donahue Schriber improvements & Gross Leasable Area	• DSA is working with Donahue Schriber to encourage them to prepare and submit a site plan application for additional gross leasable area (i.e. new restaurant). DSA is also working with Donahue Schriber to undertake exterior building painting, ADA upgrades, and other improvements.	• Diamond Star Associates

City of Aliso Viejo
Economic Development Status Report
January 2015

MARKETING		
Project	**Comments**	**Assignment**
Develop a branding strategy to create a recognizable City identification.	• The Council approved a new branding design to be used on all City materials to provide a consistent City identification. Staff has incorporated the new branding design into City materials including the community newsletter, letterhead, business cards, etc.	• Community Services • Too Kind Design
Per Council directive, produce and distribute a video promoting business attraction and tourism.	• In September 2014, the promotional video was produced and distributed via YouTube, social media, press releases, Renaissance ClubSport and websites of other organizations. Staff will continue to distribute and broadcast the video.	• City Manager Dept. • KT Communications
Update the economic development website to encourage interaction with existing and potential businesses.	• The website is updated on a continuous basis including posting articles on the "Featured Business of the Month". Featured businesses during the last quarter include Tribeca Salon (October), Chick-Fil-A (November) and The Knotstop (December).	• KT Communications • Chamber of Commerce
Utilize social media to enhance communication with the business community and residents.	• The City's Facebook and Twitter accounts are updated on a regular basis. During the last quarter, 19 posts were made providing information about the business community such as Grand Openings, companies receiving awards and encouraging residents to support local businesses.	• KT Communications
Create a "Shop and Dine in Aliso Viejo" Program.	• The Chamber of Commerce and staff implemented the inaugural "Shop and Dine in Aliso Viejo" Program in October 2014. Seventy-five businesses participated and over 800 raffle tickets were submitted. The three winners were announced at the Chamber breakfast on December 10, 2014.	• City Manager Dept. • Diamond Star Associates • Chamber of Commerce
Community events.	• Chamber of Commerce proposed hosting events such as a Town Center Street Fair.	• Chamber of Commerce
Create a Business Directory and Community Guide	• Chamber of Commerce proposed creating a Business Directory and Community Guide.	• Chamber of Commerce

City of Aliso Viejo
Economic Development Status Report
January 2015

BUSINESS RETENTION AND ATTRACTION		
Project	**Comments**	**Assignment**
Proactively identify new tenants for vacant retail and office space.	• Tokyo Bento Restaurant and Luna Grill opened for business in Aliso Viejo Town Center. Infinite Beauty Concepts opened for business at Vantis Citywalk.	• Diamond Star Associates • City Manager Dept.
Continue with the Business Visitation Program to identify businesses' issues and concerns.	• Meetings have been conducted with 14 businesses to discuss issues and concerns as well as promote the City as a business friendly community. • Staff met with the CEO of NanoSomix in October 2014.	• City Manager Dept.
Conduct meetings with area brokers to keep abreast of market conditions and opportunities.	• A semi-annual Broker Meet and Greet event was conducted in June 2014. The next Broker Meet and Greet is scheduled for January 28, 2014.	• Diamond Star Associates • City Manager Dept.
Partner in the marketing plans of existing Chamber members.	• Chamber of Commerce proposed partnering in marketing plans of existing Chamber members.	• Chamber of Commerce

City of Aliso Viejo
Economic Development Status Report
January 2015

BUSINESS ASSISTANCE		
Project	**Comments**	**Assignment**
Develop and conduct business workshops for small business owners.	• On November 12, 2013, SCORE conducted a workshop on "utilizing social media, email and mobile devices for marketing businesses". • On February 4, 2014, SCORE conducted a workshop on "Does Your Thinking Limit Your Success?" • On May 16, 2014 SCORE conducted a workshop "Mobile Marketing".	• Diamond Star Associates • City Manager Dept.
Develop and conduct a business roundtable for CEO's.	• No activity.	• Diamond Star Associates • City Manager Dept.
Provide business education.	• Chamber of Commerce proposed member-to-member services to help train, promote and support businesses through education.	• Chamber of Commerce
Resources for presentations.	• Chamber of Commerce proposed providing resources for presentations.	• Chamber of Commerce
Ribbon Cuttings for new businesses.	• Chamber of Commerce proposed conducting Ribbon Cutting ceremonies to launch new businesses.	• Chamber of Commerce

City of Aliso Viejo
Economic Development Status Report
January 2015

DEVELOPMENT OPPORTUNITIES		
Project	**Comments**	**Assignment**
4 Liberty	• It is anticipated that CT Realty Investments will submit a site plan in the near future.	• City Manager Dept. • Planning Dept.
2C Liberty	• 202 units of affordable senior apartments have been approved. Construction is scheduled to commence in the Spring 2015.	• City Manager Dept. • Planning Dept.
Vantis	• The City Council approved rezoning the remaining portion of the Vantis development to residential and hotel use. Construction of the hotel is underway. The hotel is scheduled to be completed in the Fall 2015. The apartments are scheduled to be completed in 2017.	• City Manager Dept. • Planning Dept.
Commons	• ValueRock Realty Partners purchased the Lowe's parcel from CapLease. ValueRock and the other three property owners are supportive of the proposed Town Center Vision Plan mixed use development at The Commons.	• City Manager Dept. • Planning Dept.
Summit	• Parker Properties (owner of the remaining undeveloped parcel in the Summit Development) expects to submit a site plan for approximately 216,000 square feet of office space. Construction of additional square footage would require an amendment of the deed restrictions.	• City Manager Dept. • Planning Dept.
UPS	• UPS owns a 10-acre undeveloped site adjacent to their building on Brookline. No significant activity has taken place.	• City Manager Dept. • Planning Dept.
4 Orion	• In response to comments and concerns from residents, the City has explored other options for satisfying its affordable housing requirements. The property is on the market for sale.	• City Manager Dept. • Planning Dept.

City of Aliso Viejo
Agenda Item

DATE: January 21, 2015

TO: Mayor and City Council

FROM: Glenn Yasui, Director of Administrative Services

SUBJECT: RESOLUTION IN SUPPORT OF PROPOSITION 13

Recommendation:

Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, IN SUPPORT OF PROPOSITION 13

Fiscal Impact:

There is no direct fiscal impact associated with the recommended action.

Discussion

Officially titled, the "People's Initiative to Limit Property Taxation," Proposition 13 passed with overwhelming support from voters in California on June 6, 1978. The initiative immediately decreased tax rates on homes and also capped future rate increases.

By limiting taxes on real property, Proposition 13 has saved homeowners thousands of dollars since its enactment. As a result, Californians have been able to reinvest some of this money back into the local economy.

The attached Resolution recognizes the positive impacts of Proposition 13 on the residents of California and affirms the City Council's support of this initiative.

Glenn Yasui
Director of Administrative Services

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL

David Doyle
City Manager

Attachments: Resolution No. 2015-___ in Support of Proposition 13

RESOLUTION NO. 2015 - XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, IN SUPPORT OF PROPOSITION 13

WHEREAS, on June 6, 1978, Proposition 13, officially titled the "People's Initiative to Limit Property Taxation", and popularly known as the "Jarvis-Gann Initiative", was overwhelmingly approved by California's voters, thereby, reducing property tax rates on homes, businesses and farms, and capping the rate of increase in the future; and

WHEREAS, Proposition 13 was incorporated into the California Constitution as Article XIII A; and

WHEREAS, prior to the adoption of Proposition 13, California's inflationary trends increased property tax bills in California; and

WHEREAS, prior to the adoption of Proposition 13, property tax assessments showed wider divergences than assessment disparities under the current acquisition-value system; and

WHEREAS, with the approval of Proposition 13, real property values were adjusted to a base value equal to the 1975 assessed value of that real property, effective with the 1978-79 fiscal year, thereby, introducing a new standard upon which real property would be taxed; and

WHEREAS, the passage of Proposition 13 restricted the annual increases in assessed value of locally assessed property to the lesser of market value or an inflation factor not to exceed 2 percent per year, except when there is a change in ownership or new construction; and

WHEREAS, Proposition 13 established super-majority thresholds in order for the State Legislature to raise taxes and specifies that a vote of the people is required to raise certain special local taxes; and

WHEREAS, following the passage of Proposition 13, renters also benefitted as the reduction in taxes reduced upward pressure on rents; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALISO VIEJO AS FOLLOWS:

The City of Aliso Viejo recognizes the positive impact Proposition 13 has had on the State of California, and affirms support for Proposition 13 and the benefit that it provides to individual homeowners, renters, local governments, and to the State's overall economy.

PASSED, APPROVED AND ADOPTED this 21st day of January 2015.

_____
William A. Phillips
Mayor

ATTEST:

_____
Mitzi Ortiz
City Clerk

APPROVED AS TO FORM:

_____
Scott C. Smith
City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF ALISO VIEJO)

I, Mitzi Ortiz, City Clerk of the City of Aliso Viejo, California, do hereby certify that the foregoing Resolution No. 2015-____ was adopted by the City Council at a regularly scheduled meeting duly held on the 21st day of January 2015, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

DATED:

_____
Mitzi Ortiz
City Clerk

City of Aliso Viejo

CITY COUNCIL
AGENDA ITEM

DATE: January 7, 2015

TO: City Council

FROM: Albert Armijo, Director of Planning Services
Jennifer Lowe, Associate Planner

SUBJECT: AN APPEAL BY THE CITY COUNCIL OF THE DIRECTOR OF PLANNING SERVICES' APPROVAL OF ADMINSTRATIVE USE PERMIT PA14-020, A REQUEST TO ESTABLISH A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR EDWARDS THEATER – ALISO VIEJO 20 AT 26701 ALISO CREEK ROAD IN ALISO VIEJO, CA – THIS ITEM WAS CONTINUED FROM JANUARY 7, 2015, CITY COUNCIL MEETING

RECOMMENDED ACTION:

Staff recommends the City Council take one of the following actions:

Approve Resolution No. 2015-XX affirming the Director of Planning Services' action of November 10, 2014, and approve Administrative Use Permit PA14-020;

or

Direct Staff to return with a resolution reversing the Director of Planning Services' action of November 10, 2014, and deny Administrative Use Permit PA14-020.

APPELLANT: City Council
12 Journey, Suite 100
Aliso Viejo, CA 92656

APPLICANT: Regal Entertainment Group
c/o Mr. Bruce Evans
Soloman Saltsman & Jamieson
426 Culver Blvd.
Playa del Rey, CA 90293

PROPERTY OWNER: EPT Aliso Viejo, Inc.
909 Walnut St., Suite 200
Kansas City, MO 64106

LOCATION: 26701 Aliso Creek Road

NOTICES:

A public hearing notice was published in the Aliso Viejo News and mailed to owners of real property within a 300 foot radius of the project site on December 25, 2014.

DISCUSSION:

On January 7, 2015, after accepting the Staff presentation and public comment, the City Council continued the public hearing of the appeal of the Director of Planning Services' approval of the administrative use permit for Edward Theater – Aliso Viejo 20 to the January 21, 2015, City Council meeting.

RECOMMENDATION:

Staff recommends the City Council take one of the following actions:

Approve Resolution No. 2015-XX upholding the Director of Planning Services' action of November 10, 2014, and approve Administrative Use Permit PA14-020;

or

Direct Staff to return with a resolution reversing Director of Planning Services action of November 10, 2014, and deny Administrative Use Permit PA14-020.

Prepared by:

Jennifer Lowe
Associate Planner

Approved by:

Albert Armijo
Director of Planning Services

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL

David A. Doyle
City Manager

Attachments:

1) Draft City Council Resolution No. 2015-XX
2) City Council Staff Report from January 7, 2015
3) Public Comment Received through January 14, 2015

RESOLUTION NO. 2015-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AFFIRMING THE DIRECTOR OF PLANNING SERVICES' DECISION TO APPROVE OF ADMINISTRATIVE USE PERMIT PA14-020, A REQUEST TO ESTABLISH A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR EDWARDS THEATER – ALISO VIEJO 20 AT 26701 ALISO CREEK ROAD IN ALISO VIEJO, CA

WHEREAS, a City Council member of the City Council of the City of Aliso Viejo submitted an appeal of action taken by the Director of Planning Services' ("Director") approval of Administrative Use Permit PA14-020, a request by Regal Entertainment Group, to establish a Type 41 Alcoholic Beverage Control (ABC) license for Edwards Theater – Aliso Viejo 20 at 26701 Aliso Creek Road; and

WHEREAS, on October 30, 2014, the Director sent a public notice to property owners within 300 feet of the Aliso Viejo Town Center and all tenants within Aliso Viejo Town Center stating the Director would be making a determination on the application made by Regal Entertainment Group to establish a Type 41 ABC License at 26701 Aliso Creek Road; and

WHEREAS, the Director considered the application, crime statistics and public testimony, and after considerable discussion and evaluation of the project, approved Administrative Use Permit PA14-020 on November 10, 2014; and

WHEREAS, on November 14, 2014, a City Council member of the City of Aliso Viejo appealed the Director's decision and requested the project be reviewed by City Council; and

WHEREAS, on January 7, 2015, the City Council considered the staff report, public testimony and information from Planning, Economic Development and Police Services staff, discussed the project, and after considerable discussion and evaluation of the project, affirmed the Director's decision to approve Administrative Use Permit PA14-020.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines that all of the recitals set forth above are true and correct. The above recitals are hereby incorporated as substantive findings of this Resolution.

SECTION 2. Pursuant to Section of the AVMC, the application for Administrative Use Permit PA14-020 (AUP) shall be approved subject to the following findings:

1. *Consistency with General Plan. The land use is consistent with the General Plan and any applicable specific plan.*

   The proposed use is consistent with General Plan Goal LU-1: "Provide a diverse mix of land uses to meet the future needs of all residents and the business community." Within that goal, the following policies apply to the proposed use: General Plan Policy LU-1.1 "Work to achieve a balance or surplus between the generation of public revenues and the cost of providing public facilities and services"; Policy LU-1.2 "Attract a broad range of additional retail...uses providing employment at all income levels and making a positive contribution to the City's tax base"; and Policy LU-3.1 "Promote development of revenue-generating land uses." The proposed alcohol sales is accessory to the theater use, which is consistent with the Town Center Commercial land use designation as the theater complements adjacent neighborhood-serving commercial uses.

2. *Consistency with Zoning Code. The land use and associated development conform to the permitted use provisions and development standards of this Zoning Code and is consistent with this Code and any applicable specific plan.*

   The location for a Type 41 ABC License is located within a Town Center Commercial zoning district. Aliso Viejo Municipal Code (AVMC) Section 15.22.200(D)(1) requires an administrative use permit for a new ABC license or any change in the type of license. As detailed below, the project is consistent with provisions and development standards of the Zoning Code.

   Pursuant to AVMC Section 15.22.200(E), application for Administrative Use Permit PA14-020 (AUP) requires the Director to find the proposed use is consistent with the purpose and intent of the findings required in Section 15.74.040(C). In reviewing the required findings, the Director shall also consider the following:

   a. The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City;

   b. The numbers of alcohol-related calls for service, crimes or arrests in the reporting district and in adjacent reporting districts; and,

   c. The proximity of the alcoholic beverage outlet to residential districts, day care centers, park and recreation facilities, places of religious assembly, and schools.

   The Chief of Police Services for the City of Aliso Viejo provided a report that supplied crime rate and reportable incident data. After reviewing the data, the Chief of Police concluded the number of general and alcohol related crimes are within tolerable limits and recommends approval of the Type 41 ABC License. Aside from Grand Park, the theater is not located within close proximity to sensitive land uses. Grand Park is approximately 100 feet from the theater building. After

considering the distance from the theater and the current mix of uses in Aliso Viejo Town Center, the Director determined establishment of a Type 41 ABC License at 26701 Aliso Creek Road, conforms to the permitted use provisions and development standards of the Zoning Code.

3. *Compliance with CEQA. Processing and approval of the permit application are in compliance with the requirements of the California Environmental Quality Act.*

   The Director determined the Administrative Use Permit is Categorically Exempt from further environmental review per the California Environmental Quality Act (CEQA) and CEQA Guidelines under Class 1 (Existing Facilities, sec. 15301) because the administrative use permit involves operation, licensing, and minor alteration of existing private structures involving negligible or no expansion of the use beyond that existing at the time of the Director's determination.

4. *Surrounding Uses. Approval of the application will not create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the vicinity.*

   The tenant space for a Type 41, On Sale Beer & Wine – Eating Place, ABC License is located within an existing commercial center with other food related uses nearby. Town Center provides a variety of additional restaurants and commercial uses. The theater is not within close proximity to sensitive land uses such as day care centers, places of religious assembly, and schools). However, the building is adjacent to park and recreation facilities. Grand Park is located approximately 100 feet from the theater building. After review of the information received from the Chief of Police Services, addition of alcohol service in a shopping center is unlikely to be materially detrimental to the public health, safety and general welfare or incompatible with other properties in terms of land use, noise, glare, views or other impacts. Therefore, the Director determined the use is unlikely to be materially detrimental to the public health, safety and general welfare or incompatible with other properties in terms of land use, noise, glare, views or other impacts.

SECTION 3. The City Council hereby affirms the decision of the Director of Planning Services' action to approve of Administrative Use Permit PA14-020 to establish a Type 41 Alcoholic Beverage Control (ABC) license for Edwards Theater – Aliso Viejo 20 at 26701 Aliso Creek Road, subject to the following conditions of approval:

Site Specific Conditions of Approval

1. Development per Approved Plans. This permit constitutes a precise plan for location and operation of a Type 41 Alcoholic Beverage Control License as depicted on approved plans. The Applicant shall operate the approved project in substantial conformance with this Administrative Use Permit PA14-020(AUP) and the site plan attached to the approval letter.

2. Modifications. Requests for modification of operational characteristics as approved under this Administrative Use Permit PA14-020 (AUP) shall be reviewed by the Director of Planning Services ("Director"). Relocation, alteration or addition to any use, structure, feature or material not specifically approved shall require an amendment to the approved administrative use permit and plans unless the Director determines the proposed change complies with provisions, spirit and intent of the approved plans and the action would have been the same for the amendment as for the approved plans. The Director may administratively approve a minor amendment in accordance with Zoning Code Section 15.74.110.

3. ABC License. The Applicant shall obtain the required alcoholic beverage licenses from the State of California Department of Alcoholic Beverage Control.

4. Theater Staff. No person under the age of 18 shall sell or serve alcoholic beverages.

5. Responsible Beverage Service (RBS) Classes. All managers and employees selling or serving alcoholic beverages shall enroll in and complete an RBS class conducted by the Department of Alcoholic Beverage Control or the Aliso Viejo Police Department within 60 days of hire.

6. Sales, Service and Consumption.

   a. Gross annual sales. Gross annual sales from alcoholic beverages shall not exceed 50% of the total gross annual sales.

   ~~a.~~b. Location. All sales and service of alcoholic beverages for consumption in the general spectator seating areas shall be made only from concession stands, portable stands, or fixed bars.

   ~~b.~~c. Prohibition of Hawkers. Sales and service shall not be sold, served, or delivered to customers by individual ambulatory vendors (hawkers).

   ~~c.~~d. Prohibition of Sales or Service in Auditorium. Sales and service of alcoholic beverages by waiters and waitresses in the general spectator seating area is prohibited.

   ~~d.~~e. Qualified Patrons for Service. Only guests who purchase a movie ticket shall be sold and served alcoholic beverages.

   ~~e.~~f. Quantity Limitation. Employees will inspect each patron's wristband at every transaction that includes alcohol sales. No more than two (2) alcoholic beverages shall be sold or served to any one (1) person during any transaction. Each patron will be limited to maximum of two alcoholic beverages.

7. Prohibition of Sales for Offsite Consumption. Sales of alcoholic beverages for consumption off the premises are prohibited. Premises shall constitute the area identified as Edwards Theater – Aliso Viejo 20 and depicted on the plans submitted to the City.

8. Monitoring Activity. At all times when the premises exercises privileges of their license, an employee of the premises shall enter and monitor the activity within the theaters on a regular basis, but no less frequent than once every 30 minutes.

9. Lighting in Theaters. Lighting shall remain at a level sufficient to allow theater staff to observe patrons who may be consuming alcoholic beverages.

10. Containers for Alcohol. Alcoholic beverages shall be served in non-glass containers that significantly differ in appearance from containers used for non-alcoholic beverages.

11. Limitation on Hours for Service or Consumption. No alcoholic beverage sales after midnight. Alcohol cannot be ~~sold, served or~~ consumed after 2:00 a.m. The theater shall not sell alcohol to patrons attending movies that have an end time after 2:00 a.m.

12. Internal Signage. Applicant shall post clearly visible signs at all exits that read "No Alcoholic Beverages Beyond this Point".

13. Adverse Impacts. In the event of adverse impacts on the health, safety or welfare of the neighborhood or general public, or receipt of complaints directly related to the Applicant's business, the Director of Planning Services shall investigate and, if significant adverse impacts directly related to the Applicant's business are found to exist, the Director shall have the discretion to bring this Permit back to the City Council to consider additional conditions, amended conditions or permit revocation

General Conditions of Approval

14. Compliance With Conditions. The Applicant shall be fully responsible for knowing and complying with all conditions of approval, including making conditions known to City staff for future governmental permits or actions on the project site. Failure to abide by and faithfully comply with any and all conditions attached to granting these permits may constitute grounds for revocation of the permit(s) in accordance with Zoning Code Section 15.74.120.

15. Compliance with Regulations. The Applicant shall ensure design, maintenance, and operation of the permit area and fixtures thereon shall comply with all applicable regulations of the Municipal Code and all requirements and enactments of Federal, State, County and City authorities. All such requirements and enactments shall by reference become conditions of this permit whether or not they are listed as conditions. The Applicant and Applicant's successors in interest shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.

16. Indemnification. The Applicant shall indemnify, protect, defend, and hold the City, and/or any of its officials (appointed or elected), officers, employees, agents, departments, agencies, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and other such procedures), judgments, orders, and decisions

(collectively 'Actions'), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, Planning and Zoning Law, Subdivision Map Act, Community Redevelopment Law, Code of Civil Procedure Sections 1085 or 1094.5, or any other federal, state, or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed the City shall have the right to approve, which approval will not be unreasonably withheld, legal counsel providing the City's defense, and that Applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any action brought and City shall cooperate with Applicant in the defense of the action.

17. Permit Expiration. The administrative use permit shall be deemed established if the building permit issuance occurs within two (2) years of the effective date of the approval or within such other time period designated by the approval. Upon application before expiration of the period of validity, the original decision-making authority may grant an extension to the period of validity for up to one (1) year per extension if it finds that such an extension is justified by the circumstances of the project. The filing of an application for extension shall stay expiration of the permit until action is taken on the time extension by the decision-making authority.
18. Payment of Fees. The Applicant and Applicant's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expenses in ensuring compliance with these conditions. Prior to issuance of a Certificate of Occupancy, the Applicant shall be fully responsible for reimbursing the City of Aliso Viejo for all expenses incurred to assure compliance with all conditions of approval.
19. Violations. This administrative use permit may be modified and/or revoked if the facility or operator has violated any law or has failed to comply with these Conditions of Approval.

SECTION 4. Custodian of Records. The administrative record for the Project is maintained at City Hall located at 12 Journey, Suite 100, Aliso Viejo, CA 92656. The custodian of records is the City Clerk.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 7th day of January, 2015.

_____
William Phillips
Mayor

ATTEST:

_____
Mitzi Ortiz
City Clerk

APPROVED AS TO FORM:

_____
Scott C. Smith
City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ALISO VIEJO)

I, MITZI ORTIZ, City Clerk of the City of Aliso Viejo, California, DO HEREBY CERTIFY that foregoing Resolution No. 2015-XX was duly passed and adopted by the City Council of the City of Aliso Viejo at their regular meeting held on the 7th day of January, 2015, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
MITZI ORTIZ, CMC
CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Resolution No. 2015-XX duly passed and adopted by the Aliso Viejo City Council at its regular meeting held January 7, 2015.

(SEAL)

City of Aliso Viejo

CITY COUNCIL
AGENDA ITEM

DATE: January 7, 2015

TO: City Council

FROM: Albert Armijo, Director of Planning Services
Jennifer Lowe, Associate Planner

SUBJECT: AN APPEAL BY THE CITY COUNCIL OF THE DIRECTOR OF PLANNING SERVICES' APPROVAL OF ADMINSTRATIVE USE PERMIT PA14-020, A REQUEST TO ESTABLISH A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR EDWARDS THEATER – ALISO VIEJO 20 AT 26701 ALISO CREEK ROAD IN ALISO VIEJO, CA

RECOMMENDED ACTION:

Staff recommends the City Council take one of the following actions:

Approve Resolution No. 2015-XX affirming the Director of Planning Services' action of November 10, 2014, and approve Administrative Use Permit PA14-020;

or

Direct Staff to return with a resolution reversing the Director of Planning Services' action of November 10, 2014, and deny Administrative Use Permit PA14-020.

FISCAL IMPACT:

No revenue is generated by the appeal of Administrative Use Permit PA14-022. Since a City Council member is named as the Appellant, an appeal fee of $760.00 was not taken in for the appeal of this item. However, all fees generated by City staff through the processing of this appeal are fully reimbursed through the refundable deposit account established by the Applicant.

APPELLANT:
City Council
12 Journey, Suite 100
Aliso Viejo, CA 92656

APPLICANT:
Regal Entertainment Group
c/o Mr. Bruce Evans
Soloman Saltsman & Jamieson
426 Culver Blvd.
Playa del Rey, CA 90293

Attachment 2 Regal Entertainment: PA14-020
City Council Staff Report from January 7, 2015
City Council 01/21/15

PROPERTY OWNER: EPT Aliso Viejo, Inc.
909 Walnut St., Suite 200
Kansas City, MO 64106

LOCATION: 26701 Aliso Creek Road

GENERAL PLAN DESIGNATION: TCC – Town Center Commercial

ZONING: CT – Town Center Commercial

NOTICES:

A public hearing notice was published and mailed to owners of real property within a 300 foot radius of the project site in the Aliso Viejo News on December 25, 2014.

ENVIRONMENTAL:

The project is Categorically Exempt from further environmental review per the California Environmental Quality Act (CEQA) and CEQA Guidelines under Class 1 (Existing Facilities, sec. 15301) because the administrative use permit involves operation, licensing, and minor alteration of existing private structures involving negligible or no expansion of use beyond that existing at the time of the Director's determination.

BACKGROUND:

On August 27, 2014, Regal Entertainment Group submitted an application for an administrative use permit to establish a Type 41 License from the Department of Alcoholic Beverage Control ("ABC") at the Edwards Theater – Aliso Viejo 20 in Aliso Viejo Town Center.

On November 10, 2014, the Director of Planning Services ("Director") approved Administrative Use Permit PA14-020 (AUP), pursuant to Aliso Viejo Municipal Code ("AVMC") Section 15.22.200 for a Type 41 License from the Department of Alcoholic Beverage Control ("ABC") at 26701 Aliso Creek Road in Aliso Viejo Town Center (see Attachment 2).

On November 14, 2014, a City Council member appealed the Director's decision and requested the project be reviewed by City Council. Consistent with the City's past practices, an appeal fee was not required because the Council member's appeal was brought on behalf of the public.

DISCUSSION:

Regal Entertainment Group maintains the primary use of the premises shall remain a movie theater. Regal acknowledges its consumers have more choices for entertainment. The Aliso Viejo 20 theater is one of the top performing theaters in south Orange County. To remain competitive with movie-going experiences of 30 to 45 year olds, Regal proposed to provide an upscale movie experience by offering meals with a

glass of beer or wine. Regal has requested a Type 41 (On-sale public eating place – beer & wine license) from ABC. Below is a summary of proposed operations associated with alcoholic beverage sales at the Aliso Viejo 20 theater.

- Alcohol may only be purchased from the concession stand operated by employees who have completed a Responsible Beverage Service Calls course conducted by ABC or Aliso Viejo Police Services.
- Employees under the age of 18 will not be permitted to sell alcoholic beverages.
- Employees will be trained to request identification from each guest, regardless of age.
- Managers will be trained to take corrective action and escort any guest out of the theater who is acting inappropriately or if employees suspect a minor is consuming alcoholic beverages.
- Guests will not be able to purchase alcohol for other guests unless the additional guest is at the register.
- A maximum of two drinks will be permitted per transaction.
- Alcoholic beverages will be sold in a non-glass container that is significantly different in appearance than other beverages sold at the concession stands.
- Alcohol service will not occur in the auditoriums.
- Colored wristbands (each color will be selected randomly each day) will be provided to cleared guests.
    - The wristband represents the first drink purchased.
    - An "x" will be marked on the wristband for an additional drink purchased.
- Employees will regularly conduct auditorium checks (no less frequently than once every 30 minutes) to ensure guests purchasing alcohol have the correct wristband and guests are acting appropriately.
- Guests will not be permitted to leave the premises with alcoholic beverages.
- "Mystery Shop Program": Regal employs a third party company to conduct mystery shops in its various locations to maintain standards and compliance with its house policies and established alcohol management practices. After each mystery shop, a report is prepared for Regal's corporate office. Regal has a progressive system of discipline if the compliance check reveals the employee(s) is not following company policy.

Additionally, the Applicant volunteered a compilation of conditions of approval from other municipalities to ensure the overall movie experience will not be compromised.

Public Comment

On November 10, 2014, staff received a letter in the mail from a resident expressing concern about serving alcohol at the theater (Attachment 3). According to the resident, the theater is where families can go watch a movie together, teenagers can attend

without adult supervision, and where an overall sense of safety exists. In the letter, the resident acknowledged that Aliso Viejo Town Center is fairly dense with ABC licenses, but feared alcohol service at the theater would lead to loss of this family-oriented environment. Additionally, the resident stated the area behind the theater is saturated with illegal drug and alcohol use, which has deterred use of the walking trail to Aliso Viejo Town Center.

On December 2, 2014, a City Council member received an email from a resident inquiring about alcohol service at the theater (Attachment 4). The resident stated he would not send his children to a theater where alcohol is served. The resident is concerned that if the theater begins serving alcohol, there is potential of someone being intoxicated at the theater. Furthermore, the resident stated the theater provides a place where his children can watch a movie by themselves.

Police Services

Island Cinemas – Newport Beach

Aliso Viejo Police Services staff contacted Newport Beach Police Department to discuss the City of Newport Beach's experiences with alcohol service at the Island Cinemas, located at 300 Newport Center Drive in the Fashion Island shopping center. According to VICE Division staff of the Newport Beach Police Department, since Island Cinemas was the first theater to have alcoholic beverage service, Police were reticent to allow alcohol service. Private security contracted by the Irvine Company, for Fashion Island meticulously observed the theater for the first year. VICE Division staff stated they were pleasantly surprised they have not experienced an increase of problems or crimes at Island Cinemas. Based on this information, the Chief of Police Services approves addition of alcohol service with the conditions of approval outlined in the original approving action.

Activity Behind Theaters in Aliso Viejo Town Center

Staff contacted the property owner and Police Services to discuss the claim about illegal drug and alcohol use occurring behind the theater in Aliso Viejo Town Center. According to the property manager, Park Plaza Owners Association, they are unaware of illegal drug and alcohol activity in the parking lot area behind the theaters. Property management said private security conducts checks in all areas of Town Center throughout an evening and security guards patrol on weekends. Security has not reported seeing drug and alcohol use occurring in the area. Additionally, the City Administrative Sergeant discussed the claim with field sergeants and shift deputies assigned to the area. All indicated that although juveniles will occasionally hang out behind the theater they have not witnessed major problems caused by juvenile presence. The juveniles will leave the area when asked. The Administrative Sergeant reviewed the deputies' daily activity log and did not see alcohol related incidents in the report.

Based on research conducted by City staff and Police Services, the Chief of Police Services does not anticipate additional problems from alcohol service at the theater and

maintains his recommendation of approval subject to the conditions of approval in the attached resolution (Attachment 1).

Economic Development

The City Economic Development Program consists of five major components (Town Center Improvements; Marketing; Business Attraction and Retention; Business Assistance; and Development Opportunities). The request by Edwards Theatre is conducive to addressing two of the components including "Town Center Improvements" and "Business Attraction and Retention". An upgraded Edwards Theatre will contribute to the overall appeal of Aliso Viejo Town Center as an entertainment destination. In turn, Edwards Theatre's success in drawing patrons can have a positive influence in attracting and retaining related businesses throughout Aliso Viejo Town Center.

Potential Additional Conditions of Approval

In addition to reviewing alcohol service at Island Cinemas with the City of Newport Beach, Staff discussed theater operations with the Applicant and examined documents from other local jurisdictions that approved alcohol service at the Regal Theaters in their cities. Below is a list of conditions of approval included in those documents that are not listed in the Director's approval. To assist with mitigating concerns over alcohol operations at the theater, the Applicant is supportive should City Council see fit to add one or all of the conditions listed below. These conditions of approval have been added in redline format to the attached resolution (Attachment 1).

- Maximum of two drinks permitted per patron.
- No alcoholic beverage sales after midnight.
- Gross annual sales from alcoholic beverages shall not exceed 50% of the total gross annual sales. (This is consistent with an ABC bonafide eating place license where food sales must exceed alcohol sales.)

Appeal Hearing Requirements

According to AVMC Section 15.70.080(D), an appeal of a decision by the Director shall be limited to issues raised at the hearing, or in writing before the decision, or information that was not known at the time of the decision that is being appealed. The Council may continue the appeal hearing, as necessary. Ultimately, the City Council may, by a majority vote of the members present, affirm or reverse, wholly or partially, or may modify the decision, conditions of approval or determination made by the Director.

RECOMMENDATION:

Staff recommends the City Council take one of the following actions:

Approve Resolution No. 2015-XX upholding the Director of Planning Services' action of November 10, 2014, and approve Administrative Use Permit PA14-020;

or

Direct Staff to return with a resolution reversing Director of Planning Services action of November 10, 2014, and deny Administrative Use Permit PA14-020.

Prepared by:

Jennifer Lowe
Associate Planner

Approved by:

Albert Armijo
Director of Planning Services

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL

David A. Doyle
City Manager

Attachments:

1) Draft City Council Resolution No. 2015-XX
2) PA14-020 (AUP) – Administrative Approval of November 10, 2014
3) Letter from Resident at 30 Midtown Drive
4) Email from Resident at 61 Summerland Circle
5) Letter from Soloman Saltsman & Jamieson

RESOLUTION NO. 2015-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AFFIRMING THE DIRECTOR OF PLANNING SERVICES' DECISION TO APPROVE OF ADMINISTRATIVE USE PERMIT PA14-020, A REQUEST TO ESTABLISH A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR EDWARDS THEATER – ALISO VIEJO 20 AT 26701 ALISO CREEK ROAD IN ALISO VIEJO, CA

WHEREAS, a City Council member of the City Council of the City of Aliso Viejo submitted an appeal of action taken by the Director of Planning Services' ("Director") approval of Administrative Use Permit PA14-020, a request by Regal Entertainment Group, to establish a Type 41 Alcoholic Beverage Control (ABC) license for Edwards Theater – Aliso Viejo 20 at 26701 Aliso Creek Road; and

WHEREAS, on October 30, 2014, the Director sent a public notice to property owners within 300 feet of the Aliso Viejo Town Center and all tenants within Aliso Viejo Town Center stating the Director would be making a determination on the application made by Regal Entertainment Group to establish a Type 41 ABC License at 26701 Aliso Creek Road; and

WHEREAS, the Director considered the application, crime statistics and public testimony, and after considerable discussion and evaluation of the project, approved Administrative Use Permit PA14-020 on November 10, 2014; and

WHEREAS, on November 14, 2014, a City Council member of the City of Aliso Viejo appealed the Director's decision and requested the project be reviewed by City Council; and

WHEREAS, on January 7, 2015, the City Council considered the staff report, public testimony and information from Planning, Economic Development and Police Services staff, discussed the project, and after considerable discussion and evaluation of the project, affirmed the Director's decision to approve Administrative Use Permit PA14-020.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines that all of the recitals set forth above are true and correct. The above recitals are hereby incorporated as substantive findings of this Resolution.

SECTION 2. Pursuant to Section of the AVMC, the application for Administrative Use Permit PA14-020 (AUP) shall be approved subject to the following findings:

1. *Consistency with General Plan. The land use is consistent with the General Plan and any applicable specific plan.*

   The proposed use is consistent with General Plan Goal LU-1: "Provide a diverse mix of land uses to meet the future needs of all residents and the business community." Within that goal, the following policies apply to the proposed use: General Plan Policy LU-1.1 "Work to achieve a balance or surplus between the generation of public revenues and the cost of providing public facilities and services"; Policy LU-1.2 "Attract a broad range of additional retail...uses providing employment at all income levels and making a positive contribution to the City's tax base"; and Policy LU-3.1 "Promote development of revenue-generating land uses." The proposed alcohol sales is accessory to the theater use, which is consistent with the Town Center Commercial land use designation as the theater complements adjacent neighborhood-serving commercial uses.

2. *Consistency with Zoning Code. The land use and associated development conform to the permitted use provisions and development standards of this Zoning Code and is consistent with this Code and any applicable specific plan.*

   The location for a Type 41 ABC License is located within a Town Center Commercial zoning district. Aliso Viejo Municipal Code (AVMC) Section 15.22.200(D)(1) requires an administrative use permit for a new ABC license or any change in the type of license. As detailed below, the project is consistent with provisions and development standards of the Zoning Code.

   Pursuant to AVMC Section 15.22.200(E), application for Administrative Use Permit PA14-020 (AUP) requires the Director to find the proposed use is consistent with the purpose and intent of the findings required in Section 15.74.040(C). In reviewing the required findings, the Director shall also consider the following:

   a. The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City;

   b. The numbers of alcohol-related calls for service, crimes or arrests in the reporting district and in adjacent reporting districts; and,

   c. The proximity of the alcoholic beverage outlet to residential districts, day care centers, park and recreation facilities, places of religious assembly, and schools.

   The Chief of Police Services for the City of Aliso Viejo provided a report that supplied crime rate and reportable incident data. After reviewing the data, the Chief of Police concluded the number of general and alcohol related crimes are within tolerable limits and recommends approval of the Type 41 ABC License. Aside from Grand Park, the theater is not located within close proximity to sensitive land uses. Grand Park is approximately 100 feet from the theater building. After

considering the distance from the theater and the current mix of uses in Aliso Viejo Town Center, the Director determined establishment of a Type 41 ABC License at 26701 Aliso Creek Road, conforms to the permitted use provisions and development standards of the Zoning Code.

3. *Compliance with CEQA. Processing and approval of the permit application are in compliance with the requirements of the California Environmental Quality Act.*

   The Director determined the Administrative Use Permit is Categorically Exempt from further environmental review per the California Environmental Quality Act (CEQA) and CEQA Guidelines under Class 1 (Existing Facilities, sec. 15301) because the administrative use permit involves operation, licensing, and minor alteration of existing private structures involving negligible or no expansion of the use beyond that existing at the time of the Director's determination.

4. *Surrounding Uses. Approval of the application will not create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the vicinity.*

   The tenant space for a Type 41, On Sale Beer & Wine – Eating Place, ABC License is located within an existing commercial center with other food related uses nearby. Town Center provides a variety of additional restaurants and commercial uses. The theater is not within close proximity to sensitive land uses such as day care centers, places of religious assembly, and schools). However, the building is adjacent to park and recreation facilities. Grand Park is located approximately 100 feet from the theater building. After review of the information received from the Chief of Police Services, addition of alcohol service in a shopping center is unlikely to be materially detrimental to the public health, safety and general welfare or incompatible with other properties in terms of land use, noise, glare, views or other impacts. Therefore, the Director determined the use is unlikely to be materially detrimental to the public health, safety and general welfare or incompatible with other properties in terms of land use, noise, glare, views or other impacts.

SECTION 3. The City Council hereby affirms the decision of the Director of Planning Services' action to approve of Administrative Use Permit PA14-020 to establish a Type 41 Alcoholic Beverage Control (ABC) license for Edwards Theater – Aliso Viejo 20 at 26701 Aliso Creek Road, subject to the following conditions of approval:

Site Specific Conditions of Approval

1. Development per Approved Plans. This permit constitutes a precise plan for location and operation of a Type 41 Alcoholic Beverage Control License as depicted on approved plans. The Applicant shall operate the approved project in substantial conformance with this Administrative Use Permit PA14-020(AUP) and the site plan attached to the approval letter.

2. Modifications. Requests for modification of operational characteristics as approved under this Administrative Use Permit PA14-020 (AUP) shall be reviewed by the Director of Planning Services ("Director"). Relocation, alteration or addition to any use, structure, feature or material not specifically approved shall require an amendment to the approved administrative use permit and plans unless the Director determines the proposed change complies with provisions, spirit and intent of the approved plans and the action would have been the same for the amendment as for the approved plans. The Director may administratively approve a minor amendment in accordance with Zoning Code Section 15.74.110.

3. ABC License. The Applicant shall obtain the required alcoholic beverage licenses from the State of California Department of Alcoholic Beverage Control.

4. Theater Staff. No person under the age of 18 shall sell or serve alcoholic beverages.

5. Responsible Beverage Service (RBS) Classes. All managers and employees selling or serving alcoholic beverages shall enroll in and complete an RBS class conducted by the Department of Alcoholic Beverage Control or the Aliso Viejo Police Department within 60 days of hire.

6. Sales, Service and Consumption.

   a. Gross annual sales. Gross annual sales from alcoholic beverages shall not exceed 50% of the total gross annual sales.

   ~~a.~~b. Location. All sales and service of alcoholic beverages for consumption in the general spectator seating areas shall be made only from concession stands, portable stands, or fixed bars.

   ~~b.~~c. Prohibition of Hawkers. Sales and service shall not be sold, served, or delivered to customers by individual ambulatory vendors (hawkers).

   ~~c.~~d. Prohibition of Sales or Service in Auditorium. Sales and service of alcoholic beverages by waiters and waitresses in the general spectator seating area is prohibited.

   ~~d.~~e. Qualified Patrons for Service. Only guests who purchase a movie ticket shall be sold and served alcoholic beverages.

   ~~e.~~f. Quantity Limitation. Employees will inspect each patron's wristband at every transaction that includes alcohol sales. No more than two (2) alcoholic beverages shall be sold or served to any one (1) person during any transaction. Each patron will be limited to maximum of two alcoholic beverages.

7. Prohibition of Sales for Offsite Consumption. Sales of alcoholic beverages for consumption off the premises are prohibited. Premises shall constitute the area identified as Edwards Theater – Aliso Viejo 20 and depicted on the plans submitted to the City.

8. Monitoring Activity. At all times when the premises exercises privileges of their license, an employee of the premises shall enter and monitor the activity within the theaters on a regular basis, but no less frequent than once every 30 minutes.

9. Lighting in Theaters. Lighting shall remain at a level sufficient to allow theater staff to observe patrons who may be consuming alcoholic beverages.

10. Containers for Alcohol. Alcoholic beverages shall be served in non-glass containers that significantly differ in appearance from containers used for non-alcoholic beverages.

11. Limitation on Hours for Service or Consumption. No alcoholic beverage sales after midnight. Alcohol cannot be ~~sold, served or~~ consumed after 2:00 a.m. The theater shall not sell alcohol to patrons attending movies that have an end time after 2:00 a.m.

12. Internal Signage. Applicant shall post clearly visible signs at all exits that read "No Alcoholic Beverages Beyond this Point".

13. Adverse Impacts. In the event of adverse impacts on the health, safety or welfare of the neighborhood or general public, or receipt of complaints directly related to the Applicant's business, the Director of Planning Services shall investigate and, if significant adverse impacts directly related to the Applicant's business are found to exist, the Director shall have the discretion to bring this Permit back to the City Council to consider additional conditions, amended conditions or permit revocation

General Conditions of Approval

14. Compliance With Conditions. The Applicant shall be fully responsible for knowing and complying with all conditions of approval, including making conditions known to City staff for future governmental permits or actions on the project site. Failure to abide by and faithfully comply with any and all conditions attached to granting these permits may constitute grounds for revocation of the permit(s) in accordance with Zoning Code Section 15.74.120.

15. Compliance with Regulations. The Applicant shall ensure design, maintenance, and operation of the permit area and fixtures thereon shall comply with all applicable regulations of the Municipal Code and all requirements and enactments of Federal, State, County and City authorities. All such requirements and enactments shall by reference become conditions of this permit whether or not they are listed as conditions. The Applicant and Applicant's successors in interest shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.

16. Indemnification. The Applicant shall indemnify, protect, defend, and hold the City, and/or any of its officials (appointed or elected), officers, employees, agents, departments, agencies, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and other such procedures), judgments, orders, and decisions

(collectively 'Actions'), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, Planning and Zoning Law, Subdivision Map Act, Community Redevelopment Law, Code of Civil Procedure Sections 1085 or 1094.5, or any other federal, state, or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed the City shall have the right to approve, which approval will not be unreasonably withheld, legal counsel providing the City's defense, and that Applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any action brought and City shall cooperate with Applicant in the defense of the action.

17. Permit Expiration. The administrative use permit shall be deemed established if the building permit issuance occurs within two (2) years of the effective date of the approval or within such other time period designated by the approval. Upon application before expiration of the period of validity, the original decision-making authority may grant an extension to the period of validity for up to one (1) year per extension if it finds that such an extension is justified by the circumstances of the project. The filing of an application for extension shall stay expiration of the permit until action is taken on the time extension by the decision-making authority.
18. Payment of Fees. The Applicant and Applicant's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expenses in ensuring compliance with these conditions. Prior to issuance of a Certificate of Occupancy, the Applicant shall be fully responsible for reimbursing the City of Aliso Viejo for all expenses incurred to assure compliance with all conditions of approval.
19. Violations. This administrative use permit may be modified and/or revoked if the facility or operator has violated any law or has failed to comply with these Conditions of Approval.

SECTION 4. Custodian of Records. The administrative record for the Project is maintained at City Hall located at 12 Journey, Suite 100, Aliso Viejo, CA 92656. The custodian of records is the City Clerk.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 7th day of January, 2015.

William Phillips
Mayor

ATTEST:

Mitzi Ortiz
City Clerk

APPROVED AS TO FORM:

Scott C. Smith
City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ALISO VIEJO)

I, MITZI ORTIZ, City Clerk of the City of Aliso Viejo, California, DO HEREBY CERTIFY that foregoing Resolution No. 2015-XX was duly passed and adopted by the City Council of the City of Aliso Viejo at their regular meeting held on the 7th day of January, 2015, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
MITZI ORTIZ, CMC
CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Resolution No. 2015-XX duly passed and adopted by the Aliso Viejo City Council at its regular meeting held January 7, 2015.

(SEAL)

"EXPERIENCE IT ALL"

ALISO VIEJO

MAYOR
PHILLIP B. TSUNODA

MAYOR PRO TEM
WILLIAM A. PHILLIPS

COUNCIL MEMBERS
CARMEN CAVE, PH.D.
ROSS CHUN
MIKE MUNZING

CITY MANAGER
DAVID A. DOYLE

CITY ATTORNEY
SCOTT C. SMITH

CITY CLERK
SUSAN A. RAMOS

CITY OF ALISO VIEJO
INCORPORATED JULY 1, 2001

12 JOURNEY • SUITE 100
ALISO VIEJO
CALIFORNIA 92656-5335

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949.425.2500
FAX
949.425.3899

November 10, 2014

Regal Entertainment Group
c/o Mr. Bruce Evans
Soloman, Saltsman & Jamieson
426 Culver Blvd.
Playa del Rey, CA 90293

Re: Administrative Use Permit 14-020 (AUP) – Type 41 Alcoholic Beverage Control License for Edwards Theater – Aliso Viejo 20 at 26701 Aliso Creek Road in Aliso Viejo, CA

Dear Mr. Evans,

DESCRIPTION OF THE REQUEST

An application to establish a Type 41, On Sale Beer & Wine – Eating Place, Alcoholic Beverage Control ("ABC") License at 26701 Aliso Creek Road in Aliso Viejo, California. The property is located within Aliso Viejo Town Center ("Town Center"). Regal Theater operates the Aliso Viejo 20 movie theater which is comprised of 20 screens and 4,241 seats. As the market has evolved to begin offering dining and drinks with a movie, Regal is proposing to begin serving beer and wine to its patrons in conjunction with a purchase of a movie ticket. Movies are typically shown from 10:30 a.m. to 1:30 a.m. but may be earlier or later for special events and premiers.

EXISTING GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The restaurant location has a General Plan land use designation of Town Center Commercial (TCC). The property is within the boundaries of Town Center and has a zoning designation of Town Center Commercial (CT).

DESCRIPTION OF THE APPROVAL

On November 10, 2014, the Director of Planning Services ("Director") approved Administrative Use Permit PA14-020 (AUP), pursuant to AVMC Section 15.22.190 for outdoor dining area and AVMC Section

Attachment 2 Appeal: PA14-020 – Regal Entertainment Group
PA14-020 (AUP) Admin Approval 11/10/14
01/07/15 City Council

Agenda Item 9-16

Agenda Item 7-27

15.22.200 for a Type 41 ABC License at 26701 Aliso Creek Road in Aliso Viejo subject to conditions of approval included herein.

APPEAL RIGHTS

The Director decision may be appealed to the City Council within ten (10) calendar days following the date written determination is delivered or mailed to the Applicant. The last day for an appeal is Thursday, November 20, 2014. Please call the City Clerk at (949) 425-2505 if you have questions regarding appeal rights, appeal procedure, or appeal fee.

FINDINGS

Pursuant to Section 15.74.040(C) of the AVMC, the application for Administrative Use Permit PA14-020 (AUP) shall be approved subject to the following findings:

1. *Consistency with General Plan. The land use is consistent with the General Plan and any applicable specific plan.*

   The proposed use is consistent with General Plan Goal LU-1: "Provide a diverse mix of land uses to meet the future needs of all residents and the business community." Within that goal, the following policies apply to the proposed use: General Plan Policy LU-1.1 "Work to achieve a balance or surplus between the generation of public revenues and the cost of providing public facilities and services"; Policy LU-1.2 "Attract a broad range of additional retail...uses providing employment at all income levels and making a positive contribution to the City's tax base"; and Policy LU-3.1 "Promote development of revenue-generating land uses." The proposed alcohol sales and outdoor dining are consistent with the Town Center Commercial land use designation as the restaurant complements adjacent neighborhood-serving commercial uses.

2. *Consistency with Zoning Code. The land use and associated development conform to the permitted use provisions and development standards of this Zoning Code and is consistent with this Code and any applicable specific plan.*

   The location for a Type 41 ABC License is located within a Town Center Commercial zoning district. Aliso Viejo Municipal Code (AVMC) Section 15.22.200(D)(4) requires an administrative use permit for re-application of an ABC license for an establishment that has had its license revoked, suspended, or has surrendered its license to ABC, has discontinued use of the license for 30 days, had its use permit revoked, or vacated the property. As detailed below, the project is consistent with provisions and development standards of the Zoning Code.

   Pursuant to AVMC Section 15.22.200(E), application for Administrative Use Permit PA14-020 (AUP) requires the Director to find the proposed use is consistent with the purpose and intent of the findings required in Section 15.74.040(C). In reviewing the required findings, the Director shall consider the following:

a. The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City;

b. The numbers of alcohol-related calls for service, crimes or arrests in the reporting district and in adjacent reporting districts; and,

c. The proximity of the alcoholic beverage outlet to residential districts, day care centers, park and recreation facilities, places of religious assembly, and schools.

The Chief of Police Services for the City of Aliso Viejo provided a report that supplied crime rate and reportable incident data. After reviewing the data, the Chief of Police concluded the number of general and alcohol related crimes are within tolerable limits and recommends approval of the Type 41 ABC License. Aside from Grand Park, the theater is not located within close proximity to sensitive land uses. Grand Park is approximately 100 feet from the theater building. After considering the distance from the theater and the current mix of uses in Aliso Viejo Town Center, the Director determined establishment of a Type 41 ABC License at 26701 Aliso Creek Road, conforms to the permitted use provisions and development standards of the Zoning Code.

3. *Compliance with CEQA. Processing and approval of the permit application are in compliance with the requirements of the California Environmental Quality Act.*

The Director determined the Administrative Use Permit is Categorically Exempt from further environmental review per the California Environmental Quality Act (CEQA) and CEQA Guidelines under Class 1 (Existing Facilities, sec. 15301) because the administrative use permit involves operation, licensing, and minor alteration of existing private structures involving negligible or no expansion of the use beyond that existing at the time of the Director's determination.

4. *Surrounding Uses. Approval of the application will not create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the vicinity.*

The tenant space for outdoor dining and Type 41, On Sale Beer & Wine – Eating Place, ABC License is located within an existing commercial center with other food related uses nearby. Town Center provides a variety of additional restaurants and commercial uses. The theater is not within close proximity to sensitive land uses such as day care centers, places of religious assembly, and schools). However, the building is adjacent to park and recreation facilities. Grand Park is located approximately 100 feet from the theater building. After review of the information received from the Chief of Police Services, addition of a restaurant use with alcohol service in a shopping center is unlikely to be materially detrimental to the public health, safety and general welfare or incompatible with other properties in terms of land use, noise, glare, views or other impacts. Therefore, the Director determined the use is unlikely to be materially detrimental to the public health, safety and

general welfare or incompatible with other properties in terms of land use, noise, glare, views or other impacts.

CONDITIONS OF APPROVAL OF PA14-020(AUP)

Site Specific Conditions of Approval

1. Development per Approved Plans. This permit constitutes a precise plan for location and operation of an outdoor dining area and Type 41 Alcoholic Beverage Control License as depicted on approved plans. The Applicant shall operate the approved project in substantial conformance with this Administrative Use Permit PA14-020(AUP) and the site plan attached to the approval letter.
2. Modifications. Requests for modification of operational characteristics as approved under this Administrative Use Permit PA14-020 (AUP) shall be reviewed by the Director of Planning Services ("Director"). Relocation, alteration or addition to any use, structure, feature or material not specifically approved shall require an amendment to the approved conditional use permit and plans unless the Director determines the proposed change complies with provisions, spirit and intent of the approved plans and the action would have been the same for the amendment as for the approved plans. The Director may administratively approve a minor amendment in accordance with Zoning Code Section 15.74.110.
3. ABC License. The Applicant shall obtain the required alcoholic beverage licenses from the State of California Department of Alcoholic Beverage Control.
4. Theater Staff. No person under the age of 18 shall sell or serve alcoholic beverages.
5. Responsible Beverage Service (RBS) Classes. All managers and employees selling or serving alcoholic beverages shall enroll in and complete an RBS class conducted by the Department of Alcoholic Beverage Control or the Aliso Viejo Police Department within 60 days of hire.
6. Sales, Service and Consumption.
   a. Location. All sales and service of alcoholic beverages for consumption in the general spectator seating areas shall be made only from concession stands, portable stands, or fixed bars.
   b. Prohibition of Hawkers. Sales and service shall not be sold, served, or delivered to customers by individual ambulatory vendors (hawkers).
   c. Prohibition of Sales or Service in Auditorium. Sales and service of alcoholic beverages by waiters and waitresses in the general spectator seating area is prohibited.
   d. Qualified Patrons for Service. Only guests who purchase a movie ticket shall be sold and served alcoholic beverages.
   e. Quantity Limitation. No more than two (2) alcoholic beverages shall be sold or served to any one (1) person during any transaction.

7. Prohibition of Sales for Offsite Consumption. Sales of alcoholic beverages for consumption off the premises are prohibited. Premises shall constitute the area identified as Edwards Theater – Aliso Viejo 20 and depicted on the plans submitted to the City.

8. Monitoring Activity. At all times when the premises exercises privileges of their license, an employee of the premises shall enter and monitor the activity within the theaters on a regular basis, but no less frequent than once every 30 minutes.

9. Lighting in Theaters. Lighting shall remain at a level sufficient to allow theater staff to observe patrons who may be consuming alcoholic beverages.

10. Containers for Alcohol. Alcoholic beverages shall be served in non-glass containers that significantly differ in appearance from containers used for non-alcoholic beverages.

11. Limitation on Hours for Service or Consumption. Alcohol cannot be sold, served or consumed after 2:00 a.m. The theater shall not sell alcohol to patrons attending movies that have an end time after 2:00 a.m.

12. Internal Signage. Applicant shall post clearly visible signs at all exits that read "No Alcoholic Beverages Beyond this Point".

13. Adverse Impacts. In the event of adverse impacts on the health, safety or welfare of the neighborhood or general public, or receipt of complaints directly related to the Applicant's business, the Director of Planning Services shall investigate and, if significant adverse impacts directly related to the Applicant's business are found to exist, the Director shall have the discretion to bring this Permit back to the City Council to consider additional conditions, amended conditions or permit revocation.

General Conditions of Approval

14. Compliance With Conditions. The Applicant shall be fully responsible for knowing and complying with all conditions of approval, including making conditions known to City staff for future governmental permits or actions on the project site. Failure to abide by and faithfully comply with any and all conditions attached to granting these permits may constitute grounds for revocation of the permit(s) in accordance with Zoning Code Section 15.74.120.

15. Compliance with Regulations. The Applicant shall ensure design, maintenance, and operation of the permit area and fixtures thereon shall comply with all applicable regulations of the Municipal Code and all requirements and enactments of Federal, State, County and City authorities. All such requirements and enactments shall by reference become conditions of this permit whether or not they are listed as conditions. The Applicant and Applicant's successors in interest shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.

16. Indemnification. The Applicant shall indemnify, protect, defend, and hold the City, and/or any of its officials (appointed or elected), officers, employees, agents, departments, agencies, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and other such procedures), judgments, orders, and decisions (collectively 'Actions'), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, Planning and Zoning Law, Subdivision Map Act, Community Redevelopment Law, Code of Civil Procedure Sections 1085 or 1094.5, or any other federal, state, or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed the City shall have the right to approve, which approval will not be unreasonably withheld, legal counsel providing the City's defense, and that Applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any action brought and City shall cooperate with Applicant in the defense of the action.
17. Permit Expiration. The adminstrative use permit shall be deemed established if the building permit issuance occurs within two (2) years of the effective date of the approval or within such other time period designated by the approval. Upon application before expiration of the period of validity, the original decision-making authority may grant an extension to the period of validity for up to one (1) year per extension if it finds that such an extension is justified by the circumstances of the project. The filing of an application for extension shall stay expiration of the permit until action is taken on the time extension by the decision-making authority.
18. Payment of Fees. The Applicant and Applicant's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expenses in ensuring compliance with these conditions. Prior to issuance of a Certificate of Occupancy, the Applicant shall be fully responsible for reimbursing the City of Aliso Viejo for all expenses incurred to assure compliance with all conditions of approval.
19. Violations. This administrative use permit may be modified and/or revoked if the facility or operator has violated any law or has failed to comply with these Conditions of Approval.

20. Permit in Effect. This approval shall not be effective for any purpose whatsoever until the Applicant signs the statement at the bottom of this letter to the effect the Applicant has read, understands, and agrees to these conditions of approval.

Sincerely,

Albert Armijo
Director of Planning Services

Attachments:
1) Description Letter
2) Site Plan/Floor Plan
3) Approval Letter – Chief of Police Services

cc: City Council
City Manager
Chief of Police Services
City Engineer/Director of Public Works
Building Official

I HAVE READ, UNDERSTAND AND AGREE TO THE CONDITIONS FOR APPROVAL OF THE ADMINISTRATIVE USE PERMIT PA14-020 (AUP).

Representative for
Edwards Theater – Aliso Viejo 20

Date 11/14/14

REGAL ALISO VIEJO 20

26701 ALISO VIEJO CREEK RD, ALISO VIEJO, CA 92656

Overview

Regal Entertainment Group operates Regal Cinemas, Edwards Theaters and United Artist Theaters, the largest and most geographically diverse theater circuit in the United States consisting of more than 500 theatres in 42 states.

In Aliso Viejo, Regal operates the Aliso Viejo 20 movie theater comprising 20 screens, and approximately 4,241 seats. As described in detail below, Regal is proposing to serve beer and wine to its guests in conjunction with a Type 41 ABC license (on-sale public eating place - beer and wine license). Movies are typically shown 10:30 a.m. to 1:30 a.m., but may be earlier or later for special events and premiers.

The traditional pairing of dinner and a movie has evolved into dinner and drinks ***with*** a movie. The desire for this upscale movie experience has rapidly expanded across the country as theaters cater to adults looking for an exceptional big screen theater experience. With the myriad of entertainment options now available at home, offering meals along with a glass of beer or wine allows theater operators to attract audiences mainly in the 30 to 45-year-old range and provides an ultimate hospitality experience that keeps people coming back.

Regal has been at the forefront of upgrading the theater experience across the nation. Currently Regal operates theaters in Florida, North Carolina, Tennessee, Georgia, Oregon, Colorado, and so far, one here in California (Newport Beach) - all of which offer a selection of beer and wine in theaters with mixed aged patrons. Regal has offered beer and wine at its Newport Beach location as well as in the other states with great success and without the problems that can happen at hospitality businesses that are not properly managed.

Regal attributes this success to the high-end nature of the pairing of beer, wine, food, and movies Simply put, the costs of a movie ticket and the premium paid for theater food and beverage concessions including beer and wine, caters to responsible patrons looking for an upscale theater experience that results in moderation, not overconsumption.

The Regal policies described in detail below ensure that alcohol service and monitoring is diligent and that there is no disruption to our theaters, guests, or the surrounding community.

Regal knows that all of its guests have more entertainment choices than ever. These guests have spent their hard earned money to enjoy a movie at Regal and won't tolerate any behavior or alcohol-related disruption that interferes with their movie experience.

General Operations

The primary use of the premises shall be a movie theater. Regal will serve food in conjunction with the service of beer and wine consistent with a Type 41 (on-sale public eating place - beer and wine license). This is the same type of alcohol license used by restaurants that serve beer and wine to patrons in conjunction with food service.

Policies Regarding the Service of Alcoholic Beverages and Security Provisions

Training

Employees (referred to as "Cast Members") selling or serving alcoholic beverages must complete a Responsible Beverage Service (RBS) Class conducted by the Department of Alcoholic Beverage Control or the Aliso Viejo Police Department. Cast members must be 18 years of age or older to sell alcoholic beverages.

Alcohol Purchases

Cast Members are trained to request identification from each guest purchasing alcohol regardless of their age. Identification must be shown with each purchase. Guests cannot purchase alcohol for other guests unless each guest is at the register and has provided proper identification. Beer and wine are sold in clear plastic cups that are clearly distinguishable from the other non-alcoholic drinks available for purchase.

Each guest consuming alcohol is given a colored wristband. The colored wrist band represents the first drink purchased. An "x" must be marked at the end of the wristband to indicate each additional drink purchase. For consistency and easy identification, the wristband is placed on the guest's right wrist. A different colored wristband is randomly selected each day of the week.

Guest Issues and Monitoring

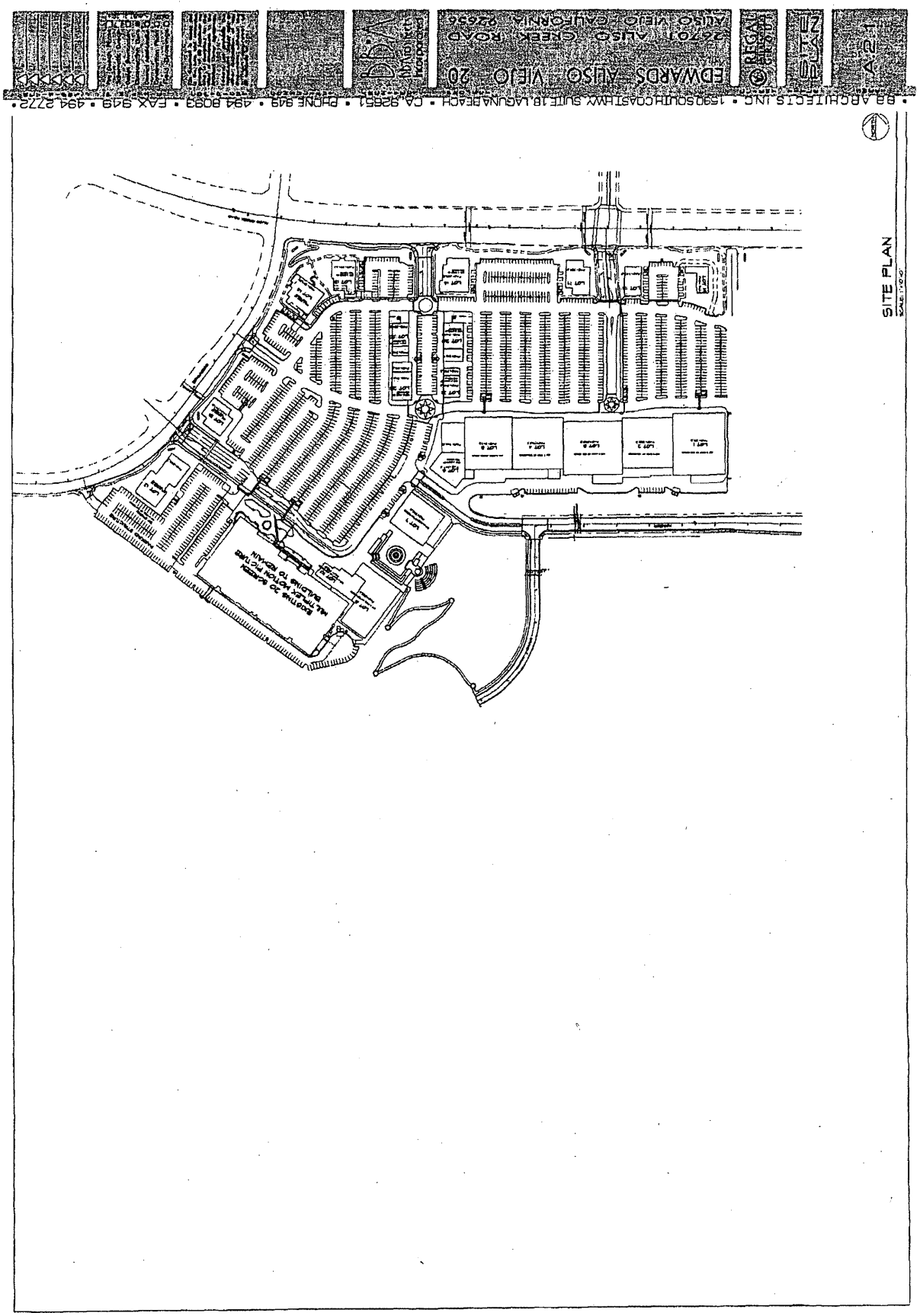
Cast members regularly conduct auditorium checks to ensure guests purchasing alcohol have a corresponding wristband and that all theater guests are acting appropriately at all times. Guests may not exit the theatre premises with alcoholic beverages. Although it has not been an issue at the Regal Theaters currently serving alcoholic beverages, Managers are trained to take corrective action and escort any guest out of the theater who is acting inappropriately or if Theater Staff suspects a minor is consuming alcoholic beverages. Again, this type of behavior has not been a problem because of Regal's policies to prevent it.

Volunteered Conditions Regarding the Service of Alcoholic Beverages
(To be made part of CUP or ABC License)

1. No person under the age of 18 shall sell or serve alcoholic beverages.
2. The gross annual sales from alcoholic beverages shall not exceed 50% of the total gross annual sales. (This is consistent with an ABC bona fide eating place license where food sales must exceed alcohol sales.)
3. Sales of alcoholic beverages for consumption off the premises are prohibited.
4. All managers and employees involved in the sale, or service of alcoholic beverages shall enroll in and complete a Responsible Beverage Service training program.
5. All sales and service of alcoholic beverages for consumption in the general spectator seating areas shall be made only from concession stands, portable stands or bars, or fixed bars, and shall not be sold, served, or delivered to customers by individual ambulatory vendors, commonly known as "hawkers".
6. Notwithstanding condition #5, above, alcoholic beverages may be sold or served by waiters or waitresses in the general spectator seating areas under the following conditions:
    - Orders from patrons seated in these theaters must be made to the waiter or waitress serving that area, and the alcoholic beverages must be personally delivered to the patron by the waiter or waitress who took the order.
    - The waiter or waitress serving in the theaters shall not carry a supply of unordered alcoholic beverages.
7. No more than two (2) alcoholic beverages shall be sold or served to any one (1) person during any transaction.
8. Only guests who purchase a movie ticket shall be served alcoholic beverages.
9. Employees selling or serving alcoholic beverages must complete a Responsible Beverage Service (RBS) Class conducted by the Department of Alcoholic Beverage Control or the Aliso Viejo Police Department within 60 days of hire.
10. Alcoholic beverages shall be served in non glass containers which significantly differ in appearance from those containers utilized for non-alcoholic beverages.
11. At all times when the premises is exercising the privileges of their license, an employee of the premises shall enter and monitor the activity within the theaters on a regular basis, but no less than once every 30 minutes.
12. Lighting shall remain at a level sufficient to allow a Theater Staff to observe patrons who may be consuming alcoholic beverages.
13. Applicant shall post clearly visible signs that read, "No Alcoholic Beverages Beyond This Point" at all exits.

Independent "Mystery Shop" Program

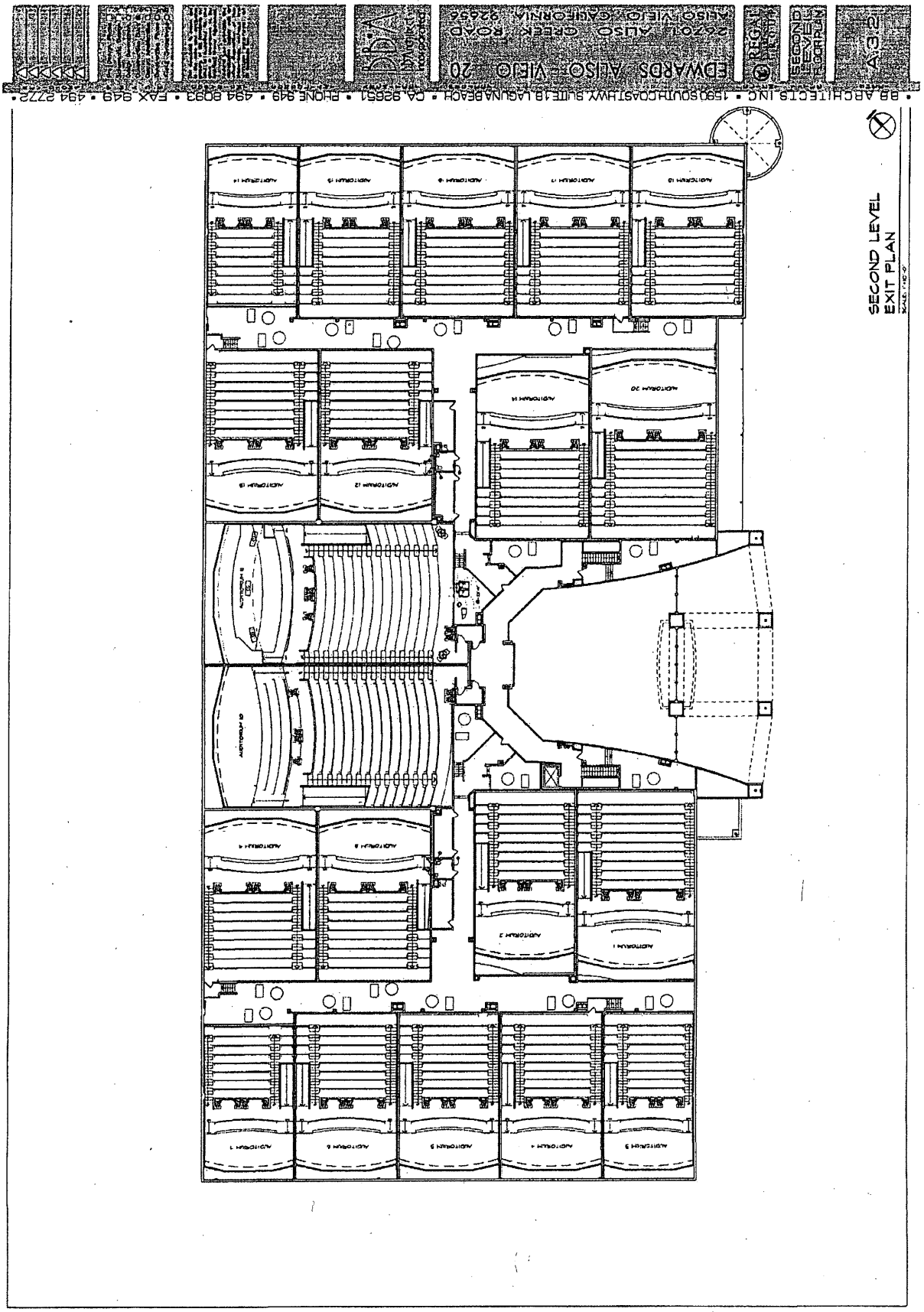
Regal employs a third party company to conduct mystery shops in its locations to maintain standards and compliance with its house policies and established alcohol management practices. After the mystery shop, a report is prepared for the corporate office. Regal has a progressive system of discipline if the compliance check reveals the employee is not following company policy.



Agenda Item 9-26

Agenda Item 7-37

EDWARDS ALISO VIEJO 20
27701 ALISO CREEK ROAD
ALISO VIEJO CALIFORNIA 92656
FIRST LEVEL
EXIT PLAN
A3
TRASH COMPACTOR
TRASH COMPACTOR
AUDITORIUM 1
AUDITORIUM 2
AUDITORIUM 3
AUDITORIUM 4
AUDITORIUM 5
AUDITORIUM 6
AUDITORIUM 7
AUDITORIUM 8
AUDITORIUM 9
AUDITORIUM 10
AUDITORIUM 11
AUDITORIUM 12
AUDITORIUM 13
AUDITORIUM 14
AUDITORIUM 15
AUDITORIUM 16
AUDITORIUM 17
AUDITORIUM 18
AUDITORIUM 19
AUDITORIUM 20
CORRIDOR 1
CORRIDOR 2
CORRIDOR 3
CORRIDOR 4
CORRIDOR 5
STORAGE
LOCKER ROOM
STOR.
CONCESSION
LOBBY
EXIT


SECOND LEVEL
EXIT PLAN
A-3.2
EDWARDS ALISO-VIEJO 20
26701 ALISO CREEK ROAD
ALISO VIEJO, CALIFORNIA 92656
REGAL
AUDITORIUM 1
AUDITORIUM 2
AUDITORIUM 3
AUDITORIUM 4
AUDITORIUM 5
AUDITORIUM 6
AUDITORIUM 7
AUDITORIUM 8
AUDITORIUM 9
AUDITORIUM 10
AUDITORIUM 11
AUDITORIUM 12
AUDITORIUM 13
AUDITORIUM 14
AUDITORIUM 15
AUDITORIUM 16
AUDITORIUM 17
AUDITORIUM 18
AUDITORIUM 19
AUDITORIUM 20

October 28, 2014

"EXPERIENCE IT ALL"

ALISO VIEJO

Albert Armijo
Director of Planning Services
City of Aliso Viejo
12 Journey, Suite 100
Aliso Viejo, CA 92656

Subject: Administrative Alcohol Conditional Use Permit for Edwards Theater

MAYOR
PHILLIP B. TSUNODA

MAYOR PRO TEM
WILLIAM A. PHILLIPS

COUNCIL MEMBERS
CARMEN CAVE, PH.D.
ROSS CHUN
MIKE MUNZING

CITY MANAGER
DAVID A. DOYLE

CITY ATTORNEY
SCOTT C. SMITH

CITY CLERK
SUSAN A. RAMOS

Dear Albert:

26701 Aliso Creek Road, Aliso Viejo, California 92656, is the proposed location for the Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Places) license. The premises are located in Census Tract 626.37 and Aliso Viejo Individual Reporting Area 010 (AV IRA 10). The crime rate for the Reporting Area is 152 reportable incidents for the period of 9-01-2013 to 9-01-2014. During the same period of time, the adjacent district of Census Tract 0626.38 (AV IRA 06) had a crime rate of 11 reportable incidents, Census Tract 423.2 (AV IRA 07) had a crime rate of 166 reportable incidents, and Census Tract 0626.36 (AV IRA 04) had 63 reportable incidents. In comparison to other Reporting Areas of the City, the lowest number recorded was 11 reportable incidents and the highest number was 172 reportable incidents during the same time period.

Number of Class 41, 42, 47 and 78 alcohol licenses per capita by Census Tract:

Census Tract	Type 41	Type 42	Type 47	Type 78
0626.37	10	0	6	0
0626.38	0	0	1	0
0423.2	3	0	0	0
0626.36	0	0	0	0

Alcohol-related crimes including Liquor law violations (LLV) and Driving Under the influence violations (DUI) for the approve Reporting Areas during the period of 9-01-13 to 9-01-14 were as follows:

Reporting Areas	LLV	DUI
AV IRA 10	0	18
AV IRA 06	1	8
AV IRA 07	0	3
AV IRA 04	0	1

Based upon the information listed above which includes alcohol-related crimes that are within tolerable limits, I find that the public convenience and necessity would be served by recommending the approval of the Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Places) liquor license authorizing the sale of alcohol on the premises.

Sincerely,

Sergeant Ray Ulmer
Deputy Chief of Police Services
City of Aliso Viejo

CITY OF ALISO VIEJO
INCORPORATED JULY 1, 2001

12 JOURNEY • SUITE 100
ALISO VIEJO
CALIFORNIA 92656-5335

WWW.CITYOFALISOVIEJO.COM

PHONE
949.425.2500
FAX
949.425.3899

	A	B	C	D	E	F	G	H	I	J	K	L
1	**Response Data for Regal Theaters**											
2	**Crime Rate 09/01/2013 to 09/01/2014**	626.4	626.41	626.34	626.36	626.33	626.38	423.2	626.4	626.39	626.37	
3	UCR Class	AV01	AV02	AV03	AV04	AV05	AV06	AV07	AV08	AV09	AV10	Grand Total
4	02 - FORCIBLE RAPE	0	0	0	0	2	0	0	1	2	0	**5**
5	03 - ROBBERY	0	0	2	1	0	0	1	0	0	1	**5**
6	04 - AGGRAVATED ASSAULT	1	6	0	0	3	1	3	4	2	2	**22**
7	05 - BURGLARY	15	15	0	3	13	0	6	6	1	7	**66**
8	06 - LARCENY THEFT (EXCEPT MOTOR VEHICLES)	20	17	2	17	31	1	49	31	13	36	**217**
9	07 - MOTOR VEHICLE THEFT	3	12	1	0	2	0	0	0	1	3	**22**
10	09 - OTHER ASSAULTS	18	15	0	13	24	0	24	19	15	24	**152**
11	10 - FORGERY AND COUNTERFEITING	0	0	1	0	1	0	1	1	0	1	**5**
12	11 - FRAUD	1	1	3	1	3	0	5	1	2	9	**26**
13	12 - EMBEZZLEMENT	0	0	0	0	0	0	0	0	0	0	**0**
14	13 - BUYING / RECEIVING / POSSESSING STOLEN PROPERTY	1	3	1	0	4	0	1	0	1	1	**12**
15	14 - VANDALISM	12	28	3	7	32	3	18	12	9	23	**147**
16	15 - CARRYING/POSSESSION OF WEAPONS	1	0	1	2	2	0	3	1	1	0	**11**
17	17 - SEX OFFENSES	0	2	0	0	1	0	1	1	2	1	**8**
18	18 - DRUG ABUSE VIOLATIONS	9	17	5	5	13	0	12	14	8	14	**97**
19	20 - OFFENSES AGAINST THE FAMILY AND CHILDREN	1	3	0	1	2	0	1	2	3	1	**14**
20	21 - DRIVING UNDER THE INFLUENCE	7	4	6	1	8	3	8	5	4	18	**64**
21	22 - LIQUOR LAWS	0	3	1	0	5	1	0	3	1	0	**14**
22	24 - DISORDERLY CONDUCT	12	22	0	12	26	2	33	11	14	11	**143**
23	Grand Total	101	148	26	63	172	11	166	112	79	152	1030
24												
25	**Calls for Service 09/01/2013 to 09/01/2014**											
26	Complaint	AV01	AV02	AV03	AV04	AV05	AV06	AV07	AV08	AV09	AV10	Grand Total
27	390 - DRUNK IN PUBLIC	0	5	0	0	1	0	2	2	1	7	**18**
28	390C - DRUNK IN CAR	0	0	0	0	0	0	1	1	0	1	**3**
29	502 - DRUNK DRIVING	27	4	8	4	10	3	28	15	6	10	**115**
30	647F - DRUNK IN PUBLIC	0	0	0	0	0	0	1	0	0	1	**2**
31	Grand Total	27	9	8	4	11	3	32	18	7	19	138
32	**Type 41 Licenses in IRA and Census Tract:**		**Business**									
33	Applicant's Tract IRA AV10 626.37	10	Sharkys, Wahoos, Kanpai Sushi, Panini Café, Smashburger, Beyong Thai									
34			East Avenue Bistro, Native Foods, Phillys Best, Thai Bite									
35	Adjacent IRA AV06 626.38	0										
36	Adjacent IRA AV07 423.2	3	Peppinos	, Zen,	,Siamese							
37	Adjacent IRA AV04 626.36	0										
38	**TOTAL**	**13**										
39												
40												
41												
42												
43												
44												
45												
46												
47												
48												
49												

November 10, 2014

RECEIVED

NOV 10 2014

PLANNING DEPARTMENT

Albert Armijo
Director of Planning Services
City of Aliso Viejo
12 Journey, Suite 100
Aliso Viejo, CA 92656

Ref: Project Number PA14-020 (AUP) 11/10/14

Dear Mr. Armijo:

I just picked up our mail on November 8, 2014 and received the Notice of Administrative Decision on the above project number. As of the date of receipt, I was unable to properly review and inspect the application and development plans for the proposed project at Edwards Theater.

The Town Center is already an area that is fairly dense with ABC licenses. I recognize that they do vary from full licenses, beer and wine only, and no open container licenses. As a citizen, I am interested to know if this ABC district is within their limit of ABC licenses. If Edwards is issued a license, does it stay within the allowable limit for this ABC zone? From places I frequent in the direct vicinity, I feel like I can easily count at least twenty existing licenses which raises my question about the density of ABC licenses within a small geographical area.

Town Center clearly plays a very important role to our Aliso Viejo community. The movie theater is a hub for the entertainment at our local center and for the City as a whole. In the seven plus years that I've been a resident, the message from the City has been a strong one that it prides itself on being a very family oriented community. The existing use of the theater aligns well with it being a very family friendly theater where you can take your children, where teenagers can be without adult supervision and an overall sense of safety exists. Although I don't know the full scope of the existing application, I feel as though this proposed change will threaten the existing feeling of it being a very family oriented community theater.

I know that theaters carrying alcohol is a very trendy thing we are seeing at this time. The theater in Laguna Niguel has become this type of theater. I know another theater, The Port in Corona Del Mar, is this type of theater. The Port is a wonderful adult venue, not one you would really take children to for a movie. In Aliso Viejo, we do not have another theater option, this is our only local theater. The proposed change would really limit our community theater from being the existing family oriented community theater.

I am also concerned as to how this could affect the other local businesses at the Town Center. If the movie theater will be providing alcohol and maybe heading toward the direction of dinner, what does this do to all of the existing business? When dinner and a movie becomes the plan of our local citizens, it's usually supporting a business other than just the movie theater. Please be fair in considering not just this business but all of the other local business at Town Center. This change will definitely add in a new competition level for the existing business.

Attachment 3 Appeal: PA14-020 – Regal Entertainment Group
Letter from Resident at 30 Midtown Dr.
01/07/15 City Council

One last item that I would like to address at this time would be the activities that go one behind the theater. When we moved to our community, we were sold on the fact that at build out we would have these wonderful walking trails that went down from our residential area to the Town Center. When the trails were finally completed, down the hill we walked. Every time we have gone down the trail that goes directly behind the theater, there is an area that is saturated with illegal drug and alcohol use. Within one or two trips, it became very clear that this walking trail is not an option to venture down to Town Center on so we now take the longer route through Grand Park. Before issuing yet another ABC license, it would be nice if the existing problem could be cleaned up. This area is a difficult area for the local sheriffs to monitor, making it an ideal spot for the young people that participate in this activity in this location.

Thank you for taking the time to consider the ABC density, other local businesses, our family oriented community and how to improve our existing community.

Kind Regards,

Amber Perkins
30 Midtown Drive
Aliso Viejo, CA 92656

From: Ken Virgin [mailto:Ken.Virgin@ipayables.com]
Sent: Tuesday, December 02, 2014 11:20 AM
To: Phillip Tsunoda
Subject: Alcohol at Aliso Theaters?

Phil,

I saw a discussion online about a proposal to allow the serving of alcohol at the theaters here in Aliso Viejo. Is this a real proposal or just rumor?

We'll go to parties with our kids where alcohol is served, and there is occasionally someone intoxicated. Not the end of the world, but that's why wouldn't send our kids to a party alone where alcohol is served. We also wouldn't send our kids to a theater where alcohol is served. For most people it's not a problem, but if they're serving alcohol, then there's occasionally going to be someone intoxicated.

Today we have a theater where our kids can watch a movie by themselves. I'd hate to lose that. I'll send this to the other council members as well, but let me know how I can best voice my opposition.

Ken Virgin
61 Summerland Circle
Aliso Viejo, CA 92656
(949) 874-5011

SOLOMON SALTSMAN & JAMIESON
A Partnership of Professional Corporations
426 Culver Boulevard | Playa Del Rey, CA 90293
Telephone: 310.822.9848 | Facsimile: 310.822.3512
Toll Free: 800.405.4222
www.ssjlaw.com

R. Bruce Evans
Partner
email: bevans@ssjlaw.com

November 20, 2014

Amber Perkins
30 Midtown Drive
Aliso Viejo, CA 92656

RE: Regal Theaters – Regal Aliso Viejo 20 - Project No. PA14-020 (AUP)

Dear Ms. Perkins:

I represent Regal Movie Theaters and handled the application for beer and wine service at the Aliso Viejo 20.

I received your November 10th letter. I don't want to bother you, but if you have any questions or would like to meet so we can explain the details of the proposed beer and wine service, please give me a call.

As you point out in your letter, this is a family movie theater and Regal's policies for beer and wine service are very restrictive such that this theater will remain, first and foremost, a family theater. I can explain further by phone or in person.

Happy Thanksgiving.

Very truly yours,

SOLOMON SALTSMAN & JAMIESON

R. BRUCE EVANS
Licensed in California

RBE/js

cc: Jennifer Lowe, City of Aliso Viejo

RECEIVED
NOV 24 2014
PLANNING DEPARTMENT

ATTACHMENT 3

Regal Entertainment: PA14-020
Public Comment Received through January 14, 2015

City Council 01/21/15

Jennifer Lowe

From: Paula Garrow
Sent: Monday, January 12, 2015 2:13 PM
To: Jennifer Lowe
Subject: FW: Favor ability for adults to purchase alcohol at AV movie theater

Follow Up Flag: Follow up
Flag Status: Completed

From: John Clarke [mailto:jsclarke99@gmail.com]
Sent: Monday, January 05, 2015 2:39 PM
To: Phillip Tsunoda; Dave Harrington; Ross Chun; Mike@MikeMunzing.com; William Phillips
Cc: Max Chao
Subject: Favor ability for adults to purchase alcohol at AV movie theater

Dear City Council Members,

We live in Glenwood, having purchased there new in 2008, and I have seen online petitions recently saying "stop alcohol at the AV Stadium Movie Theater!".

I just wanted to send a brief note saying there are a lot of people, like us, that would like to have a beer or glass of wine during a movie. And apparently other people think so too, given the luxury theaters opening all over Orange County (such as Cineopolis, the new Port in Corona del Mar and others). Why is it OK that Stadium Brewing right next to the AV theater be able to serve alcohol, while the movie theater next door cannot? What is special about a movie theater?

If the movie theater operator abides by alcohol laws dutifully- what really is the harm in this? Why make responsible AV residents take their movie business elsewhere because a vocal temperance minority can't abide the idea of a glass of wine during a movie?

Thank you all for your service and consideration.

John Clarke
Machiavelli Chao
17 Cabrillo Ter
Aliso Viejo, CA 92656

--

John Clarke
personal email
jsclarke99@gmail.com

Paula Garrow

From: Abi Wilson <abiwilson@gmail.com>
Sent: Wednesday, January 07, 2015 5:00 PM
To: William Phillips
Subject: Movie theatre discussion

Bill-
Thanks for talking to me earlier this week about the possibility of the Aliso Viejo town center movie theatre selling alcohol.
I have to say that when I moved to Aliso viejo I feel in love with the family-friendly atmosphere that permeates the city. It's a fantastic place to raise a family. Anywhere you go in the city you feel safe and secure.
I myself have 3 kids and 90 percent of the time if we see a movie it's at town center theatre.
I wanted to share my thoughts on the subject:
The only "pro" I see is that the theatre would make more money. The town center is a high rent district and I am sure that the lure of making more revenue is very attractive to the theatre. However, I see this as the only positive thing.
On the other side I think there are Many mor negative issues that would outweigh "money making" possibilities.
I am often surprised when I go to the moves the high number of tween and teens attending movies alone. I think parents think the theatre is a pretty safe place.
Not only are here a lot of young and unsupervised children/teens at the movies there are also a lot of families.
All of my friends from Laguna Niguel, laguna beach and Ladera Ranch come to see moves in our city. Sometimes we will go to the spectrum, however the parking situation and distance to walk is pretty unappealing most of the time.
If the town center staring serving alcohol it would really change the families experience.
I've been to sports games and had intoxicated people around my kids spilling beer on us and acting ridiculous and even sometimes very aggressive and rude. I don't want to go to the movies and have to worry about some guy spilling bear on one of my kids or being out of line because they have been drinking.
I think just because movie theaters in the are are starting this Trend its a good enough reason to do it...I think the negative outweighs the positive. Here are some other thoughts that were shared by my friend Shawn Hansen:

Why we care about keeping our theater alcohol-free:

- We support a family-friendly theater, which is a safe environment for kids and teenagers.
- We care about teenage accessibility or early exposure to alcohol.
- We advocate protecting teenagers, balancing a corporation's desire to increase profits. There are other ways for theaters to improve revenues without risking children.
- Adults have other close venues to watch a movie and drink, such as the Cinepolis Luxury Cinema in Laguna Niguel.
- Unlike an open restaurant, a theater is uniquely hard to secure. The rooms are dark and patrons are in close quarters. Once a movie starts, it is hard to imagine anyone closely patrolling.
- Parents should not have the burden of worrying if a movie theater is being secured or monitored.

Thanks for everything bill!!!
See you at boot camp:)

Thanks
Abi
Sent from my iPhone

Jennifer Lowe

From: Paula Garrow
Sent: Monday, January 12, 2015 2:14 PM
To: Jennifer Lowe
Subject: FW: Edwards theater

Follow Up Flag: Follow up
Flag Status: Completed

From: Natalie Affleck [mailto:natalieaffleck@me.com]
Sent: Saturday, January 10, 2015 1:06 PM
To: William Phillips
Subject: Edwards theater

Hi Mayor Phillips,
I was at the city counsel meeting and I spoke to the counsel about my son being killed by someone who had been "over served" a few beers at a local bar. I am sorry that I went over time. Because of our heart break, our family has spent years working on prevention. Stopping Underage drinking is the prevention. The drunk drivers on the road are, for the most part, a result of underage drinkng.

I am mostly concerned about alcohol going into the theater because studies have shown that the more that a community thinks and feel that drinking alcohol is the norm in society the more underage drinking there is in that community. **The extent to which alcohol consumption is considered to be the norm and is accepted within a given community contributes to variation in underage alcohol consumption.** (Prevention of Underage Drinking: *Logic Model Documentation, PIRE, Feb. 2008)*

This is real problem for three reasons:

First--More teens die as a result of alcohol use than all other illegal drugs combine (Youth Risk Behavior Surveillance, 2002).

Second— Underage drinking damages a teens developing brain in ways it wont damage an adult brain. Teens who drink have lower brain function even when they are sober. This leeds to bad grades and poor choices, ultimately limiting their potential as future business owners and citizens.

Third— Studies have shown that teens who already have a problem with drinking, are more susceptible to alcohol ads and more tempted when there is alcohol around them. Just sitting next to someone in a darkened theater with a glass of beer next to them can create cravings in their brain. One studied done at the University of San Diego had kids who were drinkers and non drinkers come in for an MRI while being shown images of Alcoholic beverages. The kids who were already drinkers, had their brains just light up on the scan while being shown the alcohol. The kids who were non drinkers showed less activity. By allowing alcohol in the theater, we are simply inviting kids to go out and drink because it is right there for them to smell and see all movie long. They will be more inclined to leave the theater and drink causing damage to their brains and possibly being dangerous on the road.

These are just a few of the problems associate with underage drinking. Please see my attachment. It is an important diagram of the damage done to a teen age brain when they drink alcohol. Teens who drink are 47%

more likely to become alcoholics and 37% more likely to commit suicide. They are also more likely to to engage in risky behaviors including promiscuity, and drugs.

Our youth are our most valuable resource I believe that we need to do all we can to give them the best opportunities in life. We need to do our best to keep them alcohol free. Please help us do this by not allowing the alcohol into the theater.

Thank you so much for your time and for serving our city.

Natalie Affleck

Jennifer Lowe

From: Paula Garrow
Sent: Monday, January 12, 2015 2:14 PM
To: Jennifer Lowe
Subject: FW: Edwards Theater
Attachments: UnderageDrinking.doc; ATT00001.txt

Follow Up Flag: Follow up
Flag Status: Completed

-----Original Message-----
From: Natalie Affleck [mailto:natalieaffleck@me.com]
Sent: Saturday, January 10, 2015 3:43 PM
To: Phillip Tsunoda
Subject: Edwards Theater

Dear Mr. Tsunoda,
I know I already sent you an email but I just want to thank you for having the courage to stand up for what is right. I was really impressed your willingness to be direct and do the right thing. with Thank you for supporting us and not having alcohol at the theater.

Here is the I was talking about. I forgot to attach it.

Prevention of Underage Drinking: *Logic Model Documentation*

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The Logic Models here are a work in progress; no Logic Model is ever complete or final. The goal of this Logic Model is to document the best available research evidence as well as identify gaps or areas in our understanding which need further study or replication in future research. These documents are presented freely for the use of prevention researchers and prevention practitioners, and can be downloaded and reprinted as desired.

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I. Definition

Underage Drinking refers to any use of alcohol by persons under the legal drinking age of 21. Consumption and/or purchase of alcohol by persons under the age of 21 is illegal in all 50 states and the District of Columbia. According to the NIAAA Alcohol Policy Information System (APIS) while all 50 States and DC prohibit underage possession, only 30 prohibit consumption and 47 prohibit purchase.

Justification: Alcohol led to 3,170 deaths and 2.6 million other harmful events among underage drinkers in the US in 2001. Underage drinking is associated with a host of problems, including traffic crashes and fatalities, unwanted and risky sex, pregnancy, and intentional injury. It is estimated that underage drinking costs America as much as $61.5 billion each year. Studies have shown that youth who begin drinking at an early age are at a 3-5 fold increased risk of problem drinking later in life.

Measurement of the Problem

Recommended Indicator/Measure 1: Current use of alcohol by persons under the age of 21 years

Definition: Percent of persons aged 12 and older reporting any use of alcohol within the past 30 days and past year.

Data Source: National Survey on Drug Use and Health (NSDUH), Substance Abuse and Mental Health Services Administration (SAMHSA), U.S. Department of Health and Human Services (DHHS).

Frequency: Annual and past 30-day use

Geographic Levels: National and State

Demographic Categories: Age, gender, ethnicity, socio-economic status

Strengths: NSDUH is the only national source that currently provides prevalence of use estimates for both adolescents and adults for every state.

Limitations: State-level estimates for most states are based on relatively small samples. Although augmented by model-based estimation procedures, estimates for specific age groups have relatively low precision (i.e., large confidence intervals). The estimates are provided directly by SAMHSA and raw data that could be used for alternative calculations (e.g., demographic subgroups) are not available. The estimates are subject to bias due to self-report and non-response (refusal/no answer).

Recommended Indicator/Measure 2: Current use of alcohol by high school students

Definition: Percent of students in grades 9 through 12 reporting any use of alcohol within the past 30 days

Data Source: Youth Risk Behavior Surveillance System (YRBSS), Centers for Disease Control and Prevention (CDC)

Frequency: Biennial

Geographic Levels: National and State

Demographic Categories: Grade Level, age, Gender, Race/Ethnicity

Strengths: YRBSS estimates are typically based on larger samples than the National Survey on Drug Use and Health, and can be further broken down by grade level, gender, and race/ethnicity. Some states also collect YRBSS data for individual communities or school districts, which can be compared with their state-level data.

Limitations: As of 2003, weighted representative samples were available for only 32 states. Not all states participate, and some participating states do not provide representative samples. YRBSS is a school-based survey, so students who have dropped out of school are not represented. It is also subject to bias due to self-report, non-coverage (refusal by selected schools to participate), and non-response (refusal/no answer). Estimates for some subgroups may have relatively low precision (i.e., large confidence intervals).

Recommended Indicator/Measure 3: Current use of alcohol by persons under the age of 21.

Definition: Percent of persons under the age of 21 who used alcohol in the past year and in the past 30 days.

Data Source: Behavioral Risk Factor Surveillance System (BRFSS), Centers for Disease Control and Prevention (CDC)

Frequency: Annual

Geographic Levels: National and State

Demographic Categories: Age, Gender, and Race/Ethnicity

Strengths: BRFSS provides prevalence estimates of adult use for every state. State-level estimates are typically based on larger samples than the National Survey on Drug Use and Health and may be further broken down by age, gender, and race/ethnicity.

Limitations: BRFSS is a telephone survey subject to potential bias due to self-report, non-coverage (households without phones), and non-response (refusal/no answer). Estimates for subgroups may have relatively low precision (i.e., large confidence intervals).

II. Logic Model of Underage Drinking Prevention

A Logic Model is a combination of (a) a causal model which shows the key intermediate variables in a system of relationships to explain a specific outcome (in this case, underage drinking) and (b) the relationship of variables to the outcome or to other variables which have been actually affected via purposeful prevention interventions. This logic model is a public health approach, concerned primarily with underage drinking and associated alcohol-related problems. As such, this model emphasizes variables, relationships, and prevention effects at the population level or the community-wide level.

(a) Causal Relationships: Figure 1 is first a general causal model for underage drinking based upon existing research and/or theory. The figure shows key intermediate variables which research has identified as being empirically associated with underage drinking and alcohol-related problems as well as to other intermediate variables in the model. Most of these variables have sufficient strength of association with either underage drinking, alcohol-related problems, or other key variables to be included as shown in the documentation which follows. All such intermediate variables are shown with a least one solid line. A few of the variables have a theoretical rationale for inclusion but currently no empirical research to confirm and are shown with dotted lines.

(b) Prevention Effects: As a Logic Model of Underage Drinking Prevention, Figure 1 also shows the relative strength of evidence of tested prevention strategies in reducing underage drinking and/or alcohol-related harms at the population level or other key intermediate variables which have demonstrated effect on population level outcomes. These are indicated by solid lines. If the outcomes or effects from specific prevention strategies or programs are limited to the specific group served or involved in the program, then this is considered less significant in the Logic Model than achieving a population level outcome. If there is no evidence of effect on either population level underage drinking, alcohol-related problems or other key intermediate variables nor on target group variables, then this is indicated by a thin line.

Figure 1-- 9-6-2007

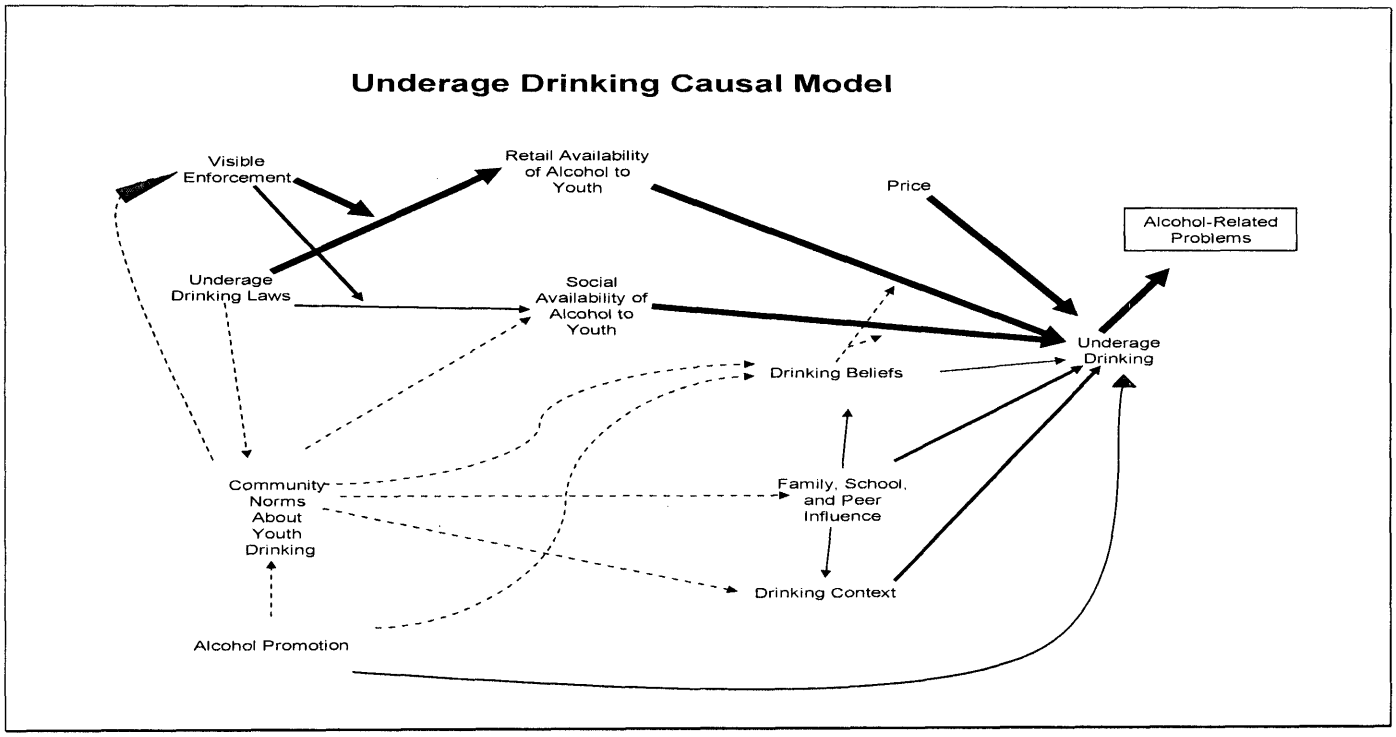

Figure 1-- Legend: Strength of (a) Evidence of relationship to underage drinking and (b) Evidence of Population-Level Effect on Underage Drinking, Alcohol-related Problems or Other Key Intermediate Variables Resulting from Prevention Interventions

➡	**Strong evidence of relationship** and **strong evidence (i.e., 3 or more studies) of population level prevention effects** and/or **strong effect on other intermediate variables which have population level prevention effects.**
→	**Strong evidence of relationship** and ***moderate evidence* (i.e., 1-2 studies) of population level prevention effects** or ***moderate evidence* of effect on key intermediate variables which have population level effects**
→	**Strong evidence of relationship** but *only limited* or *no evidence of population level prevention effects* but *some evidence of target group effects.*
- - - →	Theoretical, but *no empirical evidence of relationship* and therefore *no evidence of population level or target group prevention effects.*

III. Documentation of Intermediate Variables, Relationships, and Prevention Strategies

Section III provides documentation for each of the elements (problems, intermediate variables, relationships, and strategies) for the causal model presented in Section II. For each intermediate variable, the following subsections headings (in bold) will be used:

Conceptual Definition—This is the definition of each intermediate variable as a hypothetical or theoretical construct. The conceptual definition provides a rationale as to why this intermediate variable is included in this causal model.

Measurement—This section provides operational definitions for the intermediate variable, that is alternative methods, techniques, tools, approaches, etc. to measure this variable and to develop valid and reliable indicators. Data sources may be surveys, archival data, or other sources.

Relationship of the Intermediate Variable to the Problem—This subsection is a Summary of the Research evidence of the relationship of the intermediate variable to the specific ATOD problem being addressed by the logic model. Emphasis will be given to published research in scientific journals. In some cases, no direct empirical evidence may exist for the intermediate-variable-to-ATOD-Problem relationship. In such a situation, the relationship can be presented in theoretical terms, i.e., reasoned argument, based upon other research evidence which can be generalized to this case or situation.

Relationship of the Intermediate Variable to Other Variables—This subsection is a Summary of the Research evidence of the relationship of the intermediate variable being documented to important outcomes as shown in the logic model. In this summary, each relationship discussed will focus on the assumed relationship of interest for prevention, for example, Price → Drinking but not Drinking (as demand)→Price. Reciprocal relationships, however, will be discussed in the documentation of that other variable. For example, drinking (demand for alcohol) and its influence on price will be discussed under Drinking.

Strategies—This subsection will present the research evidence concerning strategies, interventions, policies, programs, etc. which have been shown capable of affecting this intermediate variable. Evidence that purposeful changes in the intermediate variable can affect the ATOD problem and evidence of effects on other intermediate variables will also be summarized or cited. Limitations of the research evidence about effects will also be noted, for example, if important concerns exist about generalizability to other situations, populations, or settings or selection biases exist for the population in which the effects were observed. When no research evidence exists of an effect from prevention strategies, this will be noted. In many cases, the research evidence which demonstrates a causal or mediating influence of one intermediate variable to the ATOD problem or to other variables in the causal model will come from purposeful prevention efforts and will already be noted in previous subsections.

Drinking Beliefs

Conceptual Definition

Drinking Beliefs included in the model refer to five of the most proximal correlates of underage drinking behavior: alcohol attitudes, alcohol expectancies, normative beliefs, subjective availability, and resistance/refusal efficacy beliefs. Inclusion of these variables is grounded in such theoretical approaches as cognitive social learning theory (e.g., Bandura, 1977, 1986, 1997), problem behavior theory (e.g., Jessor, Donovan, & Costa, 1991), the DOMAIN model of drug use (e.g., Newcomb & Bentler, 1988), and current reformulations of the Theory of Planned Behavior (Ajzen, 1989, 2001; Fishbein et al., 2002, Fishbein, Hennessy, Yzer, & Douglas, 2003).

Alcohol attitudes refer to overall affective evaluations of drinking (e.g., wrong-not wrong; good-bad; pleasant-unpleasant) by an individual. Alcohol attitudes are hypothesized to mediate the effects of alcohol expectancies and normative beliefs on drinking behaviors.

Alcohol expectancies refer to perceptions of perceived risk and the *perceived personal* likelihood of positive and negative consequences of drinking and heavy drinking. Thus they are the cognitive representations of anticipated rewards and costs associated with drinking behaviors.

Alcohol normative beliefs refer to perceptions of the approval or disapproval of drinking by significant others (prescriptive norms) and the extent to which these others drink themselves (descriptive norms).

Subjective alcohol availability refers to the perceived ease or difficulty of obtaining alcohol overall and from specific social and commercial sources and to the frequency of use of these sources.

Refusal/resistance efficacy beliefs refer to perceptions of one's own ability to resist peer pressure to drink and offers to drink. These beliefs also include perceptions of how easy or difficult it would be to avoid situations in which youth drinking occurs.

Measurement

The five elements are summarized below:

Drinking Beliefs	Measures
Alcohol attitudes	Personal evaluations of alcohol use and heavy drinking. Source: Student Survey.
Alcohol expectancies	Perceived likelihood of positive and negative personal consequences of drinking. Perceived risks and benefits of alcohol use and heavy drinking. Source: Student Survey.
Normative beliefs	Perceived level of alcohol use by same-age peers, friends and parents; perceived level of approval/disapproval of alcohol use by same-age peers, friends and parents. Source: Student Survey.
Subjective alcohol availability	How easy or difficult it would be to get alcohol from various social and commercial sources (e.g., grocery store, friends, strangers). Source: Student Survey.
Refusal/resistance efficacy beliefs	Perceived ability to resist peer pressures or peer offers to drink. Ability to avoid situations in which alcohol is consumed. Source: Student Survey.

Youth Surveys--Drinking Beliefs: Attitudes Toward Alcohol Use. Typical alcohol attitude items ask young people how wrong they think it is for someone their age to drink beer, wine, or hard liquor or how "good" or "bad" drinking is. Such items show excellent convergent validity and are highly predictive of drinking, heavy drinking, and drinking intentions among youth (e.g., Grube & Morgan, 1990a; Hampson, Andrews, Barckley, & Severson, 2006, Trafimow, Brown, Grace, Thompson, & Sheeran, 2002).

Youth Surveys--Alcohol Expectancies. Alcohol expectancies are measured with items focusing on perceived personal consequences of drinking. Specifically, respondents are asked how likely or unlikely they think it is that a series of consequences would happen to them personally if they were to have 3 or more drinks. Examples of such expectancy items can be found in the PIRE/OJJDP Youth Survey (AE-1a-q). The items focus on both *negative expectancies* (e.g., get into trouble with parents), and *positive expectancies* (e.g., have fun, make me feel relaxed, make me feel more outgoing or friendly). These items are presented on 4-point scales (*very likely--not at all likely*). They form two primary scales (positive expectancies and negative expectancies) that are modestly correlated ($r \approx -.19$) and independently predict drinking and changes in drinking over time. In previous studies (e.g., Grube, Chen, Madden, & Morgan, 1995; Chen, Grube, & Madden, 1994) these scales have shown good internal reliability (αs $\approx$.79-.83). More general items relating to perceived risk ask how much respondents think people risk harming themselves (physically or in other ways) if they drink alcoholic beverages.

Youth Surveys-- *Normative Beliefs*. Survey items can include measures of *descriptive* norms (i.e., perceived levels of alcohol use by others) and *prescriptive* norms (i.e., perceived level of approval or disapproval of alcohol use by others). Item D1j in the Oregon Healthy Teens (OHT) survey asks students to indicate how many of their four best friends have tried beer, wine, or liquor when their parents didn't know about it in the past year. Five possible responses range from "none" to "4." Item D2a asks students if any of their siblings have ever drunk beer, wine, or hard liquor (yes/no). These items can be supplemented with several items adapted from the PIRE/OJJDP Youth Survey (CN-1a,b,f), which ask how often they think their parents, friends, and same-age peers have had at least one whole alcoholic beverage in the past 12 months.

Prescriptive Norms. Item C4a in the OHT asks students how wrong their parents feel it would be for them to drink beer, wine, or liquor regularly with four possible responses ranging from "very wrong" to "not wrong at all." This item can be supplemented with several items adapted from the PIRE/OJJDP Youth Survey (CN-2d,e,f), which ask respondents how much they think other people (best friend, other good friends, other people your age you know) would disapprove or approve if they have three or four whole drinks. Analyses of PIRE/OJJDP Youth Survey data with several large samples of adolescents indicate that these multi-item scale measures of descriptive and prescriptive norms are internally reliable ($\alpha \geq .70$) and moderately to strongly associated with past-30-day alcohol use and heavy drinking measures (Grube, Keefe, & Stewart, 1999).

Youth Surveys-- Subjective Alcohol Availability refers to an overall perception of how easy or difficult alcohol is to obtain through retail and social sources. Oregon Healthy Teens (OHT) survey items E10a-h ask students to indicate how easy or difficult they think it would be to get alcohol (beer, wine, or hard liquor) from various sources, including grocery stores, convenience stores, friends 21 or older, friends under 21, a parent, a brother or sister, through the internet, or from home without permission. Four possible responses to each item range from "very easy" to "very hard." The internal consistency of this 8-item scale is good ($\alpha = .80$) and it is significantly associated with past-30-day alcohol use ($r = .41$) and heavy drinking ($r = .40$). An additional item from the PIRE/OJJDP Youth Survey (AV-3) regarding how easy or difficult it would be to get alcohol from a stranger over the age of 21 can be added to these items. Although they are correlated, two scales are derived from these items representing ease of using social and retail sources of alcohol, respectively. Overall subjective alcohol availability can be measured with a set of items asking how easy or difficult it would be to get (a) coolers or fruit-flavored alcoholic beverages (alcopops), (b) beer, (c) wine, and (d) liquor. These items can be summed into an overall measure. Recent studies indicate that subjective availability is related to drinking behaviors among youth and, moreover, is itself affected by actual availability at the community-level (Dent, Grube, & Biglan, 2005; Paschall, Grube, Black, & Ringwalt, 2007b).

Youth Surveys--Refusal/resistance efficacy beliefs refer to perceptions of one's own ability to resist drinking, refuse drink offers, and resist direct pressure to drink. The Drinking Refusal Self-Efficacy Questionnaire (Lee & Oei, 1993; Oei, Hasking, & Young, 2005; Young, Hasking, Oei, & Loveday, 2007) measures these beliefs. The Drinking Refusal Self-Efficacy Questionnaire--Revised Adolescent Version (DRSEQ-RA) also designed to assess an individual's belief in their ability to resist drinking alcohol consists of three factors reflecting social pressure refusal self-efficacy, opportunistic refusal self-efficacy and emotional relief refusal self-efficacy. The three factor structure has been confirmed using confirmatory factor analysis. All three factors are negatively correlated with both frequency and volume of alcohol consumption with drinkers reporting lower drinking refusal self-efficacy than non-drinkers.

Relationship of the Intermediate Variable to the Problem

Alcohol attitudes on underage drinking—Both longitudinal and cross-sectional research shows that attitudes predict drinking such that drinking increases as attitudes become more favorable (e.g., Grube & Morgan, 1990a, 1990b, 1994; Hampson et al., 2006; Trafimow et al., 2002).

Alcohol Expectancies—More favorable expectancies (lower negative and higher positive) are hypothesized to increase drinking. Research has consistently shown that alcohol expectancies are related to drinking in the anticipated ways in both cross-sectional and longitudinal analyses and may mediate more distal risk factors (e.g., Chen et al., 1994; Darkes, Greenbaum, & Goldman, 2004; Grube & Agostinelli, 1999; Grube, Ames, & Delaney, 1994; Grube et al., 1995; Henderson, Goldman, Coovert, & Carnevalla, 1994).

Normative beliefs—Previous research has demonstrated that normative beliefs, and especially perceptions of friends' drinking, are strong predictors of alcohol consumption and of changes in alcohol consumption over time (Ames & Grube, 1999; Grube & Morgan, 1990a; 1990b; Grube, Morgan, & McGree, 1986; Morgan & Grube, 1991). Youth with normative beliefs that are supportive of drinking may place fewer limits on their drinking behavior and take greater risks when drinking than those with more conservative drinking beliefs. Peers may also place direct pressure on some youth to drink or drink heavily or may be sources for alcohol, providing opportunities to drink. Additionally, peers may also reinforce expectations that alcohol makes one attractive, powerful, and mature.

Subjective Alcohol Availability—Studies considering subjective availability show that as perceived ease of obtaining alcohol increases, quantity and frequency of drinking also increase among adolescents (e.g., Abbey, Scott, & Smith, 1993; Ames & Grube, 1999; Morgan & Grube, 1994). Thus, 95% of 12th graders, 85% of 10th graders, and 68% of 8th graders who participated in the 2002 Monitoring the Future (MTF) survey reported that it is "fairly easy" or "very easy" to get alcohol (Johnston, O'Malley, & Bachman, 2002). Research indicates that measures of alcohol availability are moderately correlated with alcohol consumption (Grube & Morgan, 1990a; Maddahian, Newcomb, & Bentler, 1986; Morgan & Grube, 1994; O'Malley & Wagenaar, 1991).

Resistance/refusal efficacy beliefs. Research indicates that resistance/refusal efficacy beliefs are negatively correlated with frequency and quantity of alcohol consumption and with risky drinking (Lee & Oei, 1993; Oei et al., 2005; Young et al., 2007). Moreover, these efficacy beliefs may contribute to drinking independently of expectancies and other beliefs. Thus, drinking refusal self-efficacy may have broader application in understanding drinking behaviors among youth.

Relationship of the Intermediate Variable to Other Variables

Drinking Beliefs (Subjective Availability) to Retail Availability and Social Availability. Perceived alcohol availability has been especially associated with alcohol consumption for males. Subjective alcohol availability may influence consumption in two ways. First, actual availability of alcohol provides greater opportunities for adolescents to drink. When alcohol is readily available, adolescents simply consume more of it. Second, actual alcohol availability may influence adolescent drinking by both shaping perceptions of availability (subjective availability) and shaping adolescent normative expectations about appropriate drinking behavior and expectations about consequences. In other words, as a result of ease with which alcohol can be obtained, some youth may believe that drinking is expected and subsequently drink more heavily. It is important to keep in mind, however, that subjective availability is a perception and thus may not be entirely congruent with actual physical availability. Perceived ease of obtaining alcohol may influence drinking and, in turn, may itself be influenced by drinking through self-serving biases or through increased knowledge of sources of alcohol resulting from drinking experiences.

Strategies

School Educational Approaches Alone. Traditionally, alcohol prevention for adolescents has focused on changing drinking beliefs through school-based education. Although some educational programs have been found to be moderately effective in reducing youth drinking or delaying onset of drinking (Donaldson, Piccinin, Graham, & Hansen, 1995; Griffin, Botvin, & Nichols, 2004; Hecht, Graham, & Elek, 2006; Shope, Copeland, Kamp, & Lang, 1999; Taylor, Graham, Cumsille, & Hansen, 2000), others have been found to be less effective, effect sizes are small, and demonstrated long-term effects are rare (Bell, Ellickson, & Harrison, 1993; Ennett et al., 1994a; Ennett, Tobler, Ringwalt, & Flewelling, 1994b). Methodological issues have also limited much of the available research (Gandhi, Murphy-Graham, Petrosino, Chrismer, & Weiss, 2007; Gorman, 1998). Meta analyses suggest that interactive and peer-lead delivery methods, social influence and life skills models, and programs that focus on norms, commitment not to use, and intentions not to use may be most effective (Cuijpers, 2002). Findings across programs and studies, however, are inconsistent, making conclusions difficult (Skara & Sussman, 2003). School-based education cannot provide a complete answer to the problem of drinking by young people. In part, this limitation arises because young people are immersed in a broader social context in which alcohol is readily available and glamorized (Mauss, Hopkins, Weisheit, & Kearney, 1988).

School Educational Approaches with Community Elements. Adding community elements to school education may increase the effectiveness of school-based programs (Cuijpers, 2002). Project Northland (Perry et al., 1996), a school educational program which included components targeting sixth graders with family take-home assignments, has led to substantial reductions (19-46%) in alcohol use among younger adolescents in rural Minnesota. More recently, the effectiveness of a cross-cultural adaptation of the home-based component of Project Northland, the Slick Tracey Home Team Program, was examined in a randomized controlled trial among sixth grade school students in Chicago (Komro et al., 2006). Despite high participation rates across the sample of diverse, inner city, low-income youth, results were mixed. The program produced significant between-group effects on only two of the six belief and behavioral factors associated with the onset of alcohol use. In its second phase Project Northland included environmental strategies such as stimulating local policies requiring responsible beverage service (RBS) for on- and off-premise alcohol establishments, and implementing a gold-card system with local merchants to give discounts to students who pledged to remain alcohol- and drug-free (Veblen-Mortenson et al., 1999). Project Northland's effects cannot be attributed with confidence to the environmental strategies implemented. Because few high school students obtain alcohol in licensed on-premise outlets, this strategy has limited potential as a significant barrier against drinking by middle school students. Furthermore, no information was reported about level of actual RBS implementation or level of enforcement (Veblen-Mortenson et al., 1999) andProject Northland also reported nothing concerning police enforcement of sales to underage persons, which has been shown to be essential in reducing alcohol access (Grube, 1997a, 1997b).

Social Norms Education or Marketing: In addition to school-based education, media and public educational approaches are also used in an attempt to modify alcohol norms beliefs. There is some evidence that media interventions, especially social norms marketing or campaigns, can affect drinking beliefs and behaviors among young people (DeJong et al., 2006).

Other studies are less optimistic. Social Norms approaches have been popular in college and university alcohol prevention; however, the evidence of both (a) effectiveness of these approaches in reducing positive norms about drinking and (b) reducing drinking, especially heavy drinking among underage students as a direct result of changed norms about drinking, is limited. Campo, et al, (Campo et al., 2003) studied the effects of misperceptions of friends' and typical college students' drinking on college student drinking and found that drinking is related to perceptions of friends' drinking as suggested by the theory of planned behavior, which emphasizes subjective as opposed to social norms as promoted in Social Norms Marketing. In a study of a social norms program on a large university campus, Polonec, Major, and Atwood (2006) found that the overwhelming majority of students (72.6%) did not believe the norms message that most students on campus had "0 to 4" drinks when they partied. Additionally, when students' perceptions of their friends' drinking behavior was held constant, the correlation between their own drinking and that of "most other" students dropped from a significant 0.37 to a nonsignificant 0.09., again suggesting that group or social network norms are more influential on students' own drinking behavior than are estimates of the campus drinking norm. Weschler et al. (2003) in a national study of college students and the utilization of social norm prevention programs did not find a positive effect of this strategy on college students.

Campo and Cameron (2006) analyzed college students' processing of alcohol social norms messages, related effects on normative judgments, attitudes toward their own behaviors, and perception of undergraduate attitudes using expectancy violation theories and social norms marketing. After social norms message exposure, the majority moved their normative judgments toward the norms messages. However, those most likely to develop unhealthier attitudes drank more than those who developed healthier attitudes, consistent with psychological reactance to the messages. The authors concluded that the effects of social norms campaigns on those at greatest risk for increased alcohol consumption could lead to increased risk for such participants and that social norms programs should be utilized cautiously. In a second paper, Cameron and Campo (2006) sociodemographics, normative perceptions, and individual attitudes on consumption of alcohol and tobacco use as well as exercise. They found that for all three behaviors, the variable accounting for the greatest variance was whether or not the individual liked participating in that particular behavior. The authors concluded that predicted (or desired) attitudinal and behavioral effects from social norms approaches may not be found when applied across diverse health behaviors.

The theory of normative social behavior (TNSB; Rimal & Real, 2005) posits that the associations between norms and behavior should take into account important moderating influences such as group identity and outcome expectancies. For example, in a recent cross-sectional survey of college students, Real and Rimal (2007) found that peer communication about alcohol (i.e., frequency of alcohol discussions over the past 2 weeks and "normally") moderated the relationship between descriptive norms and alcohol consumption. That is, the relationship between descriptive norms and drinking was stronger among those who engaged in extensive peer discussion as compared to those who did not. Such a moderating effect, however, was not found for intentions to drink.

Counter-advertising commonly is used to balance the effects that alcohol advertising may have on alcohol consumption and alcohol-related problems. Such measures can take the form of print

or broadcast advertisements (e.g., public service announcements [PSAs]) as well as product warning labels. See discussion of strategies under Promotion and Advertising.

Summary

Alcohol attitudes, expectancies, normative beliefs, and subjective availability have all been associated with drinking by youth and with changes in drinking by youth over time. Many social-psychological models of drinking assume that other environmental and personal influences on drinking are mediated through these beliefs. Interventions can target these beliefs directly (e.g., normative education, media) or indirectly by addressing the environmental factors (e.g., physical availability, enforcement of minor in possession laws) that underlie them. More comprehensive approaches to prevention have considerable promise for addressing the problems associated with adolescent drinking by changing the larger community environment in which youth live. In particular, such strategies can be used to reduce alcohol retail and social availability, drinking by increasing the personal costs associated with it, and communicate norms to young people about the unacceptability of their drinking and to adults about the unacceptability of providing alcohol to them.

Family Influence

Conceptual Definition

Youth acquire knowledge, attitudes, and values about a variety of issues, including substance use, through a gradual and intricate process of assimilating information from numerous social sources. Primary among these sources is the family context in which a young person develops. A variety of family factors have been identified as influencing young people's behavior, including parents' norms for appropriate behavior and their family management practices (such as supervision/monitoring, family rules, and discipline).

Measurement

Park et al. (2000) provide measures for various parenting constructs/family influences including parents' norms, family management, and family conflict.

Parents' norms—sixteen parents items and one child self-report item were combined for a measure of parents' norms against substance use (e.g., How wrong would it be for children who are the same age as your child to drink alcohol?). The child item correlated .20, on average, with the parent items. (Average alpha reliability over the four data collection points was .68.)

Family management—eighteen parent and three child self-report items were combined for a measure of proactive family management. Items assessed parents' vigilance in the monitoring of their child (e.g., In the course of a day, how often do you know where this child is?), parents' consistent discipline practices (e.g., How often do you discipline this child for something at one time, and then at other times not discipline him or her for the same thing?), and establishment of clear family rules (e.g., The rules in my family are clear) (average alpha = .71).

Relationship of the Intermediate Variable to the Problem

Many studies examining environmental factors related to youth drinking have focused on peer and parental influence (Baumrind, 1985, 1991; Brook, Brook, Gordon, Whiteman, & Cohen, 1990; Chassin, Pillow, Curran, Molina, & Barrera, 1993; Downs, 1987; Dishion & Loeber, 1985). These studies have shown that parents and peers influence youth drinking even after controlling for numerous individual-level characteristics.

Studies of family-focused interventions designed to improve parenting practices (e.g., communicate clear norms against substance use, proactively manage families, reduce family conflict, etc.) have shown positive outcomes in terms of substance use and specifically youth alcohol consumption which suggests that family process factors have relevance to youth drinking. Compared to control group participants, youth in family intervention groups have reported lower levels of initiation of substance use both in middle school and high school (Bauman et al., 2002; Dishion, Kavanagh, Schneiger, Nelson, & Kaufman, 2002; Park et al., 2000; Spoth, Lopez Reyes, Redmond, & Shin, 1999a; Spoth, Redmond, & Lepper, 1999b; Spoth, Redmond, & Shin, 2001; Spoth, Redmond, Trudeau, & Shin, 2002). Research on specific interventions is discussed below in the strategies section.

Parental monitoring and supervision are critical for drug abuse prevention. These skills can be enhanced with training on rule-setting; techniques for monitoring activities; praise for appropriate behavior; and moderate, consistent discipline that enforces defined family rules (Kosterman, Hawkins, Haggerty, Spoth, & Redmond, 2001). Drug education and information for parents or caregivers reinforces what children are learning about the harmful effects of drugs and opens opportunities for family discussions about the abuse of legal and illegal substances (Bauman et al., 2001). Brief, family-focused interventions for the general population can positively change specific parenting behavior that can reduce later risks of drug abuse (Spoth et al., 2002). Family-based prevention programs should enhance family bonding and relationships and include parenting skills; practice in developing, discussing, and enforcing family policies on substance abuse; and training in drug education and information (Ashery, Robertson, & Kumpfer, 1998).

Relationship of the Intermediate Variable to Other Variables

Family influence to drinking beliefs--Families are a central socializing context where children may learn about alcohol and develop drinking behaviors, alcohol expectancies, and other drinking beliefs such that changes in family processes (e.g., applying clear family rules about drinking) can decrease drinking in adolescence and may delay initiation of drinking (Guo, Hawkins, Hill, & Abbott, 2001; van der Vorst, Engels, Meeus, Dekovic, & Van Leeuwe, 2005; van der Vorst, Engels, Meeus, & Dekovic, 2006a; van der Vorst, Engels, Meeus, & Dekovic, 2006b; Jackson, Henriksen, & Dickinson, 1999). On the other hand, findings regarding frequency of communication more generally about alcohol issues are mixed. In some cases such communication has been found to be *positively* associated with alcohol consumption of adolescents, possibly because it is reactive (van der Vorst et al., 2006a). In other cases no relation has been found (Jackson et al., 1999). The likelihood of alcohol use is significantly greater among children who perceive no parental monitoring of alcohol use or have been allowed by parents to have a drink with alcohol at home which suggests a parental influence on youthful drinking beliefs (Jackson et al., 1999). Good attachment or bonding between parents and their children does **not** appear to prevent adolescents from drinking once other factors are taken into account (van der Vorst et al., 2006b).

Family influence on Context--It is reasonable to believe that there exists some influence of parents on the context of drinking by adolescents, e.g., with parents or especially at home supervised by parents. Parents who sponsor and organize drinking parities for underage persons are communicating that underage drinking is accepted if it is undertaken with the context of the home or an adult supervised setting. However, research on this specific relationship (in contrast to actual drinking influence and the beliefs of adolescents) has not been reported.

Strategies

Family Education Programs. Family programs are designed to affect the specific families and thus children who participate in the program. They are not designed to change the behavior of children from families not enrolled in the training programs. Family programs attempt to help parents improve their skills to explicitly establish family norms for behavior; manage their families with clear communication, monitor and enforce family norms, and manage and reduce family conflict. Several family-based programs have been effective in delaying initiation to alcohol use and reducing quantity-frequency of drinking among youth, including the Adolescent

Transition Program (Dishion et al., 2002), Strengthening Families Program (Spoth et al., 1999a, 1999b, 2001; Spoth & Redmond, 2002), and Preparing for the Drug Free Years (Park et al., 2000). A trial of the Preparing for the Drug Free Years, for example, showed that the program significantly reduced the growth of alcohol use and improved parent norms regarding adolescent alcohol use over time. At a 3½-year follow-up, 65% in the control group versus 52% in the Preparing for the Drug Free Years group reported that they had initiated alcohol use, 42% versus 32% reported having been drunk, and 40% versus 24% said they had used alcohol in the past month. Similarly, analyses of initiation indices suggest a pattern of increasing differences between the intervention and control groups in the Strengthening Families program through the 10th-grade follow up assessment. Specifically, there was a significantly lower rate of increase in alcohol initiation through the 10th-grade follow-up assessment for students in the program, relative to those in the control group (Spoth et al., 2001). These findings are consistent with the results of analyses of earlier waves of data (Spoth et al., 1999a; 1999b). Such programs may also reinforce and increase the effectiveness of other interventions. Data from a randomized trial on the Strengthening Families Program, for example, indicate that adolescents receiving the Strengthening Families Program + Life Skills Training intervention reported lower initiation of alcohol use than adolescents in either the control and Life Skills Training -only groups (Spoth et al., 2002). At the follow-up 2.5 years after baseline (Spoth, Randall, Shin, & Redmond, 2005), growth of substance initiation was significantly slower for the SFP + LST group compared to the LST-only and control groups; however, the difference in adjusted mean scores was only marginally significant for SPF + LST versus control groups. In terms of weekly drunkenness, observed rates of growth of weekly drunkenness for both intervention conditions were found to be lower than that of the control condition, but only marginally; adjusted mean scores for the SFP + LST group were found to be significantly lower from the control group. No differences between the three groups were found for regular alcohol use in either growth analyses or point-in-time analyses. The practical question for such intensive family training is whether (a) the level of youth reported reduction in "any drinking" and "binge or high volume drinking" is practically significant to justify an investment in the program and (b) whether the effects achieved are generalizable to the larger community population of youth or only limited to the participating families? Spoth and Redmond (2002) have noted that there has been limited investigation of family participation in preventive interventions from general populations. They point out that families in eligible general populations can differ to a significant degree in intervention preferences and beliefs that influence their motivation to engage in interventions or in intervention evaluations. Further they point out that stable family member characteristics, such as internalizing/externalizing problems, have not been predictive of family participation or engagement. While educational level has been predictive of engagement, the differences between participants and nonparticipations have "tended to be small" according to Spoth and Redmond (Spoth & Redmond, 2002). The generalizability of parental training effects into general populations which account for the self-selection bias of participating families has not been reported in published research.

School Influence

Conceptual Definition

The influence of school can encompass both the physical and social environment of the institution. The formal school environment is largely governed by adult teachers and administrations. One of the expressions of this formal environment is school policy concerning drinking/intoxication at school or possession of alcohol on school grounds or at school functions.

Measurement

Perceived attachment or bonding to school has been a primary variable used to describe potential for school influence. It has been measured with survey items that ask about liking of school, importance of doing well in school, participation in school activities, aspirations, and grades. Typical items are available in the *Guide to Conducting Youth Surveys* (Office of Juvenile Justice and Delinquency Prevention, 1999). Scales based on these items have good internal consistency and are known to correlate moderately and negatively with adolescent drinking, smoking, and drug use. Perceptions of the school context, norms, and atmosphere can also be measured through survey items aggregated to the school-level. Rules and policies can be measured directly through content analyses or surveys of principals and school administrators.

Relationship of the Intermediate Variable to the Problem

Many studies have shown that school bonding is related to alcohol use. Generally, closer bonding to school and greater connectedness to school are associated with lower levels of alcohol use at the individual level (e.g., Bond et al., 2007; Catalano, Haggerty, Oesterle, Fleming, & Hawkins, 2004; Hawkins et al., 1997; Henry, Swaim, & Slater, 2005). A recent study showed that regardless of a student's own level of school attachment, students who attend schools where the pupils overall tend to be well attached to school are less likely to use alcohol (Henry & Slater, 2007). In addition, they also have lower intentions to use alcohol, perceive that fewer of their peers at school use alcohol, and more strongly hold aspirations that are inconsistent with alcohol use. It should be noted that all of this research addressed school influence based upon individual self-report, not population level effects.

Relationship of the Intermediate Variable to Other Variables

School Influence to Drinking Beliefs--Students who are poorly bonded to school are less likely to believe that substance impedes future goals (Henry et al., 2005). However, early alcohol initiation is related to a higher level of alcohol misuse at age 17-18 and may mediate the effects of school bonding (Hawkins et al., 1997). School bonding or connectedness reported by students has been shown to be related to positive classroom management, tolerant disciplinary policies, and small school size (McNeely, Nonnemaker, & Blum, 2002).

School Influence to Drinking Context—The drawing, Figure 1, contains a line which suggests a potential influence by the school on drinking context. However, that relationship has not been confirmed via empirical research. The solid line in the drawing reflects the documented relationship of school bonding to individual self reported drinking but not to drinking context per se.

Strategies

School Policies and Violations-- School policies are formal regulations which provide for sanctions against youth for the possession of alcohol on school property. The penalties are usually a part of school policies which ban or provide restrictions for possession or provision of alcohol on school property. Many schools are adopting zero-tolerance policies. These policies mandate predetermined consequences or punishments for specific serious student infractions. A large majority (87 percent) of public schools report having zero-tolerance policies for alcohol violations (Heaviside, Rowand, Williams, & Farris, 1998, March). Such policies are popular among schools such that nearly half of elementary, middle/junior high, and senior high schools in the U.S. have explicit policies prohibiting alcohol use on campus and at school functions and, in some cases, any possession of alcohol by students (Modzeleski, Small, & Kann, 1999). When alcohol policies are violated, a common response is suspension or expulsion, a response that may be dictated by state law (see, e.g., HAW. REV. STAT. § 302A-1134.6 [2002]). Gottfredson and colleagues (2000) conducted a national survey of school principals, which among other things asked about principals' responses to undesirable behavior. Gary Gottfredson, (Gottfredson Associates, Inc., personal communication, October 9, 2002) calculated the rates of suspension and expulsion exclusively for alcohol infractions and found some consistency across grade levels. According to elementary school principals surveyed, for alcohol policy violations, 65.4 percent of the principals reported that their students are automatically suspended or expelled, while 24.2 percent of the principals said their students receive a hearing, but this hearing usually results in suspension or expulsion. For middle schools, 74 percent of the principals said that when alcohol policy violations occur, students violating the policies are automatically suspended or expelled, and another 23 percent of the principals said their students are usually suspended or expelled after a hearing. Finally, for high school, 67.5 percent of the principals surveyed said students violating alcohol policies are automatically suspended or expelled, and another 24 percent are usually suspended or expelled after a hearing for an alcohol policy violation. Thus, suspension or expulsion is the dominant response to alcohol violations regardless of grade level.

Other studies that have not focused exclusively on alcohol use report similar findings. Heaviside et al. (Heaviside et al., 1998, March) asked principals to report the number of expulsions, transfers to alternative schools, and out-of-school suspensions lasting five or more days for possession, distribution, or use of alcohol, drugs, and tobacco. They found that 27 percent of all school principals surveyed reported taking a total of about 170,000 disciplinary actions for these offenses, and of these actions, 62 percent of the disciplinary actions were out-of-school suspensions lasting five days or longer, 20 percent were transfers to alternative schools or programs, and 18 percent were expulsions. Clearly, suspension was the most common response to substance-related problems in schools. Other responses to violations of school alcohol policy include involving law enforcement in some way. For example, in some states, school officials either may or must inform local law enforcement of such violations. Studies have not been conducted of the effectiveness of this approach.

Alcohol Policies at Universities--Universities have similar policies prohibiting alcohol in school facilities, prohibiting use by underage students, or restricting alcohol advertising on campus (Wechsler, Kuo, Lee, & Dowdall, 2000). Grimes and Swisher (1989) found that students report such policies are barriers to drinking, but there are few controlled evaluations of such policies.

Odo, McQuiller, and Stretsky (1999) in a study of newly enacted policy that prohibited alcohol in all university affiliated living residences (i.e., dorms, fraternities, sororities) found that such policies were associated with reduced prevalence of drinking in the affected residences, but not with the frequency of heavy drinking. A case study of a campus prohibition on underage drinking or possession of alcohol, public consumption, and use of kegs reported positive findings; however, because it lacked a control or comparison condition, it is not possible to accept the findings unconditionally (Cohen & Rogers, 1997). These studies provide promising but incomplete evidence of the potential for such administrative policies to reduce underage drinking.

In sum, the vast majority of elementary and secondary schools have alcohol-related policies and the majority of schools have adopted zero tolerance policies. When alcohol violations are detected, suspension and expulsion are the typical responses. However, it is presently unknown what effect, if any, school sanctions have on the prevalence of underage drinking either at the individual or school population levels, whether schools are an appropriate venue for addressing this behavior, or, when compared to other possible venues, whether schools are better, worse, or equally effective in deterring or modifying this behavior.

Although the research on the topic is limited, there are some inferences that can be drawn about efforts to deter underage drinking. For example, all states and a number of municipalities have some type of prohibition against youth drinking, although these prohibitions vary from state to state. The nature and severity of the sanctions associated with violations of these prohibitions vary considerably across jurisdictions. It is also apparent that for a variety of reasons, enforcement of these laws is relatively sporadic and inconsistent. In addition, although all schools in this country have an alcohol policy, these policies also vary considerably.

A number of sanctions are being applied by a range of agents in conjunction with underage alcohol offenses. Fines and community service are common sanctions imposed by the legal system for underage drinking violations. Diversion programs continue to grow in popularity. Schools are likely to respond to alcohol policy violations with suspension or expulsion. Unfortunately, little is known about the effectiveness of these responses, and their imposition appears to be rarely guided by supporting empirical evidence regarding their effectiveness.

There does seem to be a general consensus that if sanctions are used, they should be just one part of a constellation of responses to underage drinking violations. Researchers and advocates are calling for comprehensive approaches to underage drinking that involve the youth, their families, and their communities. Teen courts, for example, have adopted this position. Evaluation of the effectiveness of teen courts specifically in conjunction with alcohol-related offenses is needed to test this hypothesis. The suggestion also has been made that sanctions should be aimed at helping youth rather than simply punishing them for alcohol violations.

In addition, it is important to recognize that sanctions will not be equally effective for all youth. Sanctions are often used as a blunt instrument of the courts, virtually ignoring developmental differences among adolescents. However, a sanction (e.g., a fine of $100) that is perceived as particularly onerous by one youth and thus serves as an effective deterrent may be seen as trivial or as an inconvenience by another youth. In general, studies generally have failed to consider the

developmental level, gender, ethnicity, and geographic location of the youth, all of which may be important considerations (PIRE, 1999; U.S. Department of Health and Human Services, 2001). *In summary, there is no evaluation of the effects of these policies or suspension on population level underage drinking or associated problems.*

Peer Influence

Conceptual Definition

Peer influence can be conceptualized as including modeling of drinking behaviors, direct peer pressure to drink, and providing opportunities to drink and obtain alcohol. Generally a distinction can be made between descriptive norms (how many peers drink) and prescriptive norms (how approving of drinking peers are).

Measurement

Measures of peer drinking and approval of drinking can be obtained through surveys. These measures can be either aggregated at the level of school or community or considered at the individual level.

Relationship of the Intermediate Variable to the Problem

Many studies have addressed the relations between perceived peer drinking and approval of drinking and alcohol consumption (Baumrind, 1985, 1991; Brook et al., 1990; Chassin et al., 1993; Downs, 1987; Dishion & Loeber, 1985). These studies routinely have shown that young people who report (perceive) more peer drinking and peer approval of drinking are more likely to drink and drink heavy and frequently, even after controlling for numerous individual-level characteristics. Many fewer studies have investigated the relations between actual peer behavior and beliefs and drinking among young people. As has been noted, youth may over-estimate drinking and approval of drinking among peers and this may, in itself, be a risk factor.

Relationship of the Intermediate Variable to Other Variables

Peer Influence to Drinking Beliefs--It is assumed that actual levels of peer drinking and approval of drinking are related to normative beliefs and alcohol expectancies in predictable ways: greater peer drinking and approval are hypothesized to be related to more favorable beliefs about drinking. In addition, it can be postulated that peers influence the drinking context by establishing the acceptability of drinking at the moment and within specific settings, e.g., in cars, at parties, or in recreational areas. See Clapp, Shillington & Segars (2000).

Peer Influence to Drinking Context.—It is reasonable to postulate this relationship since adolescent drinkers who are influenced by peers to drink are also likely influenced by the context or setting in which drinking occurs. When peer groups involve drinking, this is often related to the setting such as in isolated areas away from adult supervision or within the privacy of a home without adult supervision or with parent permission. While the research on these relationships is limited, the influence of context on underage drinking suggests (See Drinking Context) suggests that such settings are influenced by peers. See Clapp, Shillington, and Segars (2000). It is this research which supports the thin solid line connecting Family, Peer, and School Influence to Drinking Context.

Strategies

Most commonly, peer influences are addressed through programs that focus specifically on resistance skills or more generally on life skills. Life Skills Training or LST (Botvin & Griffin, 2002; Botvin, 2000) is typical of such interventions. LST is a universal preventive intervention program based on social/cognitive learning theory (Bandura, 1977, 1986, 1997) and problem behavior theory (Jessor & Jessor, 1977). The primary goals of LST are to promote skill development (such as social resistance, self-management, and general social skills) and to provide a knowledge base concerning substance use. These skills moderate or reduce susceptibility to social influences (Epstein & Botvin, 2002; Epstein, Zhou, Bang, & Botvin, 2007). Skill development is accomplished through five curriculum components: a *cognitive component*, designed to present information concerning the consequences, prevalence rates, and social acceptability of substance use; a *self-improvement component* related to self-image improvement; a *decision-making component* containing decision-making strategies; a *coping with anxiety component* designed to recognize anxiety-inducing situations and to rehearse strategies to cope with anxiety; and a *social skills training component* including communication, overcoming shyness, boy–girl relationships, assertive skills, and substance use resistance skills (Botvin, 2000; Botvin & Griffin, 2002; Botvin & Kantor, 2000). The LST intervention has shown positive effects among urban and minority populations (Botvin, Griffin, Diaz, & Ifill-Williams, 2001) and in a rural Midwestern population (Spoth et al., 2002). There were strong positive correlations between initial levels of expectancies and refusal intentions; there also were strong negative correlations between initial levels of expectancies and refusal intentions and substance initiation. Other studies have shown significant reductions in both drug and polydrug use for groups that received the LST program relative to controls, with up to 44% fewer drug users and 66% fewer polydrug (tobacco, alcohol, and marijuana) users in those groups (Botvin, Baker, Dusenbury, Botvin, & Diaz, 1995).. Another study examined the effectiveness of the LST prevention program in reducing heavy episodic drinking in a sample of minority, inner-city, middle-school students (Botvin et al., 2001). Rates of binge drinking were compared among youth who received the program beginning in the 7th grade and a control group that did not. The prevention program reduced the prevalence of binge drinking by as much as 50% at the 1-year and 2-year follow-up assessments. There were also significant positive effects on drinking knowledge, pro-drinking attitudes, and peer drinking norms.

Drinking Context

Conceptual Definition

Although there is no standard definition for drinking context, it can be conceptualized as where one drinks, with whom one is drinking, and when one drinks. Others have suggested adding, ''why one drinks'' to this definition. When consumption is high, contextual risk or protective factors might be even more important. The identification of such characteristics has the potential for developing prevention policies and programs.

Measurement

Clapp, Shillington, and Segars (2000) have measured contextual factors associated with binge drinking events over the past 14 days by asking college-age respondents a series of detailed questions concerning the last heavy drinking event they engaged in within the past 2 weeks. Questions included in this series focused on (a) the total number of drinks consumed during the occasion, (b) the day of the week of the occasion and the starting and ending time for the event (duration of event). (c) the social purpose of the event (party, date/socializing), (d) the number of the people at the event, (e) the composition of the drinking group (partner, roommates, college friends, non-college friends, family members, and coworkers), (f) the location of the event (bar/restaurant, private home), (g) risk factors associated with the event (played drinking games, illicit drugs available, alcohol served to all, several people intoxicated), and (h) factors associated with the event (food served, nonalcoholic beverages available, bartender served drinks). Other recent studies on drinking context (e.g., Walker, Waiters, Grube, & Chen, 2005) simply ask location of drinking.

Relationship of the Intermediate Variable to the Problem

The context of drinking has been demonstrated to be related to drinking and especially heavy consumption. Kraft (1982) examined alcohol consumption patterns, related problems, and contexts of drinking at one east coast university in the late 1970s. He reported that respondents tended to drink with friends, on weekends, and at parties most frequently. The heaviest drinkers often patronized bars as well. With the increase in frequency of attendance at parties or bars, there was also an increase in the frequency of self-reported problem behaviors, such as driving drunk, academic problems, belligerence, job-related problems, vandalism, and trouble with authorities. Kraft (1982) reported that female college students drank more often at parties and in bars than in any other contexts.

Clapp, Shillington, and Segars (2000) found that parties and dates/socializing were the most common occasions associated with last heavy drinking event. These events were almost evenly split between public (42.2% bars and restaurants) and private (43.1% homes) contexts. In their most recent binge drinking event, students most often drank with friends (either from school or not) and their partner/spouse. Most events had food and nonalcoholic beverages available, and over a quarter of the events had illicit drugs available. Slightly less than half (47.3%) of the events resulted in some self-reported problem to the drinker. Overall, public and private contexts seemed to be equally ''wet,'' with females drinking slightly more in public settings than they do

in private settings. In public settings, having food present, college friends present or a bartender serve all alcohol strongly protected against alcohol-related problems.

A more recent study of underage drinking and driving showed that white males, older adolescents, those who had a driver license, and those who drove more often were more likely to report drinking alcohol in the past year (Walker, Treno, Grube, & Light, 2003). Heavy episodic drinking and drinking in cars increased both drinking and driving (DUI) and riding with drinking drivers (RWDD) among underage adolescents. Drinking in restaurants also increased DUI. The effects of overall alcohol consumption on DUI were entirely mediated through heavy episodic drinking and drinking in restaurants and cars. Alcohol consumption had both direct and indirect effects on RWDD. With the exception of being Latino and frequency of driving, the effects of the background variables on RWDD were all entirely mediated through alcohol consumption. Heavy drinking and drinking in specific locations thus appeared to be important unique predictors of both DUI and RWDD. The authors suggested that prevention programs and policies aimed at underage drinking should focus on developing more effective responsible beverage service programs, increasing compliance with laws limiting alcohol sales to youth, and enforcing graduated driver licensing and zero tolerance laws.

Drinking behavior and drinking consequences may vary by location several reasons. First, different policies or controls may exist at different locations, thus regulating the availability and distribution of alcohol. Second, the likelihood of friends and servers intervening may vary in different locations such as private homes, bars, restaurants, and parks. Collins and Frey (1992) found that college freshmen were more likely to report stopping a friend from driving after drinking in public places such as a bar or party than at work or at a private residence.

Relationship of the Intermediate Variable to Other Variables (none specified in model)

Strategies

There are a number of strategies that target the drinking context for alcohol.

Social Availability and Context—Since youth who drive, often supply alcohol to others in the context of motor vehicles, therefore regular and highly visible enforcement of drinking and driving can affect social supply such as the provision of alcohol to youth at parties. Therefore relevant strategies can be reviewed in the Social Availability section.

Retail Availability-- Alcohol retail outlets such as bars, restaurants, and pubs can be affected (sometimes threatened) by highly visible enforcement of their alcohol service practices. See strategies in the Retail Enforcement section.

Drinking and Driving Enforcement--Extensive and visible drink drive enforcement such as Random Breath Testing can alter the drinking context, e.g., for over serving customers as well as decisions by youth to drink in conjunction with drinking.. See strategies in Retail Availability section.

Zero Tolerance Laws—These laws concerning lower BAC limits for youth drivers or even possession of alcohol in a motor vehicle whether one is the driver or not, when enforced, can

result in loss of driving license (a personally prized possession) for both drinking and drinking and driving. Such a threat of the loss of one's drivers license for possession of alcohol or even for drinking can alter youth motivation to seek alcohol and reduce alternative forms of alcohol supply. See Zero Tolerance Policies in Retail Availability section.

Retail Availability of Alcohol to Youth

Conceptual Definition

Retail availability refers to the ease of physical access to alcohol through commercial sources. This availability includes on-premise outlets, such as bars or restaurants, as well as off-premise outlets such as grocery stores, liquor stores, or other retail outlets licensed to sell alcohol within their community. In general, when retail alcohol is cheap, convenient, and easily accessible, people drink more and the rates of alcohol problems are higher. Conversely, when alcohol is more expensive (e.g., through taxes), less convenient (e.g., fewer retail outlets), and less accessible (e.g., restrictions on drinking age), people generally drink less and problem rates are lower. Availability in this document refers to overall level of access by underage persons to alcohol. Availability can refer to the presence and density of alcohol outlets and the frequency of use of specific commercial sources of alcohol (e.g., markets, liquor stores) by young people.

Measurement

Retail availability—This variable can be measured in a number of ways which reflect the accessibility of alcohol to the general drinking population as well as specific level of access for underage persons, e.g., levels of compliance with state sales laws by alcohol merchants. Retail availability of alcohol can be measured by (a) Retailer Compliance with Licensing Laws, (b) Retail Sales Availability, (c) Hours and Days of Sale, and (d) Alcohol Outlet Density (distance to a retail outlet).

Retailer Compliance with Licensing Laws -- Compliance Checks—This variable is measured as the percentage of times an underage person or a youthful looking person who would appear to be under 21 years old is able to purchase alcohol without having to show age identification. Compliance Checks are a direct documentation of the level of retail availability of alcohol to underage youth. While not intended for enforcement, compliance checks are efforts to test if underage persons can purchase alcohol from licensed alcohol outlets. While police compliance checks use an actual underage person and cite or arrest a clerk or store manager when a purchase is consummated, most research-based compliance surveys utilize persons over 21 years of age who have been judged to appear underage (Grube, 1997b; OJJDP, 1999). Alcohol sales compliance rates (%) in any community, based on alcohol purchase surveys or compliance checks conducted, can be a direct measure of retail availability to underage persons.

Retail Sales Availability--Sources of Alcohol. The actual sources of alcohol as self reported by adolescents provides a means to measure retail sales availability. Frequency of getting alcohol from various sources in the past 30 days (e.g., grocery store, friend, stranger). Source: Student Survey. OHT items E8a-k ask students how many times during the past 30 days they obtained alcohol (beer, wine, or hard liquor) from various sources, including grocery stores, convenience stores, drug stores, gas stations, friends 21 or older, friends under 21, a parent, a brother or sister, through the internet, from home without permission, or by using a fake ID. Eight possible responses range from "none" to "15 or more times." Item E9 asks students how often in the past 30 days any store or gas station refused to sell them alcohol, with eight possible responses including "I did not try to buy alcohol," and then ranging from "none" to "6 or more times" (rs >

.12). These items will be supplemented with items adapted from the PIRE/OJJDP Youth Survey (SP-2a-i) regarding places/settings where students may have consumed alcohol in the past 30 days, including parties.

Hours and Days of Sale. This variable is typically measured via specific hours of alcohol sales by type of outlet (off premise or on premise) each day or the specific days of sale (independent of the specific day of the week or the total hours of sale each week, i.e., the total hours of sales across all seven days in the week.

Outlet density. Outlet density is another potential measure of alcohol availability. Density is measured as the number of alcohol outlets per capita population or per roadway mile. Measures of outlet density represent the physical availability of alcohol by outlet type which can be measured over a metric scale representing use of space, i.e., the number of bars, restaurants, grocery stores, and liquor stores per kilometer of a defined area. Measurements in terms of outlets per geographical unit better reflect a consumer's ease or difficulty in obtaining alcohol. Analyses of fixed geographical units are interrelated, possess a good bit of spatial interdependence, and thus require specialized statistical analyses. See Gruenewald and Ponicki (1995a; 1995b); Gruenewald et al. (1996); and Gruenewald, Ponicki, and Mitchell (1995).

Relationship of the Intermediate Variable to the Problem

While the evidence from studies of overall consumption and alcohol-related problems provides convincing evidence of a relationship to level of retail availability, there are fewer studies which have specifically investigated changes in retail availability on the drinking of underage persons. In the studies that have focused on youth, aspects of retail availability such as privatization, hours and days of alcohol sales, and outlet density have been associated with changes in alcohol sales to underage youth, shifts in beverage choice to more readily accessible alcoholic beverage types, and drinking behavior (Kelley Baker, Johnson, Voas, & Lange, 2000; Todd, Gruenewald, Grube, Remer, & Banerjee, 2006; Valli, 1998). Among college students—many of whom are under the legal drinking age—outlet density surrounding college campuses has been found to correlate not only with heavy drinking and frequent drinking, but also with drinking-related problems (Weitzman, Folkman, Folkman, & Wechsler, 2003). Treno, Grube, and Martin (2003) similarly found evidence that outlet density was positively associated with frequency of underage drinking and driving and riding with drinking drivers. A recent study found that perceived compliance and enforcement of underage drinking laws at the community-level was inversely related to individual heavy drinking, drinking at school, and drinking and driving and to use of commercial sources for alcohol by adolescents (Dent et al., 2005). Similarly, compliance rates as determined by alcohol purchase surveys have been found to be inversely related to frequency of use of commercial sources for alcohol by minors (Paschall et al., 2007a). In another study, random alcohol purchase surveys (N = 385) were conducted in 45 Oregon communities in 2005. Youthful buyers were able to purchase alcohol at 34% of the outlets approached. Purchase rates were highest at convenience (38%) and grocery (36%) stores but were relatively low (14%) at other types of outlets (e.g., liquor and drug stores). Alcohol purchases were less likely at stores that were participating in the Oregon Liquor Control Commission's Responsible Vendor Program (RVP), when salesclerks asked the decoys for their IDs, and at stores with a posted underage alcohol sale warning sign. Alcohol purchases were also inversely related to the number of

salesclerks present in a store, but were not related to salesclerks' age and gender. Findings of this study suggest that more frequent compliance checks by law enforcement agents should target convenience and grocery stores, and owners of off-premise outlets should develop policies and require training of all salesclerks to ensure reliable checks of young-looking patron IDs, and should post underage alcohol sales warning signs in clear view of patrons. In a recent study of college students, individual binge drinking was independently associated with community patterns of alcohol availability, policy enforcement, and control (Weitzman, Chen, & Subramanian, 2005). Specifically, students exposed to high levels of alcohol availability were at higher risk binge drinking than youth where availability was low. Conversely, students exposed to strongly enforced alcohol policy environments were less likely to binge than youth in areas with less strongly enforced policies. Similarly, students who attend colleges in states that have more restrictions on underage drinking, high volume consumption, and sales of alcoholic beverages, and devote more resources to enforcing drunk driving laws, report less drinking and driving (Wechsler et al., 2003).

Paschall et al. (2007b) examined whether compliance with underage sales laws by licensed retail establishments is related to underage use of commercial and social alcohol sources, perceived ease of obtaining alcohol, and alcohol use. They found that the alcohol sales rate was positively related to students' use of commercial alcohol sources and perceived alcohol availability, but was not directly associated with use of social alcohol sources and drinking behaviors. Additional analyses indicated stronger associations between drinking behaviors and use of social alcohol sources relative to other predictors. These analyses also provided support for an indirect association between the alcohol sales rate and alcohol use behaviors. Paschall et al. (2007b) concluded that compliance with underage alcohol sales laws by licensed retail establishments may affect underage alcohol use indirectly, through its effect on underage use of commercial alcohol sources and perceived ease of obtaining alcohol. However, use of social alcohol sources is more strongly related to underage drinking than use of commercial alcohol sources and perceived ease of obtaining alcohol.

Relationship of the Intermediate Variable to Other Variables (None specified in model)

It is assumed that level of retail availability of alcohol to underage persons affects their use of alcohol sources and thus subjective (self assessed) alcohol availability. Enforcement of minor in possession laws (MIP) can influence alcohol-related expectancies regarding the likelihood of being apprehended attempting to purchase alcohol. However, while possible there is no empirical evidence to support this relationship in the model.

Strategies

Strategies designed to affect access to alcohol from retail sources are not always targeted specifically at young or underage drinkers but have the potential to limit the retail availability of alcohol to all drinkers including youth. These strategies typically increase the opportunity cost to the drinker, e.g., the cost in time and money to actually obtain alcohol from retail sources.

Retail Monopoly of Alcohol Sales --Studies examining policy movements from state monopolization of alcohol sales to privatization generally find an increase in overall

consumption following privatization (Holder & Wagenaar, 1990; Wagenaar & Holder, 1995), but rarely report on consumption by young people. In one of the few studies focusing on youth, Valli (1998) describes the effects on drinking among 13- to 17-year-olds in a Finnish township, when medium strength beer was made available in grocery stores as opposed to being available only in state monopoly stores. The results show that age limits were observed less strictly and that the beverage of choice among girls changed from wine to medium strength beer. Minors could purchase alcohol more easily than when sales had been restricted to state stores and drinking among 13 to 17-year-olds increased. Alternatively, elimination of a private profit interest typically facilitates the enforcement of rules against selling to minors or the already intoxicated (Her, Giesbrecht, Room, & Rehm, 1999). A recent study Miller Snowden, Birckmayer, and Hendrie (2006) found that underage drinking rates including heavy drinking as well as youth-involved traffic crashes were lower in states which had retail sale monopolies controlling for other factors.

Outlet Density Restrictions--Studies find significant relations between outlet densities and alcohol consumption, violence, drinking and driving, and car crashes (e.g., Gruenewald, Johnson, & Treno, 2002). In a study focusing on youth (Treno et al., 2003) found that on- and off-license outlet density was positively related to frequency of driving after drinking and riding with drinking divers among 16 to 20-year-old youth. Outlet density surrounding college campuses has also been found to correlate with heavy drinking, frequent drinking, and drinking-related problems among students (Weitzman et al., 2003). Such studies of outlet density are cross-sectional, however, and the causal nature of the relations between outlet density and alcohol consumption and problems among youth is an open question.

In a longitudinal study, Todd, Grube, and Gruenewald (2005, June) examined the effects of neighborhood characteristics (socioeconomic status, alcohol outlet density) on availability of alcohol and drinking among adolescents. Average household (HH) income was positively related to ease of obtaining alcohol from parents and negatively related to ease of purchase without ID. Density of alcohol-licensed restaurants was positively related to ease of obtaining alcohol from someone over 21 and ease of purchase without ID. Past year drinking status at Wave 2 was positively related to density of alcohol-licensed restaurants but negatively related to density of off-premise alcohol outlets (e.g., liquor stores). Similarly, among Wave 1 never drinkers who participated in Wave 2, preliminary longitudinal analyses indicate that change in lifetime drinking status (from never drinker to ever drinker) was positively related to household income and density of alcohol-licensed restaurants but negatively related to density of off-premise alcohol outlets. Counter to expectations, preliminary findings indicate that underage alcohol use and growth in use appears to be negatively related to density of off-premise alcohol outlets.

Paschall et al. (2007a) examined characteristics of off-premise alcohol outlets that may affect alcohol sales to youth. Random alcohol purchase surveys were conducted in 45 Oregon communities using underage-looking decoys who were 21 years old but did not carry IDs. These decoys were able to purchase alcohol at 34% of the outlets. Purchase rates were highest at convenience (38%) and grocery (36%) stores but were relatively low (14%) at other types of outlets (e.g., liquor and drug stores). Alcohol purchases were also inversely related to the number of salesclerks present in a store, but were not related to salesclerks' age and gender. Paschall et al. (2007a) concluded that more frequent compliance checks by law enforcement agents should

target convenience and grocery stores, and owners of off-premise outlets should require training of all salesclerks to ensure reliable checks of young-looking patron IDs, and should post underage alcohol sales warning signs in clear view of patrons.

Restrictions on Hours and Days of Alcohol Sales--Quite a large number of studies have indicated that changing either hours or days of alcohol sale can affect alcohol-related crashes and other violent events related to alcohol take place (e.g., Smith, 1988; Ligon & Thyer, 1993). A number of studies have investigated the effects of changing hours of sale on alcohol consumption and problems. In general, greater restrictions have been associated with decreases in drinking and drinking problems. Smith (1988), for example, found that the introduction of Sunday alcohol sales in the city of Brisbane, Australia, was related to casualty and reported property damage traffic crashes. However, these results are not unequivocal, as these effects could be contaminated by other trend effects on Sunday sales and non-equivalent distribution of crashes over days of the week (see Gruenewald, 1991). A recent study (Duailibi et al., 2007, in press) investigated the effects of limiting the hours of sale of alcoholic drinks on violence against women and homicides in the Brazilian city of Diadema. The study found that a policy prohibiting on-premises alcohol sales after 11 pm led to a decrease of almost 9 murders a month. Assaults against women also decreased but this impact was not significant in models that controlled for underlying trends.

In one of the few studies focusing on youth, Kelley-Baker, Johnson, Voas, and Lange (2000) found that temporary bans on the sales of alcohol from midnight Friday through 10:00 AM Monday because of federal elections reduced cross-border drinking in Mexico by young Americans. In particular, early closings on Friday night were associated with a 35% reduction in the number of pedestrians crossing the border with blood alcohol concentrations (BAC) of 0.08 percent or higher, based upon breathalyzer testing at the border. In sum, it appears that changes in licensing provisions that substantially reduce hours of service can have a significant impact on drinking and drinking-related problems overall, The evidence that such changes affect young people is more limited as most evaluations have focused on the total drinking population.

Responsible Beverage Service (RBS)--The focus of RBS programs is to prevent alcohol service to minors and intoxicated patrons and to intervene so that intoxicated patrons do not drive. Efforts to promote RBS consist of the implementation of a combination of outlet policies (e.g., requiring clerks or servers to check identification for all customers appearing to be under the age of 30, cutting off service to intoxicated patrons, limiting sales of pitchers of alcohol, promoting alcohol-free drinks and food, and eliminating last call announcements) and training in their implementation (e.g., teaching clerks and servers to recognize altered or false identification, training servers to recognize intoxicated patrons and deny service). RBS can be implemented at both on-license and off-license establishments. Such programs have been shown to be effective in some circumstances. Thus, RBS has been found to reduce the number of intoxicated patrons leaving a bar, car crashes, sales to intoxicated patrons, sales to minors, and incidents of violence surrounding outlets (e.g., Wallin, Norstrom, & Andreasson, 2003). Voluntary programs appear to be less effective than mandatory programs or programs using incentives such as reduced liability. How RBS is implemented and what elements are included in a particular program may be an important determinant of its effectiveness. Policy development and implementation within outlets may be more important than server training in determining RBS effectiveness.

Whether RBS interventions can reduce minors' use of alcohol is less clear. Establishments with firm and clear policies (e.g., checking ID for all patrons who appear under the age of 30) and a system for monitoring staff compliance are less likely to sell alcohol to minors (Wolfson et al., 1996a; 1996b). However, voluntary clerk and manager training in off license establishments appears to have a negligible effect on sales to minors above and beyond the effects of increased enforcement (Grube, 1997b; Wagenaar, Harwood, Silianoff, & Toomey, 2005a). Similarly, a study in Australia found that, even after training, age was rarely checked in bars, although decreases in the number of intoxicated patrons were observed (Lang, Stockwell, Rydon, & Beel, 1996, 1998). In one study, RBS training was associated with an increase in self-reported checking of identification by servers (Buka & Birdthistle, 1999). Overall, however, establishing definite alcohol serving policies in each licensed establishment has the potential to reduce sales of alcohol to youth and overall problematic consumption of alcohol.

Compliance of Off-Premise Outlets—Off-premise outlets are important sources of alcohol for underage persons (Harrison, Fulkerson, & Park, 2000; Preusser, Ferguson, Williams, & Farmer, 1995; Schwartz, Farrow, Banks, & Giesel, 1998; Wagenaar et al., 1996). Such outlets are not often operating with written sales polices and, in some cases, these outlets actually benefit economically from sales of alcohol to youth. Purchase surveys show that anywhere from 30% to 90% of outlets sell to underage buyers, depending upon geographical location (e.g., Forster et al., 1994; Forster, Murray, Wolfson, & Wagenaar, 1995; Preusser & Williams, 1992; Grube, 1997b). Voluntary clerk and manager training in off license establishments appears to have a negligible effect on sales to minors without visible and consistent enforcement. Wagenaar et al. (Wagenaar, Harwood, Toomey, Denk, & Zander, 2000a; Wagenaar & Wolfson, 1994) evaluated a community organizing intervention (Communities Mobilizing for Change on Alcohol --CMCA) that was designed to bring about change in policies regarding access to alcohol by those under 21. Through numerous contacts with groups and organizations that might affect policies, practices, and norms for minors' access to alcohol, a strategy team was created in each community to lead efforts to bring about change (Wagenaar, Gehan, Jones-Webb, Toomey, & Forster, 1999). Through media advocacy they increased coverage of alcohol issues in the community. The strategy teams implemented quite a variety of activities to reduce access. They included steps to get alcohol merchants not to sell to young people, increased enforcement of laws regarding underage sales, changes in community events to make alcohol less readily available to young people, the prevention of underage drinking parties at hotels, information provided to parents, and alternative sentencing for youth who violated drinking laws. The specific activities varied across communities. CMCA was evaluated in a randomized trial in which 15 Minnesota and Wisconsin communities were randomly assigned to receive or not receive the program. The CMCA communities had lower levels of sales of alcohol to minors in their retail outlets (effect size = 1.18, $p < .05$) and had marginally lower sales to minors at bars and restaurants (effect size = 0.32, $p < .08$). Phone surveys of 18 to 20 year olds indicated that they were less likely to try to buy alcohol ($p = .06$) and that they were less likely to provide alcohol to others ($p = .01$). The proportion of 18 to 20 year olds who reported drinking in the past 30 days lower in intervention communities ($p = .07$). However, the prevalence of heavy drinking in this age group was not affected. And, there were no significant effects on the drinking behavior of 12th graders (who were surveyed in school). Arrests of 18 to 20 year olds for driving under the influence of alcohol declined significantly more in CMCA communities than in control

communities (Wagenaar, Murray, & Toomey, 2000b). The difference for 15 to 17 year olds approached significance.

The Community Trials Project (Holder & Treno, 1997) tested a five-component community intervention to reduce alcohol-related harm among people of all ages. It sought to reduce the primary sources of acute injury and harm related to alcohol: drunken-driving injuries and fatalities, injuries and deaths related to violence, and drownings, burns and falls. The effects of the program were evaluated by comparing three communities that received the intervention with matched comparisons communities. Communities were selected that had a population over 100,000 and were not bedroom communities. Their alcohol problem indicators were about equal to the state average. Each community was racially diverse, with 40% or more minority group members. The Community Trials fielded five intervention components: (1) a "Media and Mobilization" component to develop community organization and support for the goals and strategies of the project and to utilize local news to increase public support of environmental strategies; (2) a "Responsible Beverage Service" component to reduce service to intoxicated patrons at bars and restaurants; (3) a "Sales to Youth" component to reduce underage access; (4) a "Drinking And Driving" component to increase local enforcement of driving while intoxicated laws; and (5) an "Access" component to reduce the availability of alcohol. Each of these interventions was shown to affect its target in the communities in which it was implemented.

Of particular interest is the *Underage Drinking* Component (Grube, 1997b), which comprised three intervention strategies: enforcement of underage sales laws, off-premise retail clerk training and policy development for off-premise establishments, and media advocacy. Increased underage sales enforcement activities were implemented by the local police in each community. This research demonstrated that police are willing to undertake a range of enforcement activities, including compliance checks, when given modest encouragement from the community (Grube, 1997b; Holder et al., 2000). In particular, the project was able to increase the number of outlets visited in compliance checks in three experimental communities from fewer than 10 to over 60 per quarter. The evaluation of the effects of these activities using decoy buyers showed that randomly selected outlets in the experimental sites were about equally as likely as those in comparison sites to sell alcohol to an apparent minor on pretest. On posttest, experimental community outlets were about half as likely to sell alcohol to an apparent minor as those in comparison sites. Thus, not only was it possible to enlist local law enforcement to increase enforcement of underage sales laws, but these increased enforcement activities led to significant declines in sales to minors. Overall, off-premise outlets in experimental communities were half as likely to sell alcohol to minors as in the comparison sites. This was the joint result of special training of clerks and managers to conduct age identification checks, the development of effective off-premise outlet policies, and, especially, the threat of enforcement of lawsuits against sales to minors (Grube, 1997b).

Treno, Gruenewald, Lee, and Remer (2007) reported the results of the Sacramento Neighborhood Alcohol Prevention Project (SNAPP). SNAPP set as its goal the reduction of alcohol access, drinking, and related problems in two low-income, predominantly ethnic minority neighborhoods, focusing on individuals between the ages 15 and 29, an age group identified with high rates of alcohol-involved problems. Two neighborhoods in Sacramento were selected to be the intervention sites because they were economically and ethnically diverse and

had high rates of crime and other drinking-related problems. The quasi-experimental design of the study took a "phased" approach to program implementation and statistical examination of outcome data. Outcome-related data were collected in the intervention sites as well as in the Sacramento community at large. Five project interventions included a mobilization component to support the overall project, a community awareness component, a responsible beverage-service component, an underage-access law enforcement component, and an intoxicated-patron law enforcement component. Archival data were collected to measure and evaluate study outcomes and to provide background and demographic information for the study. Overall, they found significant ($p < .05$) reductions in assaults as reported by police, aggregate emergency medical services (EMS) outcomes, EMS assaults, and EMS motor vehicle accidents. Results from the Sacramento Neighborhood Alcohol Prevention Project demonstrate the potential effectiveness of neighborhood-based interventions in the reduction of alcohol-related problems such as assaults, motor vehicle crashes, and sale of alcohol to minors.

Lower Levels of Alcohol in Beverages--Noval and Nilsson (1984) found that total alcohol consumption in Sweden was substantially higher when medium-strength beer could be purchased in grocery stores between 1965 and 1977, rather than only in state monopoly stores. Few studies of the specific effects of reduced-alcohol beverages on young people have been conducted. Geller, Kalsher, and Clark (1991) found that students attending a fraternity party where only low-alcohol content drinks were served consumed the same number of drinks but had a lower blood alcohol concentration (BAC) than did students at parties where regular alcohol content beer and mixed drinks were served. The findings demonstrate the potential interaction between retail availability (low absolute alcohol drinks) with social availability (social events).

Controls on Who is Selling Alcohol--Alcohol control agencies typically spend a considerable part of their time checking the credentials of those seeking licenses to sell alcoholic beverages. Typically, there is a concern to keep those with criminal records or associations out of the trade. The minimum age of alcohol sellers which is set in some countries could affect the extent to which underage sales might occur; i.e., younger persons finding themselves less able to distinguish underage from of-age buyers and being more willing to sell to underage buyers. Treno, Gruenewald, Alaniz, Freisthler, and Remer (2000, June 24-29) report that among a community-based sample of alcohol establishments, off-premise sales were more likely from younger than older sales people. In places where there is a minimum legal drinking age, there is likely to be some sort of informal market to serve underage drinkers. There have, however, been no evaluations of minimum age-of-seller restrictions.

Use of False ID to Obtain Alcohol--Underage persons can obtain alcohol from retail sources using false or fake age identification cards. For example, a survey was conducted among high school juniors and seniors and college students under age 21 in New York and Pennsylvania. New York has generally weak laws on purchase of alcohol by persons under legal age, while Pennsylvania has generally strong laws and state controlled liquor stores. In comparison with high school respondents in Pennsylvania, more high school students in New York reported that they drank, drank more often, and obtained alcohol from underage friends. More attempts to purchase alcohol at bars, liquor stores, and other outlets were reported by New York high school and college students. Preusser et al. (1995) found nearly 60% of New York college student respondents reported using false, borrowed, altered, or counterfeit identification to purchase

alcohol, compared with 37 percent in Pennsylvania. They also found that nearly 30% of New York high school students reported the use of false identification to purchase alcohol compared with 14 percent in Pennsylvania. Schwartz et al. (1998) found that fifteen percent of high school students, 14 percent of college freshmen, and 24 percent of youth reporting also using illegal drugs said they were able to purchase beer by the case with borrowed, altered, or fake ID. A number of suggestions concerning means to reduce the effective use of illegal identification in alcohol sales to minors include universal checking of ID for all alcohol customers, use of two view or hologram photos on a drivers' license, and requiring two or more different ID cards at the point of purchase, and as described below increased enforcement against stores that fail to identify underage customers.

Summary: Certainly, greater minimum legal drinking ages reduce alcohol sales, use, and problems among young people. In the most comprehensive review to date, Wagenaar and Toomey (2002) analyzed all identified published studies on the drinking age from 1960 to 1999, a total of 132 documents. Their analysis of the evidence led them to conclude that, compared to a wide range of other programs and efforts to reduce drinking among high school students, college students, and other teenagers, increasing the legal age for purchase and consumption of alcohol to 21 appears to have been the most effective strategy. The U.S. National Highway Traffic Safety Administration (NHTSA) estimated that a drinking age of 21 reduced traffic fatalities by 846 deaths in 1997 and prevented a total of 17,359 deaths since 1975 (NHTSA, 1997). Grube and Nygaard (2001; 2005) concluded that for young people policy strategies can be used to reduce alcohol availability, deter drinking by increasing the personal costs associated with it, and communicate norms to young people about the unacceptability of their drinking and to adults about the unacceptability of providing alcohol to them. Less strength of evidence is available concerning reductions in numbers of outlets or outlet densities, and reductions in hours or days of sale which do have the potential to reduce levels of alcohol consumption and alcohol-related problems. Based on the available scientific evidence from more than one controlled study, currently the most effective public policies to reduce the retail and social alcohol availability to youth and associated problems appear to be (a) the minimum drinking age and its enforcement, (b) zero tolerance or graduated licensing, and (c) enforcement of sales of alcohol to underage persons, especially using compliance checks about retail sales of alcohol to underage persons.

Social Availability of Alcohol to Youth

Conceptual Definition

Social availability is the access to alcohol through "social sources" including receiving, stealing, or buying substances from friends, relatives, and strangers. Adolescents, and especially younger adolescents, often obtain alcohol from a variety of non-commercial sources. A substantial portion of alcohol obtained by underage persons is from social sources (friends, parties, homes, etc.) and other persons who purchase alcohol and provide it to underage persons (both persons themselves under the legal purchase age and persons who themselves are of legal age).

Measurement

Sources of alcohol-- Frequency of getting alcohol from various sources in the past 30 days (e.g., grocery store, friend, stranger). Source: Student Survey.

For example, the Oregon Healthy Teens (OHT) survey items E8a-k ask students how many times during the past 30 days they obtained alcohol (beer, wine, or hard liquor) from various sources, including grocery stores, convenience stores, drug stores, gas stations, friends 21 or older, friends under 21, a parent, a brother or sister, through the internet, from home without permission, or by using a fake ID. Eight possible responses range from "none" to "15 or more times." Item E9 asks students how often in the past 30 days any store or gas station refused to sell them alcohol, with eight possible responses including "I did not try to buy alcohol," and then ranging from "none" to "6 or more times" (rs > .12). These items will can be supplemented with items adapted from the PIRE/OJJDP Youth Survey (SP-2a-i) regarding places/settings where students may have consumed alcohol in the past 30 days, including parties.

Relationship of the Intermediate Variable to the Problem

Parties, friends, and adult purchasers are the most common sources of alcohol among adolescents (Harrison et al., 2000; Preusser et al., 1995; Schwartz et al., 1998; Wagenaar et al., 1996). Young people secure alcohol from a variety of commercial and social sources. Research indicates that parties, friends, and adult purchasers are the most common sources of alcohol among adolescents (Harrison et al., 2000; Preusser et al., 1995; Schwartz et al., 1998. Wagenaar et al. (1996) found that parties, where older adolescents or young adults introduce their younger peers to drinking, constitute the major source of alcohol for high school students. In this same study, commercial outlets were the second most important source of alcohol. Purchase surveys reveal that anywhere from 30% to 90% of outlets will sell alcohol to underage buyers, depending upon their geographical location (e.g., Forster et al., 1994; 1995; Preusser & Williams, 1992; Grube, 1997b). Such results are also found in the ORI Oregon Healthy Teens survey which found that commercial sources were used by 26% of 8th grade drinkers and 30% of 11th grader drinkers. In the same study 70% of 8th grader drinkers and 73% of 11th grader drinkers reported using social sources, predominately adult and underage friends. These sources include parents, parents of friends, friends, acquaintances, co-workers, siblings, and even strangers.

"Shoulder-tapping" occurs when an underage person approaches a stranger outside of an alcohol establishment and asks this person to purchase alcohol for him or her. A recent study (Toomey, Fabian, Erickson, & Lenk, 2007) found that 19 percent of young males over the age of 21 were willing to purchase alcohol for youth who appeared to be underage when "shoulder-tapped" outside of a convenience or liquor store. In contrast, only 8 percent of the general adult population entering alcohol establishments were willing to purchase the alcohol. Researchers conducted two waves of shoulder-tap requests outside of 219 randomly selected convenience or liquor stores in both urban and suburban areas. Requesters were young adults (4 females, 1 male) aged 21 years or older who appeared to be 18 to 20 years old. Requesters explained that they did not have their identification with them, and asked the adults to purchase a six-pack of beer for them. During wave one, requesters conducted 102 attempts, with the requester approaching the first adult entering the store alone. During wave two, requesters conducted 102 attempts, approaching the first male entering the store alone who appeared to be 21 to 30 years old. The study also found that adults approached at a city convenience or liquor store rather than one located in a suburb were nine times more likely to make the purchase.

A major opportunity that underage drinkers use to gain access to alcohol is at parties. In one study, 32% of 6th graders, 56% of 9th graders, and 60% of 12th graders reported obtaining alcohol at parties (Harrison et al., 2000). Underage drinking parties frequently involve large groups and are commonly held in a home, an outdoor area, or other location such as a hotel room. Further focus groups have also indicated that underage youth typically procure alcohol from commercial sources and adults, or at parties where parents and other adults are not present (Jones-Webb et al., 1997a; Wagenaar et al., 1993). Beer is the primary beverage of choice of the underage and a major source of beer is a social events where beer is available via a beer key (social events where beer is available via a beer keg (Erickson, Toomey, & Wagenaar, 2001). In this case there is an enhanced effect of social context, party, and low cost per drink of alcohol.

Given the fact that young people use multiple sources for alcohol, social availability is a significant means for underage youth to obtain access to alcohol beyond commercial access. This includes social availability through friends, at parties, and from strangers (Holder, 1994).

Relationship of the Intermediate Variable to Other Variables (None specified in model)

Strategies

Curfews for Youth. Curfews establish a time when children and young people below certain ages must be home. While this policy was not initially considered an alcohol-problem prevention strategy, research has shown positive effects. The strategy is one of reducing the availability of alcohol to youth through social sources as well as reducing the convenience of obtaining alcohol at gatherings of youth. In those states that established such curfews, alcohol-involved traffic crashes for young people below the curfew age have declined (Preusser, Williams, Zador, & Blomberg, 1984; Williams, Lund, & Preusser, 1984).

Social Host Liability. Under social host liability, adults who provide alcohol to a minor or serve intoxicated adults in social settings can be sued through civil action, for damages or injury caused by that minor or intoxicated adult (Grube & Nygaard, 2005). There is very little research

on the effectiveness of social host liability laws and what evidence exists is conflicting. In one study in the US, social host liability laws were associated with decreases in alcohol-related traffic fatalities among adults, but not among minors (Whetten-Goldstein, Sloan, Stout, & Liang, 2000). Social host statutes were not related to single vehicle nighttime crashes for either group. In a second study, social host liability laws were associated with decreases in reported heavy drinking and in decreases in drinking and driving by lighter drinkers (Stout, Sloan, Liang, & Davies, 2000). They had no effect on drinking and driving by heavier drinkers. The conflicting findings may reflect the lack of a comprehensive program that insures that social hosts are aware of their potential liability. Although social host liability may send a powerful message, that message must be effectively disseminated before it can have a deterrent effect.

Restricting Access to Alcohol at Social Events--This strategy involves restricting the flow of alcohol at parties and other events on and off college campuses to reduce overall social availability of alcohol. Policies for preventing underage access to alcohol at parties can also be used to decrease the amount of drinking among older students. Overlapping community policies include banning beer kegs and prohibiting home deliveries of large quantities of alcohol. Overlapping policies for campus events include limiting the quantity of alcohol per person and monitoring or serving alcohol rather than allowing self-service. At one fraternity party, Geller and Kalsher (1990) found that attendees who obtained beer through self-service consumed more beer than those who got alcohol from a bartender. Event and party planners could also be required to serve food and offer a large selection of alcohol-free beverages. Another strategy is to serve low-alcohol content beverages (see below)

Strategies for Reducing Social and Third Party Access to Alcohol—As described previously a substantial portion of alcohol obtained by underage persons is from social sources (friends, parties, homes, etc.) and other persons who purchase alcohol and provide it to underage persons (both persons themselves under the legal purchase age and persons who themselves are of legal age).The study by Toomey et al. (2007) concerning the willingness of males of legal purchase age to obtain alcohol for underage persons confirms that efforts to limit alcohol access from these sources most likely remains a significant challenge for youth drinking prevention

The Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, has created a guide for reducing alcohol access by youth (OJJDP, 1999). The highest priorities recommended by OJJDP is a compendium of environmental strategies including "shoulder taps" and Compliance Checks (described previously). Shoulder taps occur when an underage person asks another person to purchase alcohol on their behalf. These are common means by which adolescents obtain alcohol (e.g., Jones-Webb et al., 1997a, 1997b; Smart, Adlaf, & Walsh, 1996; Wagenaar et al., 1993, 1996), in part because young people believe it to be less risky than purchasing alcohol themselves. Underage persons themselves are breaking the law through this purchase, even if they do not consume the alcohol. Adults of legal purchase age are also breaking the law by purposefully purchasing alcohol for a young person. Shoulder tap interventions occur when an underage person or a person who appears to be underage age, stand outside a licensed alcohol outlet and approach an older person to request that he/she purchase alcohol for them. In such cases, the potential buyer may be offered a small "fee" for making this purchase. If the older person actually makes the alcohol purchase and gives it to the youth, then they can be arrested or cited by the police. These "shoulder tap" interventions are a recommended strategy to directly reduce third party alcohol transactions by enforcing laws prohibiting the provision of

alcohol to minors (NHTSA, 1997; Stewart, 1999). The utilization of strategies addressing shoulder taps is a potentially promising strategy to reduce third party sources of alcohol to minors that has not been seriously tested in replicated controlled studies.

Party Patrols--Another major way that underage drinkers gain access to alcohol is at parties (e.g., Wagenaar et al., 1993). Party patrols are a local enforcement strategy in which police arrive at a social event in which alcohol is being served and check the age identifications of party participants. Underage drinking parties frequently involve large groups and are commonly held in a home, an outdoor area, or other public location such as a hotel room. Party patrols are a recommended strategy to address underage drinking parties (Little & Bishop, 1998; Stewart, 1999). Parties are frequently cited as one of the settings at highest risk for youth alcohol consumption and related problems, and have been linked to impaired driving, sexual assaults, violence, property damage, and to the initiation of alcohol use of younger adolescents by older adolescents (Mayer, Forster, Murray, & Wagenaar, 1998; Schwartz & Little, 1997; Wagenaar et al., 1993). Decreased sales to older minors, in turn, are expected to reduce availability of alcohol to younger adolescents.

Without these special patrols law enforcement agencies sometimes do not have enough manpower to thoroughly investigate underage drinking parties. They cannot always trace who provided the alcohol or other drugs to minors. One example of a specific utilization of strong local enforcement of provision of alcohol to underage persons is in Omaha, Nebraska. Under local ordinance, anyone who provides or procures alcohol for minors is committing a Class I misdemeanor, punishable by up to one year in jail, up to a $1,000 fine, or both. PRIDE-Omaha, Inc. is assisting law enforcement agencies in conducting the MIP Party Patrols. Funding for the patrols is provided through special grants from the local drug prevention coalition.

Party patrols involve police entering locations where parties are in progress. The police can use noise or nuisance ordinances as a basis for entering a party to observe if underage drinking is taking place. In party patrol strategies, police are enlisted, as a part of their regular patrol duties, to routinely: (a) enter premises where parties that may involve underage drinking are underway, (b) respond to complaints from the public about noisy teenage parties where alcohol use is suspected, and (c) check, as part of regular weekend patrols, open areas and other venues where teen parties are known to occur. When underage drinking is discovered, the drinkers can be cited as well as the person who supplied the alcohol. Even when it is not possible to cite the person who supplied the alcohol, awareness of increased police activity in this regard can act as a deterrent and can express community norms regarding the unacceptability of providing alcohol to minors. As with other environmental interventions, public awareness and media attention is important to increase the deterrence effect of this strategy. There is some evidence that this technique is effective. Oregon implemented a weekend drunk driving and party patrol program that has law enforcement officers working with schools to identify in advance the anticipated location of teen parties, which the officers then patrol. An unpublished evaluation of this program revealed that arrests of youth for possession of alcohol increased from 60 to 1,000 individuals in one year (with a corresponding decrease of 35 percent in underage drunk driving accidents) (Little & Bishop, 1998; Radecki, 1995).

Keg Registration-- Beer consumption as the primary beverage of choice of underage drinkers was found to be a potential factor in underage drinking alcohol-related harm, especially traffic fatalities (Cohen, Mason, & Scribner, 2001). Beer kegs are often a main source of alcohol at teenage parties and may encourage drinking greater quantities of beer, increasing the risk of driving under the influence of alcohol and other alcohol-related problems. When police arrive at underage keg parties, people often scatter. Without keg tagging, there is no way to trace who purchased the keg.

As a result beer key registration is one strategy directed at social events where beer can be provided without restrictions. Keg registration laws require the purchaser of a keg of beer to complete a form that links their name to a number on the keg. In this way, if a beer keg is present in a drinking setting where young people are consuming alcohol, then the person who purchased the keg can be identified and held responsible. For example, in Billings, Montana, a keg registration ordinance was passed by the City Council in June, 2002. A year-long process to get the ordinance passed was led by a group called Montanans United Saving Lives. The ordinance requires permanent marking on each keg that identifies where and when it was purchased (Webb, 2002). A different form of keg registration was passed in Madison, Wisconsin, in December, 2001. The City Council passed an ordinance that requires keg delivery rentals to be made in person at the store. The purchaser must show two forms of ID at the store and be present at the delivery address to sign a receipt upon delivery. Records of all keg purchases are required to be kept by the stores for two years. None of the liquor store owners expressed opposition to the new regulations, stating that the new law does not interfere with regular business operations (Spaetti, 2001).

Specifically, public opinion surveys find that over 60% of the population support laws that require beer keg registration, and as of January 1, 2007, 29 states had enacted keg registration laws. In a different approach to regulating kegs, Utah bans kegs altogether. Some jurisdictions collect information that may aid law enforcement efforts such as the location where the keg is to be consumed and the tag number of the vehicle in which the keg is transported. Some jurisdictions also require retailers to provide warning information at the time of purchase about laws prohibiting service to minors and/or other laws related to the purchase or possession of the keg.

Keg registration is seen primarily as a tool for prosecuting adults who supply alcohol to young people at parties and even establishments which rent filler beer kegs to underage persons (Hammond, 1991). Keg registration laws have become increasingly popular in local communities in the U.S. Wagenaar, O'Malley, and LaFond (2001) examined existing beer keg registration policies in all states to determine core conceptual dimensions of the laws, test procedures to increase reliability of keg policy coding, and describe variations in existing policies. They found no controlled studies of the effects of keg registration laws which might include measurement of rates of keg sales, bottled beer sales, beer consumption, intoxication among teens and teen parties, or frequency of disturbance calls to police, as well as more direct measures of teen consumption of keg beer. Wagenaar et al (2005a) found that most state alcohol control agency rvey respondents noted very low levels of enforcement of extant keg registration laws and high levels of leniency in imposing penalties.

Keg registration laws are associated with a significant decrease in traffic fatalities. Cohen et al. (2001) found that the presence of a local keg registration law was associated with lower alcohol fatality rates ($r = -.288$ $p < 0.004$) as a part of a composite score for level of alcohol regulation. There are no controlled longitudinal studies of the passage of a beer keg registration and its specific effects on alcohol-involved traffic crashes by underage persons or other alcohol problems.

Restrictions on Drinking Locations and Possession of Alcohol. Specifying locations where drinking cannot occur is a policy that has been implemented with laws about public drinking and/or public intoxication, as well as those prohibiting drinking in parks or recreational locations, or at the workplace. These restrictions have real potential for affecting the drinking of youth since youth often prefer recreational venues for drinking, e.g., public parks, beaches, lakes, etc. and limiting drinking in such locations also holds the potential for reducing social access of alcohol provided by others. Discussions of these types of interventions are contained in Giesbrecht and Douglas (1990) and "Communities Mobilize to Rescue the Parks" (1991). These policies have been employed in a number of forms throughout the world, but have not been systematically evaluated for the specific effects on access to alcohol by underage persons.

Such approaches as shoulder taps, party patrols or keg registration need more extensive controlled testing and evaluation, although on the surface such strategies have the potential to be effective. While strategies with a similar theoretical basis have been shown to be effective, we do not have evidence from controlled trials for alcohol. For example, there is consistent evidence that the restrictions on handguns is a means to reduce violence including social violence (Kleck & Patterson, 1993; Lester, 1993; Lester & Clarke, 1991; Leenaars, 2007). Examples of control strategies affecting social availability include studies of heron (Stimson & Oppenheimer, 1984) and tobacco (Harrison et al., 2000; Bauer, Johnson, Hopkins, & Brooks, 2000; Forster, Chen, Blaine, Perry, & Toomey, 2003; Bauer et al., 2000). A general foundation for local control of potential risks to public health and safety is provided by Ashe, Jernigan, Kline, and Galaz (2003). The bottom line is that no strategy to affect the supply side of alcohol for youth will be consistently effective unless applied in practice and enforced. This enforcement is largely dependent upon the will and desire of states and communities to support such application and enforcement. Without consistent enforcement, little of the potential of the above strategies can be achieved in practice.

Price

Conceptual Definition

Price as used here simply refers to the retail price or direct monetary costs of a product. Price can be contrasted with the full costs of a product, which also include opportunity costs (e.g., effort or difficulty in finding a product) as well as monetary costs. Alcohol, as are most commodities, is price sensitive. That is, as the price increases, the demand for the alcohol declines and vice versa.

Measurement

Price elasticity refers to the percent change in consumption expected for a unit change in price. Although price is affected by other considerations as well, it most easily indexed to or measured as level of taxation (Young & Bielinska-Kwapisz, 2003).

Relationship of the Intermediate Variable to the Problem

Most studies have focused on the relation between taxation or price and alcohol consumption and related problems among youth (Grossman, Chaloupka, Saffer, & Laixuthai, 1994). It has been estimated that increasing taxation on alcohol in the US to keep pace with inflation would lead to a 19% reduction in heavy drinking by youth and a 6% reduction in high risk drinking (Laixuthai & Chaloupka, 1993). Substantial reductions in drinking and driving and alcohol-related traffic fatalities also have been associated with price or tax increases across all beverage (Saffer & Grossman, 1987a). It has been specifically estimated that increasing the price of beer (typically the preferred beverage of youth) to keep pace with inflation would reduce youth drinking by 9% and heavy drinking by 20% (Laixuthai & Chaloupka, 1993). In contrast to these studies, however, recent research has found no evidence for the effects of taxation and price on alcohol consumption and alcohol-related traffic fatalities, either among youth or in the general population (Dee, 1999; Young & Likens, 2000). Although taxation and price increases may be effective prevention strategies in some cases, price elasticities are moderated by social, environmental, and economic factors. As a result, the price sensitivity of alcohol may vary considerably across time, states, and countries, depending on drinking patterns and attitudes and on the presence of other alcohol policies. Increasing alcohol costs would reduce both violent and nonviolent crime, including damaging property, getting into fights, being a perpetrator of sexual assault, and abusing a child (Grossman & Markowitz, 2001; Markowitz, 2000; Markowitz & Grossman, 2000). Markowitz and Grossman (1998) analyzed data on violence come from the 1976 Physical Violence in American Families survey in the United States and concluded that increasing the tax on beer can reduce violence and that laws designed to make obtaining beer more difficult also may be effective in reducing violence. Ohsfeldt and Morrisey (1997) found that a $0.25 increase in beer taxes would reduce work-loss days from nonfatal injuries by 4.6 million, at an estimated savings in lost productivity by $491 million. Examining State data from 1971-1985, Chesson, Harrison, and Kassler (2000) reported that a $1.00 tax increase would reduce gonorrhea rates by 2.1%. These findings provide indirect support that price level is a factor in heavy or binge drinking and thus problem risks associated with alcohol.

More recent studies suggest that the relations between taxes on alcohol and alcohol consumption and problems may have weakened in recent years in the US, possibly because of the

implementation of the age 21 MLDA and other alcohol policies (Young & Likens, 2000). It recently has been suggested that people respond primarily to changes in the full price of alcohol, including opportunity costs (Trolldal & Ponicki, 2005). As a result, the demand for alcohol should be less sensitive to changes in price where regulation is stricter. Consistent with this hypothesis, it was found that demand for beer and spirits was less price sensitive in states with monopolies on alcohol sales and distribution than in license states where alcohol sales are privatized. Similarly, a study showed that raising either MLDA or beer taxes in isolation led to fewer youth traffic fatalities (Ponicki, Gruenewald, & LaScala, 2007). A given change in price, however, caused a larger proportional change in fatalities when the MLDA was low than when it was high. Thus, a 10% increase in price was estimated to reduce traffic fatalities among youth by 3.1% if the legal drinking age were 18, but only by 1.9% if the legal drinking age were 21. It was concluded that communities with relatively strong existing policies might expect smaller impacts on alcohol-related problems to result from the implementation of new policies than suggested by prior research, whereas communities with weak policies might expect larger benefits. In addition, although tax increases may serve as a means to raise the cost of alcohol, consumers may find means to circumvent such increases. They may switch to cheaper forms of alcohol or to cheaper brands (Treno, Gruenewald, Wood, & Ponicki, 2006).

Relationship of the Intermediate Variable to Other Variables *(none specified in model)*

Little is known about how prices relate to variables in the logic model other than consumption and problems. Conceptually, it is reasonable to assume that differences in price may relate to subjective availability of alcohol, with lower prices being associated with greater perceived availability. Price may also affect expectancies and normative beliefs. In particular, lower prices may signal greater acceptance of drinking.

Strategies

Restrictions on discount pricing and promotions. Several types of policies affect price of alcohol. One type of policy is restrictions on happy hours or price promotions (e.g., two drinks for the price of one, women drink for free). Babor, Mendelson, Greenberg, and Kuehnle (1978) found that happy hours were associated with higher consumption among both light and heavy drinkers. Although not specific to college populations, the study has clear implications for college students; many bars surrounding campuses attract students by promoting drink specials. Restrictions on happy hours can be implemented by individual outlets, campuses (if a licensed establishment is on campus), local communities (if communities are not preempted by state law) and the state. In non-licensed settings on campus where alcohol is served, event planners may want to limit the amount of free alcohol available.

Increasing excise taxes on alcohol is another type of policy that affects price. Using national samples of youth, several studies indicate that raising alcohol excise taxes may have large effects in reducing youth drinking. Higher beer taxes are associated with less frequent drinking among 16- to 21-year olds (Coate & Grossman, 1988; Grossman et al., 1994); effects of tax increases are stronger among frequent and fairly frequent drinkers than among infrequent drinkers which lends support to this strategy as a means to reduce higher risk drinking patterns among youth. Cook and Moore (1993) found that students who went to high school in states that had higher taxes and higher MLDAs were more likely to graduate from college. Using a nationally

representative sample of college students, Chaloupka and Wechsler (1996) found that indexing the federal beer tax to the rate of inflation since 1951 could lead to a 15% reduction in drinking participation among underage women, and a 17% and 21% reduction in high-risk drinking among underage women and women over 21, respectively.

Tax increases may influence not only consumption, but also other alcohol-related outcomes, and youth again appear to be more price responsive than adults in terms of these outcomes. For example, increased costs appear to reduce drinking and driving among youth more than among adults (Chaloupka, Saffer, & Grossman, 1993). Kenkel (1993) estimated that a 10% increase in alcohol price would result in 7% less drinking and driving among all men and over 8% among all women. Price effects were even greater among young men and women, however (13% and 21%, respectively). Dee (1999) and Dee and Evans (2001) reported that price increases would reduce motor vehicle accident fatalities among 18-20 year olds.

Manning, Blumberg, and Moulton (1995) reported that moderate drinkers were most price responsive, with a price elasticity of -1.19. They also found that both light and heavy drinkers had elasticities nearly equal to zero. In contrast, Chaloupka, Grossman, Becker, and Murphy (1992) found that a 10% increase in alcohol price would reduce cirrhosis mortality (i.e., reduce consumption among heavy drinkers) by an estimated 8.3% to 12.8%. Cook and Tauchen (1982) reported that a $1.00 increase in alcohol would reduce cirrhosis mortality by 5.4% to 10.8%.

Effects of tobacco and marijuana as complements to alcohol use—An important empirical question is what the effects of higher prices for alcohol on other substances of abuse, e.g., tobacco or marijuana.. Several studies have found that alcohol and tobacco, or marijuana and tobacco, are complements (i.e., use of one results in greater use of the other) (Chaloupka, Grossman, Bickel, & Saffer, 1999; Farrelly, Bray, Zarkin, & Wendling, 2001; Jimenez & Labeaga, 1994). In contrast, however, Goel and Morey (1995) reported that alcohol prices were positively related to cigarette use, implying that cigarettes and liquor are substitutes such that as alcohol price increases, then smoking increases.

Summary

The majority of alcohol price studies find that increases in alcoholic beverage prices are effective in reducing alcohol use. Many of these studies clearly show that these reductions in use are not limited to drinking by light or infrequent drinkers; significant reductions are also seen in heavy and/or frequent drinking and its consequences. In addition, studies that look at drinking by youth generally find even larger effects of taxes and prices than are found for the overall population, suggesting that increases in prices are particularly effective in reducing youth drinking and its consequences. Although a few studies produce contradictory findings, the overall weight of the evidence supporting the effectiveness of alcohol price increases in reducing alcohol use, abuse, and related problems is substantial. Alcohol taxes are thus an attractive instrument of alcohol policy as they can be used to both generate direct revenue and to reduce alcohol-related harms. The most important downside to raising alcohol taxes is the possibility of potential alternatives or substitutions to taxed alcoholic beverages, particularly in terms of illegal smuggling or illegal in-country alcohol production. The net effects of taxation and price increases, however, are the potential to reduce alcohol use and related problems among underage persons.

Visible Enforcement

Conceptual Definition

Enforcement refers to enforcing policies to decrease retail and social availability as well as youth use of alcohol through threat of sanctions. Official policies might call for arrest, prosecution, and punishment to help reduce alcohol availability and alcohol-related violations. Punishment might include fines to stores that sell alcohol to minors or stiff penalties for drinking and driving. The distinguishing characteristic of the enforcement domain is the reliance on the formal criminal justice system to implement penalties. "Informal enforcement" is also an important complement to formal mechanisms. For example, "informal enforcement" might come in the form of communities being unwilling to patronize stores that sell alcohol to minors.

Measurement

A number of alternative measurement possibilities exist:

Enforcement of youth access/alcohol sales laws—Compliance checks, sometimes called "decoy" or "sting" programs, involve the use of underage buyers working as confederates of law enforcement agents to test alcohol retailers' practices concerning alcohol sales to minors.

Enforcement of laws prohibiting third-party provision of alcohol to minors—Shoulder tap programs utilize underage adolescents who, working as confederates of local law enforcement, invite adults outside retail outlets to buy alcohol for them, in return for a financial incentive or an offer to share with them some of the alcohol purchased.

Party Patrols Results--Party patrols use law enforcement officers to (a) enforce laws prohibiting adult provision of alcohol to minors and underage drinking at private parties and (b) disrupt one of the highest risk settings for alcohol availability and misuse, i.e., private drinking parties by conducting weekend patrols of areas known to be regular drinking locations. Party patrols increase law enforcement's responsiveness to reports of teenage drinking parties by community members.

Youth Surveys: Perceived Enforcement of Underage Drinking Laws. In addition to actual enforcement efforts, youths' perceptions of the risks of detection and punishment for alcohol violations may be measured. Assessments may be obtained of the perceived likelihood of (a) police breaking up a party where youth are drinking, (b) getting caught by police at a party where youth are drinking, (c) getting caught by police when trying to purchase alcohol, and (d) having ID checked when trying to purchase alcohol. Source: Student Survey and the PIRE/OJJDP.

Students can be asked how likely or unlikely it is that (a) they will be asked for their ID if they try to purchase alcohol, (b) they will be caught by police if they try to purchase alcohol, (c) police will break up a party where youth are drinking, and (d) they will be caught by police if they are at a party where youth are drinking. A similar item from the OHT asks students whether a "kid their age" drinking in their neighborhood would get caught by the police (C16g).

Relationship of the Intermediate Variable to the Problem

Visible enforcement against sales to underage persons has been shown to be associated with reductions in such sales (See Grube [1997b] and Wagenaar, Toomey, and Erickson [2005b, 2005c].) Young drinkers may be particularly adept at identifying outlets that continue to sell to minors despite enforcement efforts or may shift to alternative social sources for alcohol. Dent, Grube, and Biglan (2005) found that stronger enforcement of minor in possession laws, as indexed by the student's average perceived level of enforcement in the community, was significantly related to lower levels in the communities' general frequency of use and binge drinking but not levels of drinking in school or drinking and driving/riding with a drinking driver. Community level enforcement of minor in possession laws was a deterrent for individuals' use of commercial sources to drink in school or to drink and drive. It also deterred the use of friends under 21 for binge drinking, use in general, and the use of parent sources for drinking and driving. On the other hand, communities with higher MIP enforcement also tended to have more reliance on taking alcohol from home without permission for binge drinking, use in general, and more frequent use of friends over 21 as a source while driving.

Support for the importance of reducing retail access to alcohol can be obtained from the literature on tobacco control. Most notably, a recent randomized community trial suggests that increasing retailer compliance with age identification for underage tobacco sales not only reduced tobacco sales to minors and youth smoking, but also underage drinking (Biglan, Ary, Smolkowski, Duncan, & Black, 2000). Enforcement of laws prohibiting sales to intoxicated patrons can also be effective. Thus, McKnight and Streff (1994) found a rise in refusals of service to "pseudo-patrons" simulating intoxication, and a decline in the percentage of drunk drivers coming from bars and restaurants following increased enforcement of laws prohibiting sales to intoxicated patrons.

The review of published research concerning minimum drinking age and youth consumption by Wagenaar and Toomey (2002) found a significant inverse relationship between the legal age and alcohol consumption. However, the limited degree to which age 21 policies have been implemented is also shown in several enforcement studies. Such studies have consistently found very low levels of enforcement of the age-21 policy. Enforcement actions against those selling or providing alcohol to minors is particularly rare (Wagenaar & Wolfson, 1994). In general, studies of the effects of increased enforcement show it to be a highly effective means to reduce alcohol sales to minors. Increased enforcement — specifically compliance checks on retail alcohol outlets — typically cuts rates of sales to minors by at least half (Preusser, Williams, & Weinstein, 1994 Lewis et al., 1996; Grube, 1997b). The extent to which visible enforcement of alcohol sales or service to underage persons translates into specific decreases in underage drinking is not as well documented by research studies. However, if lower retail sales to youth are associated with lower consumption, and higher enforcement is associated with lower youth sales, then the association of level of enforcement to youth drinking can be inferred.

Relationship of the Intermediate Variable to Other Variables

Enforcement to Retail Availability—Even with minimum drinking age limits, minors can often purchase alcohol with little difficulty. Increasing enforcement against retailers who sell to minors, however, can have an impact. Importantly research shows that even moderate increases in enforcement can reduce sales of alcohol to minors by as much as 35% to 40%, especially when combined with strategic media advocacy and other community and policy activities Grube (1997b) found that enforcement of sales laws coupled with media coverage produced a net reduction in sales to minors of 20 to 25%. In a study in New Orleans, enforcement of underage sales laws increased compliance with alcohol sales laws from 11% to 39% (Scribner & Cohen, 2001). The greatest gains in compliance occurred among those retailers who had been cited (51%), but substantial gains were also seen for those not cited (35%).

Enforcement to Social Availability—The relationship of enforcement of social availability of alcohol to underage persons to underage drinking is not as well documented as retail availability. Dent, Grube, and Biglan (2005) found that higher minor-in-possession (MIP) enforcement in the community can increase the use of taking alcohol from home without permission for binge and general drinking, perhaps because youth simply drink at home if they feel they would be caught outside the home. The negative interaction between use of parent sources (with or without permission) for drinking and driving does appear to be reduced in stricter MIP-enforced communities below already infrequent overall levels, perhaps because of the wider message it sends parents regarding the unacceptability of providing alcohol to their children, especially if they are going to be driving or riding in vehicles. Cohen et al. (2001) concluded that beer consumption as the primary beverage of choice of underage drinkers was found to be a potential factor in traffic fatalities and that existence of a beer keg registration law as part of an overall local approach to restricting alcohol availability was associated with reduced traffic fatalities. See Social Availability.

Strategies

Enforcement of youth access/alcohol sales laws. Dent, Grube, and Biglan (2005) concluded that communities with high levels of enforcement of minimum age of drinking tended to have lower community levels of binge drinking and drinking in general. These effects are consistent with the notion that perceived negative consequences (being caught by the police), if broad and severe enough, could be a deterrent to behavior. Enforcement interacted with source usage. Use of sources under the age of 21 for binge drinking and general alcohol use was curtailed in communities with high enforcement, as could be expected when possession by those under 21 is restricted. Use of commercial sources was also curtailed in communities with high enforcement of minimum age laws for in-school drinking and drinking while driving.

Compliance Checks—Compliance checks are the systematic checking by law enforcement of whether a licensed establishment actually sales alcohol to underage persons or "underage looking persons". Studies indicate regular compliance checks substantially reduce illegal alcohol sales (Grube, 1997b; Preusser et al., 1994), a result well established in literature on tobacco sales to teens (Difranza, Carlson, & Caisse, 1992; Hinds, 1992; Hoppock & Houston, 1990). Studies of enforcement effects show that enforcement has reduced sales to youth (Preusser et al., 1994;

Lewis et al., 1996; Scribner & Cohen, 2001). There is some evidence that enforcement primarily affects the specific establishments targeted in compliance checks with limited diffusion and that any effects on sales may decay relatively quickly (Wagenaar et al., 2005b, 2005c).

Nationally, however, weak enforcement appears to be more the norm, with the result being that youth appear to have readily available access to alcohol (Jones-Webb et al., 1997b; Radecki & Strohl, 1991; Wagenaar et al., 1993). Forster et al. (1995) reported the results of an enforcement program conducted in 24 communities in Minnesota and Wisconsin. They found that buyers who were 21 years of age but looked underage were successful in buying alcohol about 50% of the time. Off-sale purchases were more successful if the clerks were male and the store was located in a residential area or mall. On-sale buys were more successful if the server looked under age 30, if the firm was a restaurant/bar combination as opposed to bar alone, and if warning signs were posted (likely because signs may have substituted for more substantive merchant educational programs). Wagenaar and Wolfson (1994) found that, without adequate penalties, attempts to reduce underage retail sales were likely to be ineffective. Wagenaar and Wolfson (1994) reported that only 2 of every 1,000 occurrences of underage drinking resulted in arrest.

A recent study in Louisiana, (Cohen, Mason, & Scribner, 2002) used a repeated intervention design of a random sample of off sale alcohol outlets in New Orleans. The intervention was a compliance check carried out by the Louisiana Department of Beverage Control (ABC) and involved the use of "underage looking youth" who ranged from 17 to 22 to attempt to purchase alcohol in licensed outlets. At baseline on, 11.2% of outlets were compliant. Two months after the intervention, the level of compliance had increased to 39.9%. At 8 months after the intervention, there was a residual level of compliance even without any further media coverage.

Random Breath Testing. Random Breath Testing (RBT) involves extensive and continuous random stops of drivers who are required to take a breath test to establish their blood alcohol level. Tests of RBT in Australia (Homel, 1986, 1990), Canada (Mercer, 1985) and Great Britain (Ross, 1988a , 1988b) indicate that they reduce car crashes. For example, in Australia, RBT resulted in a 24% reduction in night-time crashes, especially in metropolitan areas (e.g., Cameron, Cavallo, & Sullivan, 1992; Cameron, Diamantopolou, Mullan, Dyte, & Gantzer, 1997; Drummond, Sullivan, & Cavallo, 1992). Both enforcement and public awareness seem to be needed for the success of these programs. Moore, Barker, Ryan, and McLean (1993) found that males and those aged under 30 years perceived it was unlikely that they would be apprehended for drinking and driving despite RBT programs. However, the perceived likelihood of apprehension increased with exposure to RBT, notably when that exposure was recent. Ross (1982) pointed out that the threat of enforcement, or public expectation that one may be stopped and arrested, has had more influence than actual enforcement. However, increased public expectations of arrest must be reinforced with actual increased enforcement to have sustained effect (Hingson, Howland, & Levenson, 1988; Vingilis & Coultes, 1990; Zador, Lund, Fields, & Weinberg, 1989).

Sobriety checkpoints., A limited version of RBT, sobriety checkpoints, are often implemented in individual U.S. states under proscribed circumstances often involving pre-notification about when and where they will be implemented. Even under these restricted circumstances there is some evidence that they reduce drinking and driving and related traffic crashes. Evaluation of a Tennessee checkpoint program (Lacey, Jones, & Smith, 1999), for example, showed a 20%

decrease in alcohol-related fatal crashes and a 6% reduction in single vehicle nighttime crashes. These effects were observable 21 months after implementation of the program. Similarly, an evaluation of checkpoint programs in four California communities indicated that they decreased alcohol-involved injury and fatal crashes by 9% to 40%, depending upon the community (Stuster & Blowers, 1995). No significant changes were observed in non-alcohol involved crashes or in a comparison community. Surprisingly, the degree of success of the programs was the same regardless of low or high staffing levels or whether mobile units or stationary checkpoints were used. Public awareness and publicity, however, were identified as important mediators of effectiveness. No studies have evaluated the effects of these strategies on youth drinking and driving but there is no reason to believe that this age group of drinking drivers would not be affected by such policies.

Per se Laws. Per se laws specify the blood-alcohol level or concentration at which a driver is considered legally impaired, (i.e., the level at which a driver can be arrested and charged with drinking and driving). The per se level has been declining in Europe, Australia, New Zealand, and North America. Reductions in the allowable levels of driver impairment have been associated with reduced crash levels (Liben, Vingilis, & Blefgen, 1987; Ross, 1982; Zador et al., 1989).

Administrative License Revocation. Laws permitting the withdrawal of driving privileges without court action have been adopted by 38 states to prevent traffic crashes caused by unsafe driving practices, including driving with a BAC over the legal limit (Hingson et al., 1996). These laws were associated with a 5%-9% decline in nighttime fatal crashes in some studies (Hingson, 1993; Zador et al., 1989). License revocation is one type of punishment that has been shown to be effective in reducing repeated incidents of drinking and driving and as a major deterrent to youthful drinkers who drive (Ross & Gilliland, 1991). This strategy, which has not been specifically evaluated for effects on youth drinking and driving, is considered to be especially relevant to youth since the possession of a driving permit is a high status and valuable possession for young people.

Graduated Licenses. Graduated licensing places special limits on new or young drivers. For example it restricts nighttime driving and/or prohibits driving with other adolescents. A graduated licensing program in Connecticut led to a 14% net reduction in crash involvement among the youngest drivers (Ulmer, Ferguson, Williams, & Preusser, 2000). Similarly, in New Zealand, a 23% reduction in car crash injuries among novice drivers was found after implementation of a graduated licensing system (Langley, Wagenaar, & Begg, 1996). In Ontario, Canada, a 25% reduction in self-reported drinking and driving was found following the introduction of graduated licensing (Mann et al., 1997). A 27% reduction in alcohol-related crashes involving new drivers was also found in that province following implementation of the program (Boase & Tasca, 1998). Among the youngest drivers (ages 16-19 years), the reduction in alcohol-related crashes was somewhat smaller (19%), but still statistically significant.

Automobile Ignition Interlock Devices. Automobile ignition interlocks are devices that prevent drivers from starting their cars if their blood alcohol level is above a preset limit. This device has been discussed as a potential means to reduce all drinking and driving but has been used in the United States primarily as a means to prevent a multiple drinking and driving offender from

starting his/her auto after drinking (Voas, 1988). As the price of these devices comes down, it could be possible to require them in cars that adolescents drive.

Random breath testing and sobriety checkpoints appear promising for reducing drinking and driving based on studies with the general population, although there is little available evidence for their effectiveness specifically with young people and the potential to impact both social and retail supply. Relatively large changes in the conditions of sale, such as increasing the form of alcohol availability, or lowering the days and hours of alcohol sale could possibly increase or decrease youth access to alcohol. Similarly, the introduction or legalization of specific beverage types appears to change beverage preferences and possibly increase consumption.

*Punishment and Sanctions*_Law enforcement officials generally believe that fines are not an effective deterrent to underage drinking for several reasons. First, parents often pay these nominal fines for the youth (Wolfson, Wagenaar, & Hornseth, 1995). Second, because the majority of teens are employed, a $50 fine, for example, is a relatively small amount of money to them (American Savings Education Council, 1999; Teenage Research Unlimited, 2001, January 25). Finally, many fines go uncollected and there is often no mechanism to collect on the debts. Unfortunately, empirical evidence regarding the effectiveness of fines in deterring underage drinking is lacking (Grube & Nygaard, 2005).

Community service is widely viewed as an effective sanction to impose on youth. Wolfson et al. (1995) recommend community service placements in locations where the youth are most likely to see the effects of alcohol abuse. Unfortunately, there is little direct evidence on the effectiveness of community service as a deterrent to underage drinking (NHTSA & NIAAA, 1999, September). In addition, one concern with imposing community service is that many communities lack the resources necessary to coordinate and supervise the community placements (Canadian Cancer Society, 2001, September).

An increasingly common response by legislatures is to suspend or revoke an offender's driver's license (NHTSA & NIAAA, 1999, September). Previously, license suspension and revocation were pursued in the context of drunk driving. However, states have expanded the grounds for which driver's licenses may be suspended or revoked to encompass underage drinking offenses that do not involve the operation of a motor vehicle (Alcohol Policy Information System (APIS), 2007). Law enforcement personnel strongly believe that the possibility of license revocation is an effective deterrent because a driver's license is important to most youth. There is some concern, however, that because the threat of detection of driving without a license is so low, youth will simply drive without a license (Canadian Cancer Society, 2001, September). However, this has not been empirically demonstrated nor has the belief that license revocation is an effective deterrent to underage drinking in general.

Another available sanction is required attendance at an educational program, typically an alcohol education program (PIRE, 1999). These specialized classes are designed to deal with alcohol-related issues and to inform youth of the consequences of their alcohol-related behavior (NHTSA & NIAAA, 1999, September). The effect of such required education programs on the drinking behavior of youth is unknown. It has been suggested, however, that imposing sanctions that are readily, easily, and cheaply applied, such as education, are likely to be more effective than responses such as incarceration (PIRE, 1989). However, it is doubtful whether education alone

will be an effective deterrent given that education-based programs have been ineffective at changing behavior in settings such as school-based substance abuse prevention programs (e.g., Gottfredson, 1997).

Some state laws require that law enforcement and schools collaborate in responding to underage drinking cases (Pacific Institute for Research and Evaluation, 1989). For example, Iowa requires law enforcement officers to notify the school of an alcohol possession violation (IOWA CODE ANN. § 123.47B [2001]). A Montana law specifies that the teen court must notify the school district when a minor is involved in teen court as a result of a substance violation (MONT. CODE ANN. § 41-5-215 [2002]). The impact of this type of collaboration has not been evaluated. However, it is arguable that such an approach provides greater monitoring of the offender and therefore may help to change behavior.

Case dispositions may include commitment to a residential facility (e.g., training schools, camps, ranches) for delinquents or status offenders (NHTSA & NIAAA, 1999, September; OJJDP, 2002). However, commitment to a residential facility is a less commonly used sanction (NHTSA & NIAAA, 1999, September). For example, the OJJDP *Statistical Briefing Book* (OJJDP, 2002) reports that 8 percent of adjudicated liquor law violation cases resulted in placing minors in a residential facility. The deterrent effect of placing youth in a residential facility for underage drinking is unknown.

Incarceration is the most severe form of sanction and appears to be used far less frequently for underage drinking offenses than other sanctions. Unfortunately, as is true of underage drinking sanctions in general, there are no data available on the impact of incarceration on underage drinking, including whether youth are aware that this is a possible sanction and, if they are aware, whether its availability deters this behavior. However, if incarceration is part of the sanctioning response, less severe but certain punishment is likely to have greater long term effects on young drivers (Yu, 2000).

As mentioned earlier, a number of sanctions are available to teen court juries. In addition to those sanctions discussed above, other sanctions include future participation as a teen court juror, in-house detention, writing a letter of apology or an extensive essay, and sanctions targeting the parent(s) of the youth (e.g., parent required to spend one hour a day with the minor) (Johnson & Rosman, 1997). Additional sanctions typically used by JDCs include imposition of or an increase in curfew conditions, an increase in frequency of court contacts, intensive probation, a lecture from the court, a loss of sobriety time, home detention, and a change of school placement (National Council of Juvenile and Family Court Judges, 2001). Although teen court and JDC programs have been subjected to some global evaluations, these various sanctions have not been evaluated and therefore it is unknown what individual deterrent effect they have on underage drinking.

Little has been written about the importance of monitoring compliance, but it appears to be critical for enhancing the deterrent effects of sanctions. In juvenile court, compliance with sanctions is usually monitored by the probation department. Probation (as a form of monitoring compliance) places youth under informal or formal supervision. Also available to courts is intensive probation, which may include biweekly visits, electronic monitoring, and unannounced

visits. Judges have wide-ranging discretion in stipulating the probation conditions (NHTSA & NIAAA, 1999, September). These conditions typically encompass many of the sanctions already discussed. For example, judges may include as a condition of probation the payment of a fine, obtaining an alcohol dependency assessment or periodic testing for alcohol use, attendance at an education program, or community service. A number of conditions can be set simultaneously by the court. Probation provides a mechanism for ensuring that these conditions are satisfied. It can also provide a means to monitor the behavior of the youth, either by regular or sporadic encounters with a probation officer, and to ensure a swift reengagement with the courts should the youth reoffender violate probation.

The effectiveness of probation to deter underage drinking has not been studied (Grube & Nygaard, 2005). Similarly, there have been no evaluations of intensive probation (NHTSA & NIAAA, 1999, September). Obtaining sufficient resources to permit ongoing monitoring of offenders by probation officers historically has been a challenge for the criminal justice system. To the extent that more resources are available to monitor the ongoing behavior of an underage drinker, this approach may have more promise in this context. Also, some youth may be more accustomed to relatively close supervision and the monitoring of their behavior in general and thus be less resistant and more responsive to periodic monitoring by probation officers.

Some communities have responded to underage drinking by making public the names of individuals involved in underage drinking incidents (Wolfson et al., 1995). For example, the Inspector General (1991) reported that Alabama issued press releases listing names of minors arrested for alcohol violations. Similarly, Michigan published the results of vendor sting operations (Inspector General, 1991). No evaluation of this approach has been conducted.

The National Highway Traffic Safety Administration (NHTSA, 1997) recommends parental notification as a response to underage drinking. For example, law enforcement officials may be required to notify a parent when a minor has been cited (i.e., no arrest occurs) for an alcohol-related violation (e.g., MICH. COMP. LAWS ANN. § 436.1703(6) [2002]). This approach has been recommended because it is believed to engage parents in addressing the problem, allows parents to handle the problem at home, and enables them to use disciplinary means that they have found effective and as they see fit, rather than interjecting the courts into an environment with which they are not familiar. No evaluations of this approach have been conducted. Moreover, evaluation of this approach probably would be difficult because the intervention takes place in the home, where outsiders would not know exactly what transpired and where situations would vary considerably from case to case.

One primary difference between JDCs and other types of courts is the emphasis of JDCs on providing incentives for positive behavior change. Incentives include promotion to a subsequent program phase, providing an award or a gift (e.g., a voucher to a local sporting event), issuing a certificate or a token acknowledging the participant's accomplishments, and receiving the judge's praise or the praise of other drug court participants. However, there have been no empirical studies of the effect of these various incentives.

Bonnie (1979) recommends that prior to enacting a law, legislators need to determine the purpose of the law and their desired goals, then craft laws that will enable them to meet those

goals. The purpose of possession, consumption, purchase, and misrepresentation laws is to protect, not punish, youth. Wolfson and Hourigan (1997) argue that it may not have been the intent of legislatures to criminalize underage drinkers (and thereby to establish a permanent criminal record for such youth), but this has been the result. Criminal penalties tend to accomplish deterrence only when punishment is sufficiently swift, certain, and severe (Zimring & Hawkins, 1973). Wolfson and Hourigan (1997) add that the assumption of legislators may have been that the mere existence of underage drinking laws would deter underage drinking and that enforcement and sanctions would not be necessary. However, there is little indication that this has occurred. But for those youth who have been apprehended and successfully prosecuted, the result may be the imposition of a criminal record with long-term implications.

Summary

Although the research is limited, there are some inferences that can be drawn about efforts to deter underage drinking. For example, all states and a number of municipalities have some type of prohibition against youth drinking, although these prohibitions vary from state to state. The nature and severity of the sanctions associated with violations of these prohibitions vary considerably across jurisdictions. It is also apparent that for a variety of reasons, enforcement of these laws is relatively sporadic and inconsistent. In addition, although all schools in this country have an alcohol policy, these policies also vary considerably.

A number of sanctions are being applied by a range of agents in conjunction with underage alcohol offenses. Fines and community service are common sanctions imposed by the legal system for underage drinking violations. Diversion programs continue to grow in popularity. Schools are likely to respond to alcohol policy violations with suspension or expulsion. Unfortunately, little is known about the effectiveness of these responses, and their imposition appears to be rarely guided by supporting empirical evidence regarding their effectiveness.

There does seem to be a general consensus that if sanctions are used, they should be just one part of a constellation of responses to underage drinking violations. Researchers and advocates are calling for comprehensive approaches to underage drinking that involve the youth, their families, and their communities. Teen courts, for example, have adopted this position. Evaluation of the effectiveness of teen courts specifically in conjunction with alcohol-related offenses is needed to test this hypothesis. The suggestion also has been made that sanctions should be aimed at helping youth rather than simply punishing them for alcohol violations. In addition, it is important to recognize that sanctions will not be equally effective for all youth. Sanctions are often used as a blunt instrument of the courts, virtually ignoring developmental differences among adolescents. However, a sanction (e.g., a fine of $100) that is perceived as particularly onerous by one youth and thus serves as an effective deterrent may be seen as trivial or as an inconvenience by another youth. In general, studies have failed to consider the developmental level, gender, ethnicity, and geographic location of the youth, all of which may be important considerations (PIRE, 1989; USDHHS, 2001).

Underage Drinking Laws

Conceptual Definition

Underage drinking and minor in possession (MIP) laws are the formal rules, regulations, and laws concerning purchase, possession, and use of alcohol by persons under a specifically defined age, uniformly 21 in the United States. States differ on the specific provisions of their own statue.

Measurement

All 50 states and the District of Columbia have a minimum legal drinking or purchase age of 21 and have zero tolerance laws for young drivers. Differences exist, however, in the details of the state laws. Measurement can document differences in ether provision of a state law, e.g., whether the law specifies 21 as a "drinking age" or as a "purchase age" or how law is implemented. The Alcohol Policy Information System (APIS), for example, can be used to obtain detailed descriptions of state level laws. Local differences in policy and implementation can be detailed through surveys of local officials.

Relationship of the Intermediate Variable to the Problem

Underage Drinking. One goal of a higher minimum legal drinking age is to reduce alcohol consumption and related harms among youth. In the 1980s, all U.S. states were required to adopt a uniform 21 minimum age for all alcoholic beverages as a requirement for receiving federal highway funds. The U.S. General Accounting Office (US GAO, 1987) reviewed 32 published research studies both before and after the law changed. The GAO concluded that there was sound scientific evidence that increasing the minimum age for purchasing alcohol reduced the number of alcohol-involved traffic crashes for those below the age of 21. These and more recent studies uniformly show that increasing the minimum drinking age significantly decreases self-reported drinking by young people, the number of fatal traffic crashes, and the number of arrests for Driving Under the Influence of Alcohol (DUI).

In the most comprehensive review to date, Wagenaar and Toomey (2002) analyzed all identified published studies on the drinking age from 1960 to 1999, a total of 132 documents. They coded eight key variables for each study. The variables included the jurisdiction (i.e., state or province) studied, specific outcome measures analyzed (e.g., self-reported drinking, car crash fatalities), and whether the study was specific to college student populations. In addition, each study was rated on three indicators of methodological quality. In 48 of the studies they reviewed, the effects of changes in the drinking age on alcohol consumption was examined, using a total of 78 alcohol consumption measures (e.g., sales figures, self-reported drinking). Of the 78 measures 45% showed that a higher legal drinking age was associated with reduced alcohol consumption among youth, while five found that a higher drinking age was associated with greater adolescent consumption.

It is clear, however, that the benefits of a higher drinking age are only realized if the law is enforced. Despite higher minimum drinking age laws, young people can and do purchase alcohol (e.g., Forster et al., 1994, 1995; Paschall et al., 2007a; Preusser & Williams, 1992; Grube, 1997b). Studies show that anywhere from 30%-90% of outlets will sell to a minor, depending on geographical location. Such sales result from low and inconsistent levels of enforcement, especially when there is little community support for underage alcohol sales enforcement (Wagenaar & Wolfson, 1994, 1995). Even moderate increases in enforcement can reduce sales of alcohol to minors by as much as 35% to 40%, especially when combined with media and other community and policy activities (Grube, 1997b; Wagenaar et al., 2000a).

There is growing evidence that alcohol availability is positively associated with drinking rates, i.e., the easier alcohol is to obtain, the more alcohol is consumed (Edwards et al., 1994). The best evidence of the effect of alcohol availability on aggregate measures of youth drinking comes from studies of the minimum drinking age in the United States. Minimum drinking ages restrict the legal availability of alcohol to youth. As many states increased their minimum drinking ages to age 21 in the late 1970s and early 1980s, significant decreases in drinking rates and drinking problems such as traffic crashes were observed among 18-20 year olds (O'Malley & Wagenaar, 1991; Wagenaar, 1993). Additional evidence come from recent studies showing compliance and MIP enforcement at the community level are related to youth consumption, problem consumption, and use of commercial sources for alcohol (Dent et al., 2005; Paschall et al., 2007b).

Impaired driving and traffic crashes. O'Malley and Wagenaar (1991) found that the minimum legal drinking age affected self-reported alcohol use among young people and reduced traffic crashes. Indeed the effect on car crashes continued well after young people reached the legal drinking age. Klepp, Schmid, and Murray (1996) found that implementation of the uniform minimum legal drinking age of 21 in the U.S. reduced the overall prevalence of drinking and driving. Saffer and Grossman (1987a, 1987b), Wagenaar (1981, 1986), and Wagenaar and Maybee (1986) indicate that raising the minimum legal drinking age from 18 to 21 years decreased single vehicle nighttime crashes involving young drivers from 11% to 16% at all levels of crash severity. Voas, Tippetts, and Fell (1999), using data from all 50 states and the District of Columbia for the years 1982 through 1997, concluded that the enactment of the uniform age 21 minimum drinking age law was responsible for a 19% net decrease in fatal crashes involving young drinking drivers after controlling for driving exposure, beer consumption, enactment of zero tolerance laws, and other relevant changes in the laws during that time.

Wagenaar and Toomey (2002) found 57 published studies that assessed the effects of changes in the legal minimum drinking age on indicators of drunk-driving and traffic crashes. A total of 102 crash outcome measures were analyzed (e.g., fatal crashes, drink-driving crashes, self-reported driving-after-drinking). Of the 102 analyses, over 50% found that raising the drinking age reduced crashes and lowering it raised the crash rate. Only two found a positive relationship between the legal drinking age and traffic crashes. Of the 95 analyses including comparison groups, more than one half? (53%) found a statistically significant effect of changing the drinking age on car crashes. It should be noted that most of these analyses (92%) employed probability samples or a complete census of the relevant population. Overall, the National

Highway Traffic Safety Administration estimates that a drinking age of 21 has prevented nearly 25,000 deaths since 1975 (National Center for Statistics and Analysis, 2007.

Other social/health problems. Wagenaar and Toomey (2002) analyzed 24 published studies that assessed the effects of changes in the legal minimum drinking age on indicators of other health and social problem outcomes such as suicide, homicide, or vandalism. Sixteen of these studies showed lower problem levels among adolescents when the drinking age was higher. When they analyzed the 23 studies of higher methodological quality, they found that 35% showed that a higher minimum drinking age was associated with lower rates of other problems. Additional scientific evidence suggests that higher minimum purchase ages has also reduced non-traffic injuries (Jones, Pieper, & Robertson, 1992; Birckmayer & Hemenway, 1999).

Their analysis of the evidence led them to conclude that, compared to a wide range of other programs and efforts to reduce drinking among high school students, college students, and other teenagers, increasing the legal age for purchase and consumption of alcohol to 21 appears to have been the most effective strategy. It is clear, however, that the benefits of a higher drinking age are only realized if the law is enforced.

Relationship of the Intermediate Variable to Other Variables

Underage Drinking Laws to Retail Availability. Enactment and enforcement of MIP laws and sales laws appears to decrease purchase. For example, Yu, Varone, and Shacket (1997) found a 70% decrease in self-reported alcohol purchase by 19- to 20-year-olds after the implementation of a minimum drinking age of 21 years in New York state.

Underage Drinking Laws to Social Availability. There is much less research on the relationship of underage drinking laws to social availability of alcohol to youth. The strength of the relationship is clearly mediated by level of actual enforcement of this law in social situations. In general, stricter enforcement of MIP laws and laws regarding provision to minors will decrease social access to alcohol by making it more difficult for minors to obtain alcohol from friends, strangers, and other adults. See Visible Enforcement to Social Availability.

Strategies

Legal (Tort) Liability Concerning Alcohol Sales and Service to Youth. Liability and administrative regulations are strategies which have the power of court or legal regulation to hold persons or establishments responsible for sale or service of alcohol to youth and the social provision of alcohol (social hosts) to youth. Tort liability concerning drinking and alcohol sale/service establishes civil penalties, usually some form of a fine or liability for civil suit, to those who are found responsible for specific types of alcohol-involved harm, including providing alcohol to minors. See discussion by Sloan, Stout, Whetten-Goldstein, and Liang (Sloan, Stout, Whetten-Goldstein, & Liang, 2000). Most tort liability provisions and court actions have been directed at licensed establishments for providing alcohol to an underage person. The rationale for establishing third party liability, rather than first party offenders, e.g., drunks or minors, includes a recognition that such parties may lack the ability to make appropriate compliance decisions (Kraakman, 1998), there are fewer third parties to regulate, third parties can be efficient monitors

of alcohol service practices, and commercial sellers are in a better financial position to render compensation. In most states, there exists the requirement that the individual must be of a specific age to be eligible to consume any alcohol which might be sold. Under these statutes, statutory liability exists for a third party, not the minor, to underage legal action. Therefore, even if a licensed establishment's sale/service of alcohol to the minor may be an illegal sale, the minor cannot establish the statutory cause of action (Mathew Bender and Co., 1998).

In a few jurisdictions, tort liability has been extended to social hosts with the rationale that social hosts do possess an ability to monitor the serving of alcohol to minors and their guests' drinking before driving. In some states, such as California, there are strict limits on social host liability but courts are increasingly finding ways around these limits. For example, in 1995 New Hampshire recognized a common-law cause of action for social host liability and a North Carolina court in 1992 recognized a cause of action for a social host who serviced a visibly intoxicated guest. In a 1999 case in Georgia there was a suit against a 16-year-old boy and his parents who served alcohol in their home to a 15-year-old girl. The parents were not held liable since they were not home at the time and there was no evidence that they had previously provided beer to their son or his friends. However, the boy was held liable, even though he himself was a minor, and it was of no consequence that the girl willing drank the alcohol for under the Georgia legal code the from legal licensed establishments are responsible for the consequences of their own drinking. State legislatures and the courts under dram shop liability have established that providing alcohol to an obviously intoxicated person or in amounts which obviously lead to impairment can be grounds for a civil suit and possible damages. The use of dram shop liability has been advanced as a potential tool to deter sellers and social hosts from irresponsible selling or provision of alcohol. This is discussed in Mosher (1984) and Holder et al. (1993). Much of the research concerning the effects of tort liability in general, and dram shop liability in particular, has focused on intoxicated persons, who subsequently are involved in some type of traffic crash. However, since selling or serving alcohol to persons under the legal drinking age can also be grounds for liability in many states, this also becomes a part of the possible prevention strategies to reduce alcohol service and sales to youth, especially when an intoxicated minor is involved in a traffic crash. In addition, youth are more likely than older people to be driving while impaired by alcohol (Gruenewald et al., 1996).

Tort liability has several features which support its place as a prevention strategy. The argument for tort liability concerning youth drinking is that the threat of possible monetary damage for inflicting harm on another while the youth is impaired by alcohol. If those who provide alcohol to youth subsequently injure others are liable for damages, this can deter, so the argument goes, those who would provide alcohol to youth.

Sloan et al. (2000) analyzed traffic fatalities across all states and examined the potential effect of a number of factors on fatalities over time and across states. They examined in particular the effect of tort liability on commercial servers for selling alcohol to underage drinkers. They found that imposing such tort liability on commercial services resulted in reduced fatality rates for those drivers under 21 years old (actually 15 to 20) controlling for other dependent variables. This is a single cross sectional and time series study which demonstrates the potential of tort liability about selling alcohol to persons under 21 years of age. Even though a single study, the use of data from all 50 states across time increases the strength of the conclusion of the import of the findings. The only issue for replication concerns the selection of other intervening and

explanatory variables not included by these authors. This study did not include a variable for the existence of social host liability.

Zero Tolerance Laws. Zero tolerance laws set lower BAC limits for underage drivers and/or create a risk of loss of license when an underage youth has been found to be drinking, even if the youth was not driving. Usually this limit is set at the minimum that can be reliably detected by breath testing equipment (i.e., .01-.02 blood alcohol level). Zero tolerance laws also commonly invoke other penalties such as automatic license revocation. An analysis of the effect of zero-tolerance laws in the first 12 states enacting them found a 20% relative reduction in the proportion of single vehicle nighttime (SVN) fatal crashes among drivers under 21, compared with nearby states that did not pass zero-tolerance laws (Hingson, Heeren, & Winter, 1994; Martin, Grube, Voas, Baker, & Hingson, 1996). Zwerling and Jones (1999) reviewed six studies of the impact of zero tolerance. All studies showed that the policy reduced injuries and crashes attributed to youthful drivers. In three of the studies, however, the reductions were not statistically significant, possibly because of a lack of statistical power. More recent empirical studies have provided additional evidence for the effectiveness of zero tolerance laws. Thus, a study of all 50 states and the District of Columbia in the U.S. found a net decrease of 24% in the number of young drivers with positive BACs as a result of the implementation of zero tolerance laws (Voas et al., 1999). Similarly, a 19% reduction in self-reported driving after any drinking and a 24% reduction in driving after five or more drinks was found using Monitoring the Future survey data from 30 states (Wagenaar et al., 2001). Differences in enforcement of zero tolerance laws have been identified as a key issue in understanding why some programs are less successful than others (Ferguson, Fields, & Voas, 2000), as has lack of awareness on the part of young people (Balmforth, 1998; Hingson et al., 1994). The use of media campaigns to increase young peoples' awareness of reduced BAC limits and of enforcement efforts can significantly increase the effectiveness of zero tolerance laws (Blomberg, 1992).

Effective enforcement and awareness of the laws among young people have been identified as key factors in the success of zero tolerance laws (Ferguson et al., 2000; Voas, Lange, & Tippetts, 1998). Impediments to the enforcement of these laws include (a) requiring that zero tolerance citations be supported by evidential BAC testing, (b) undue costs to police (e.g., paperwork, time, court appearances), and (c) lack of behavioral cues for stopping young drivers at very low BACs. It has been suggested that the most effective zero tolerance laws include passive breath testing, are implemented in combination with DUI checkpoints or random breath testing, and involve streamlined administrative procedures (Ferguson et al., 2000). Using media to increase young peoples' awareness of reduced BAC limits and of enforcement efforts may also increase the effectiveness of zero tolerance laws.

Community Norms about Youth Drinking

Conceptual Definition

Community Norms refer to level of local approval or disapproval of youth drinking by adults other than their parents in the broader community. Community norms also refer to or be influenced by perceptions of youth drinking by these others.

Norms and values can be defined as informal social rules or proscriptions defining acceptable and unacceptable behavior within a social group, organization or larger community. Norms reflect general attitudes about substance use and societal expectations regarding the levels and types of consumption considered acceptable. What is considered acceptable behavior may vary according to the location (e.g., by country or region within a particular country), occasion (e.g. at a bar, a party or at home) and across demographic subgroups (e.g., by gender, race or ethnicity).

Measurement

Community norms can be measured by asking students about the level of alcohol use by adults other than own parents in their neighborhood and the extent to which these adults would approve or disapprove of drinking by young people. Specifically, C17b from the Oregon Healthy Teens (OHT) survey asks students how wrong adults living in their neighborhood believe it would be for "kids their age" to drink alcohol and CN-5 from the PIRE/OJJDP survey asks how wrong they think these adults believe it is for young people to get drunk (very wrong—not at all wrong). Item C15d from the OHT asks students how many adults (over 21) they have known personally who in the past year have gotten drunk or high, with five possible responses ranging from "none" to "5 or more."

Community norms can be measured in a variety of ways:
--Youth perceived level of alcohol use by adults they know other than own parents
--Youth perceived approval/disapproval of teen alcohol use by adults they know;
--Youth perceptions of how wrong adults in neighborhood think it is for young people to drink, and
--Youth perceptions of how wrong adults in neighborhood think it is for young people to get drunk. Source: Student Survey.

Relationship of the Intermediate Variable to the Problem

In an early empirical study, Larson and Abu-Baban (1968) found that consumption increases or decreases depending on the extent of norms proscribing drinking or consumption limits. In general, where drinking is more accepted it is natural to assume that drinking (in general) will be more widespread and average consumption is higher. The acceptability of drinking also has an important influence on drinking pattern. For example, the more prominent drinking is in a community, the lower the abstinence rates are likely to be. The percentage of population that abstains is dependent in part on the relative importance of drinking in the community. While underage drinking is certainly influenced by general community norms, there is limited research

on the specific empirical relationship of overall community norms about drinking in general and to the level of underage drinking. Thus it is reasonable to think about community norms in two parts: (a) general acceptability of drinking and (b) the specific acceptability (or concern) about underage or youth drinking. Most surveys of public opinion find high concern about underage drinking and thus support for underage drinking laws (Wagenaar et al., 2000a). It is not clear from empirical research exactly how community norms from the general population about drinking specifically affect underage drinking. That is, are changes in the general acceptability of drinking in a community also related to reduced acceptability of underage drinking?

It is the second aspect of community norms which may be of most import to underage drinking and that is using community concern about underage drinking as a foundation for support of strategies designed to reduce underage drinking. Such support has been frequently noted as a key ingredient of effective community underage drinking prevention. See Wagenaar et al. (2000a) and Holder and Treno (1997).

Relationship of the Intermediate Variable to Other Variables

Community Norms to Law Enforcement Community norms can either support or hinder enforcement of underage drinking and possession laws (Little & Bishop, 1998). Parents can plead with law enforcement officials, prosecutors, or judges to be lenient with their child to avoid a permanent record, arguing, "We did this when we were young" (Wolfson et al., 1995). Similarly, there can be considerable public indifference to underage drinking and related laws (NHTSA & NIAAA, 1999, September). Generally, society may not concerned with youth drinking at parties, as opposed to youth drinking and driving, presumably because the consequences are perceived to be less serious (Little & Bishop, 1998). Yet in the past decade, there has been much more attention to underage drinking laws and their enforcement, especially at the local level. See Wagenaar et al (Wagenaar et al., 2000a). The theoretical foundation of this relationship is that when norms are concerned about underage drinking there is greater support for the enforcement of existing laws about youth possession, purchase, and drinking of alcohol.

Community Norms to Social Availability. It can be hypothesized that community norms that are less supportive of underage drinking will be related to lower social availability of alcohol.

Community Norms to Drinking Beliefs & Expectancies It can be theoretically postulated that community norms that are less accepting of underage drinking will be associated with less support of drinking by youth and thus less supportive drinking beliefs by youth.

Community Norms to School Influence. It is postulated that community norms which are less accepting of underage drinking will be related to stricter school policies and more consistent enforcement of these school policies. However, there is little empirical evidence of this effect of norms to social policies.

Strategies

Strategies directed at community norms and prevention of underage drinking have primarily been directed at public support of actions to reduce access of alcohol to youth and thus

reductions in underage drinking. There are no examples of strategies which have attempted to change the general acceptability of drinking across all ages as a means to reduce underage drinking specifically. Thus, it is proposed that community norms regarding underage drinking will, in part, affect the extent to which underage drinking and possession laws and laws regarding provision of alcohol to minors will be implemented and enforced. An evaluation of the Reducing Underage Drinking through coalitions (RUD) project funded ten states for 8 years to form coalitions designed to change the policy and normative environment regarding youth access to alcohol (Wagenaar, Erickson, Harwood, & O'Malley, 2006). Measures included print news media coverage, legislative bills enacted, youth drinking behavior, and youth alcohol-related driving behaviors and traffic crash mortality. Significant differences in slopes between treatment and comparison states were found for several outcome measures, particularly in the more-proximal outcome domains. Across all outcome domains, the pattern of effects was in the direction of positive effects of the RUD coalitions, although for most individual measures the differences were not statistically significant.

Strategic use of media can play a key role in building community norms around alcohol issues. Results from the Community Trials Project (Holder & Treno, 1997) indicate that: (a) training in media advocacy can increase coverage of news events generated by local community members including volunteers, (b) increased news coverage can be generated for both electronic (television) and print media, (c) increased news coverage did focus public attention on specific issues in support of prevention components, (d) while there are differential audiences/readers for the print (newspaper) and electronic (TV) media, both audiences are affected, and (e) media advocacy can be more effective than a paid public information campaign in increasing public awareness of alcohol issues. Community participation and mobilization are important complements to formal enforcement efforts because inadequate community support for such interventions may serve to reduce resources dedicated to enforcement (Wagenaar & Wolfson, 1994, 1995). Lewis et al. (1996) found that enforcement implemented through a community coalition could be just as effective in reducing youth access to alcohol as more traditional enforcement mechanisms. In their study, liquor stores under citizens' surveillance showed a reduction in underage sales, from 83% to 33%, compared to a decrease from 45% to 36% in control sites.

Alcohol Promotion

Conceptual Definition

Retailers attempt to increase demand through the advertising and promotion of their products. The purpose of advertising and promotion is to increase the attractiveness of drinking by creating an image favorable to consumption of these substances. Advertising and promotion are designed to recruit new users and to retain old users. The effects of alcohol advertising and promotion are largely mediated through drinking beliefs, affecting attitudes and individuals' decisions regarding whether to drink, when to drink, and how much to drink. Promotion also influences the cultural and social context of drinking, potentially altering the perceived legitimacy of social drinking, including normalizing drinking and the integration of alcohol use into everyday life.

Measurement

General mass media advertising—this has been measured by (a) amount of dollars paid for general alcohol advertising or (b) the amount of time or space purchased for alcohol advertising. There appears to be no consistent measure of general advertising specifically targeted to youth drinking.

Content Analyses of Advertising—This measurement involving coding the amount (time or inches) of general advertising about alcohol and/or the coding of advertising which is judged (by pre-established criteria) to appeal to youth drinkers. See Strickland, Finn, and Lambert (1982), Finn and Strickland (1982), Austin and Hust (2005), and Grube and Waiters (2005) for information about content coding of alcohol advertising.

Billboard Advertising—the number, placement and size of billboard advertising of alcohol has been used in some communities as a measure of extent of local alcohol advertising. See Pasch, Komro, Perry, Hearst, and Farbakhsh (2007) for information on approaches to documenting the location and content of local billboards involving alcohol where all outdoor advertisements within 1,500 feet of public schools were documented and coded for content and theme.

Point-of-Purchase Advertising or Promotion—Where permitted by regulation, retailers and producers/wholesales place advertising or promotional materials or signs. The presence/absence or placement (at the point of service or sales or at the table in a bar or restaurant) are alternative means to measure advertising which is closely associated with actual sales or service of alcohol.

Relationship of the Intermediate Variable to the Problem

Each year, the alcohol industry in the United States spends more than a billion U.S. dollars on "measured media" advertising, that is, television, radio, print, and outdoor ads. See http://www.ftc.gov/reports/alcohol/appendixb.htm The available evidence indicates that more than 300 wine brands, 350 beer brands, and 1,400 distilled spirits brands are marketed in the U.S., but fewer than a quarter of them are advertised through measured media each year.

Promotion of alcohol occurs in many alternative forms of promotion beyond purchased mass media advertising space or time including sponsorship of cultural events, product placements in movies and TV show, point of sale advertising, and price promotions, etc.In its special report to the Federal Trade Commission one alcohol industry member estimated that during the course of a year, its advertising for a single mid-sized brand would reach 88 percent of adults an average frequency of 12 times -- more often in large markets.

While precise figures are not available, special reports to the United States Federal Trade Commission suggest that total expenditures to promote alcohol may be three or more times its expenditures shown in measured media advertising alone. Even for heavily advertised brands, measured media advertising typically accounts for only one third to one half of total promotional expenditures and obviously many alcoholic brands do not use measured media at all. A wide array of alternative forms of alcohol promotion beyond purchased mass advertising used by the industry include:

- sponsorship of cultural, musical, and sporting events;
- Internet advertising;
- point-of-sale materials, including window and interior displays at retail outlets, bars, and restaurants;
- distribution of brand-logoed items such as t-shirts, hats, watches, and glassware;
- product placements in movies and TV shows;
- catalogs and other direct mail communications;
- price promotions such as sales, coupons, and rebates; and
- trade promotions directed at wholesalers and retailers.

Jernigen, Ostroff, and Ross (2005) combined occurrence and audience data to calculate youth (aged 12–20 years) and adult (above the United States legal drinking age of 21 years) exposure to alcohol advertising on television and radio, in magazines and on the Internet. Their research in the United States shows that alcohol companies have placed significant amounts of advertising where youth are more likely per capita to be exposed to it than adults. These data are updated in Center for Alcohol Marketing and Youth (2007). This is reflected in the work of Hastings, Anderson, Cooke, and Gordon (2005) who also reviewed the published research on advertising and promotion of alcohol and concluded that most econometric studies provide little evidence of an aggregate effect on consumption, and little or no information about the effect on the drinking of youth and young people. Instead, Hastings et al. (2005) conclude that consumer studies which examine the effect of advertising on subgroups of consumers overcome the deficiency of large macro-studies and do suggest that there is a link between advertising and young people's drinking knowledge, attitudes and behavior.

Markowitz and Grossman (1998) concluded that restrictions on alcohol advertising and increases in illegal drug prices have no effects on violence. Snyder, Milici, Slater, Sun, and Strizhakova (2006) in a study to test whether alcohol advertising expenditures and the degree of exposure to alcohol advertisements affect alcohol consumption by youth found that youth who saw more alcohol advertisements on average drank more (each additional advertisement seen increased the number of drinks consumed by 1% [event rate ratio, 1.01; 95% confidence interval, 1.01-1.02]). The study also found that youth in markets with greater alcohol advertising expenditures drank

more (each additional dollar spent per capita raised the number of drinks consumed by 3% [event rate ratio, 1.03; 95% confidence interval, 1.01-1.05]).

Research suggests that there is high recall of alcohol advertising among youth (e.g., Lieberman & Orlandi, 1987). This is not surprising because many advertisements are of high production value and use a combination of fast action, popular music, provocative imagery and humor. Nevertheless, the association between recall of number of advertisements seen on the one hand, and drinking status or behaviors on the other, does not necessarily signify a causal connection.

A longitudinal study in New Zealand examined the association between recall of mass media messages about alcohol at ages 13 and 15 and drinking at age 18 (Connolly, Casswell, Zhang, & Silva, 1994). Among both males and females, consumption of wine and spirits at age 18 was not predicted by recall of commercial advertisements. For males however, the number of advertisements recalled at age 15 was significantly and positively associated with both average and maximum amounts of beer consumed at age 18. For females, the number of advertisements recalled at age 13 was significantly and negatively related to the frequency of beer consumption at age 18. Further analysis indicated that liking advertising at age 18 predicted heavier drinking and more alcohol-related problems at age 21 (Casswell & Zhang, 1998).

Kuo, Weschler, Greenberg, and Lee (2003) provided compelling evidence linking price and promotions to problem drinking among college students. They analyzed the 2001 College Alcohol Study, which surveyed over 10,000 college students, as well as 830 on-premise and 1,684 off-premise venues at 118 colleges. Results showed that low price and heavy advertising and promotional activities were associated with increased heavy drinking among college students and with total number of drinks consumed. Researchers have found that alcohol advertising is disproportionately concentrated in low-income minority neighborhoods (Pasch et al., 2007) One study found that minority neighborhoods in Chicago have on average seven times the number of billboards advertising alcohol as do Caucasian neighborhoods (Hackbarth, Silvestri, & Casper, 1995). The researchers concluded that "Such concentration of alcohol advertising and availability likely translates into increased problems associated with alcohol use in these communities." A similar observation is found in Alaniz (1998). Pasch et al. (2007) studied the effects of alcohol advertising on billboards and window displays on pre-teens and early teens in the vicinity of 63 Chicago schools. They found that children living in areas with large numbers of alcohol ads on billboards, storefronts, bus stops and elsewhere are more likely to look favorably on drinking and had higher expressed intentions to drink.

Other studies examined the extent of advertising, the times and type of television programming that youth tend to watch and thus the implicit "targeting" of some advertising (Hill & Casswell, 2001). Measures to control advertising have been developed, at times as part of broader campaigns focusing on promotion in general. These efforts include ensuring compliance with reasonably stringent advertising codes of practice (e.g., California Wine Institute, 2005), campaigning to remove specific advertising (e.g., Woodruff, 1996), and advocating restricted hours for television ads or locations of billboards—e.g., away from schools. Other initiatives involve working with scriptwriters to give a more balanced portrayal of drinking in the mass media (Wallack, Dorfman, Jernigan, & Themba, 1993), seeking to curtail association between child-oriented events and advertising (e.g., Halloween and beer paraphernalia), and enacting

warning messages and counter-advertising campaigns (Giesbrecht, Johnson, Anglin, Kavanagh, & Greenfield, 1998; Greenfield, Graves, & Kaskutas, 1999).

Point of Purchase Promotion to Underage Drinking. Although the exact relation is unknown, greater promotion may decrease price by increasing competition. This especially appears to be the case for local advertising. Price may then mediate the effects of promotion on consumption. In a study of college communities, for example, it was found that alcohol specials, promotions, and advertisements were prevalent in the alcohol outlets around the campuses. Low sale prices and frequent promotions and advertisements were associated with higher binge drinking rates (Kuo et al., 2003). Harwood et al. (2003) found that community, neighborhood and private grocery store characteristics were related to beer price; however, only community and store characteristics were predictive of beer promotions. They concluded that pricing and promotion of beer varies systematically by some characteristics of communities, neighborhoods, and stores, but not significantly by the number of young people populating a neighborhood.

Snyder et al. (2006) found that restrictions on point-of-purchase price advertising at liquor stores reduced the probability of drinking and driving among all drinkers and with price advertising, prices may be expected to fall, thereby leading to increases in over all consumption. They found that drinkers who lived in states permitting grocery stores to sell beer and wine had a significantly higher probability of drinking and driving and they concluded that that advertising and availability of alcohol promote drinking.

Ellickson, Collins, Hambarsoomians, and McCaffrey (2005) examined the relationship between exposure to different forms of alcohol advertising and subsequent drinking among US adolescents. They found that for seventh-grade non-drinkers, exposure to in-store beer displays predicted drinking onset by grade 9; for seventh-grade drinkers, exposure to magazines with alcohol advertisements and to beer concession stands at sports or music events predicted frequency of grade 9 drinking, These research findings are reflected in sales information that 74% of all beer sales in the U.S. are in retail establishments, led by convenience stores and gas stations and that young adults (aged 21-27) are most likely to purchase beer in package and convenience stores. (Miller Brewing Company, 1997), and that 75% of teens shop at convenience or convenience/gas stores weekly (Point of Purchase Advertising Institute, 1992).

Bray, Loomis, and Engelen (2007) investigated the association between beer product characteristics (type, package size, and brand name), market-area socioeconomic characteristics, and promoted sales of beer in grocery stores. Using supermarket scanner data from 64 market areas across the United States over 5 years they found that large-volume product containers, such as 144-oz and 288-oz packages, are more likely to be promoted than smaller package sizes. The researchers noted that marketing research has shown in-store merchandising and promotions to substantially increase beer sales and that purchasing large package sizes may increase total consumption.

Relationship of the Intermediate Variable to Other Variables

Alcohol Promotion to Drinking Beliefs and Expectancies--Expectancies related to the effects of alcohol and intentions to drink can also be influenced by advertising. For example, Lipsitz, Brake, Vincent, and Winters (1993) found fifth and sixth grader students exposed to television commercials had more positive expectations of the consequences of drinking. Among pre-adolescents, Austin and Meili (1994) found that children's intentions to drink were predicted by their perception of alcohol-related behavior in the home environment, their interpretation of TV messages, their desire to be like the television characters who drink, and their expectancies that drinking brings rewards. Grube and Wallack (1994) reported that fifth and sixth graders' awareness of beer advertising on television was related to more favorable beliefs about drinking, greater knowledge of brands and slogans, and increased intention to drink as an adult.

Research examining the potential effects of exposure to drinking on television on young people's drinking beliefs and behaviors have concluded that the evidence for the effects of alcohol advertising on drinking beliefs and behaviors is limited at best (e.g., Atkin, 1995; Calfee & Scheraga, 1994; Fisher, 1993; Nelson & Young, 2001; Nelson, 1999). Generally speaking, correlational studies have found small, but statistically significant, relations between television viewing and alcohol-related beliefs and behaviors. Thus, Tucker (1985) found that high school boys who were heavier television viewers drank more than lighter viewers. Similarly, Neuendorf (1985) reported that television viewing was related to beliefs about drinking among 10- to 14-year-old adolescents: Heavier viewers were more likely than lighter viewers to agree that people who drink are happy and you have to drink to have fun at a sporting event. More recently, in a prospective study of 1,533 ninth-grade students, it was found that television viewing was related to initiation of drinking over an 18-month period (Robinson, Chen, & Killen, 1998). Snyder and her colleagues (2006) found that youth in markets with greater alcohol advertising expenditures drank more, with each additional dollar spent per capita raising the number of drinks consumed by 3%. Coulson, Moran, and Nelson (2001) report a series of analyses using quarterly advertising expenditures, taking into account the relative audience reach of different media types. Some significant effects of alcohol advertising were found, although they were quite small. Thus, spirits advertising had a positive effect on spirits consumption one quarter (3 months) later, and a contemporaneous positive effect on wine consumption. Wine advertising, however, had a negative effect on spirits consumption after one quarter and a positive contemporaneous effect on wine consumption. It was concluded that the effects of alcohol advertising on overall consumption were negligible.

Similar results have been reported for advertising expenditures on per capita alcohol consumption in Ontario, Canada (Larivière, Larue, & Chalfant, 2000). Although the results were unstable and varied considerably depending on model specification, they suggested that spirits consumption was positively related to advertising expenditures, whereas beer and wine consumption were negatively related to advertising expenditures. They concluded that advertising effects were subtle, may vary by beverage, and probably affect brand or product allocation, rather than overall consumption. Although significant positive relations were found between TV viewing of alcohol advertising and self-reported involvement in risky behaviors for specific genres (e.g., cartoons), the results were inconsistent across genres and no effect was

found for overall TV viewing. These correlational studies suffer from potentially serious conceptual and methodological problems.

In addition to the correlational studies, the influence of televised portrayals of drinking on young people has been addressed in experimental studies (Kotch, Coulter, & Lipsitz, 1986; Rychtarik, Fairbank, Allen, Foy, & Drabman, 1983). In both of these studies, children who were shown videotaped segments from popular television series containing drinking scenes expressed more favorable attitudes and beliefs about drinking than did children exposed to similar segments without drinking. In one case (Kotch et al., 1986) significant effects were found for boys but not girls, and then only for a few of the measures of alcohol beliefs that were obtained. Although these studies are suggestive, they are problematic. The effects were small and selective, and the experimental situation simply cannot provide a parallel to the real world where exposure occurs more or less regularly over relatively long periods of time. In sum, the available evidence regarding the influence of televised alcohol portrayals on young people is inconclusive, at best.

Studies on the effects on youth of exposure to depictions of drinking in films are rare. In one study (Bahk, 2001), college students were exposed to one of two versions of *A Star Is Born*, one of which depicted negative consequences of drinking for the lead character (e.g., performing poorly at a concert, fighting, dying in a drinking-related crash) and the other with the negative consequences edited out, leaving primarily positive consequences. The results indicated that viewing the positive consequences version, relative to the negative consequences version, led to more favorable attitudes toward drinking and to stronger intentions to drink. The effects were strongest for attitudes toward drinking for tension reduction and amusement and intentions to drink for stress management. In a similar study (Kulick & Rosenberg, 2001), college students were exposed to a series of eight film clips with or without depictions of spirits consumption. Results indicated that participants in the positive portrayal condition had significantly more positive alcohol expectancies compared with controls, although they did not differ significantly from those in the negative portrayals condition. Few studies have investigated the effects of film portrayals of drinking on young adults, adolescents, and children. The findings from these studies are mixed. Although evidence from one study shows that such portrayals can have small effects on drinking attitudes and intentions, the results from the second study are ambiguous.

The results of earlier experimental studies have been mixed with some studies finding no effects (e.g., Kohn, Smart, & Ogborne, 1984; Sobell et al., 1986) and other studies finding small or short-term effects for some study participants (e.g., Kohn & Smart, 1987). Apparently only a single recent study has been published that experimentally manipulated exposure to alcohol advertising (Lipsitz et al., 1993). This study was intended to investigate the effects of television beer advertising on alcohol expectancies among young people who were not yet regular drinkers. Groups of fifth and eighth graders were exposed to videotapes containing five beer commercials, the same five beer commercials plus two anti-drinking public service advertisements, or five soft drink commercials. Results of a memory task indicated that the children paid attention to the advertisements and remembered seeing the beer and soft drink commercials. Despite the attention given to the advertisements, however, neither exposure to the beer advertisements alone nor to the beer advertisements in combination with the anti-drinking PSAs affected scores on the alcohol expectancy scales. The results of these experimental studies offer only very limited evidence that alcohol advertising promotes more favorable drinking beliefs or increases

consumption. Laboratory studies of alcohol advertising effects, however, can be criticized (See Atkin, 1995; Grube, 1995, Grube, 2004; Lastovicka, 1995; Thorson, 1995). First, although laboratory experimental studies can control for extraneous factors and allow for strong causal inferences, they often lack realism. In the typical study, respondents will be exposed to alcohol advertising in an artificial setting (e.g., schoolroom) that does not resemble the natural viewing situation. As a result, it is difficult to draw conclusions about the "real-world" effects of alcohol advertising on beliefs and behaviors based on these laboratory studies. Second, it has been noted that advertisers target specific audiences with particular advertisements which can not necessarily be replicated in experimental conditions (Thorson, 1995).

Alcohol Promotion to Community Norms about Youth Drinking. Alcohol promotion may undermine existing community norms about alcohol or set new norms. However, there is little direct empirical evidence of this relation.

Strategies

Advertising Restrictions. At the aggregate level, a central focus has been on trends in alcohol advertising, per capita consumption and drinking problems. Only a few studies have considered the effects of alcohol advertising restrictions on alcohol consumption or problems. Saffer (1991) investigated the effects of restrictions on broadcast alcohol advertising on alcohol consumption and alcohol problems (liver cirrhosis mortality, motor vehicle fatalities) in 17 European and North American countries. He found that countries with partial restrictions on alcohol advertising had lower alcohol consumption and fewer problems than countries with no restrictions. Countries with complete bans had lower rates than countries with partial restrictions. A reanalysis, however, suggested that there was reverse causation, with those countries experiencing low rates of alcohol problems being more likely to adopt alcohol advertising bans than were countries with high rates of alcohol problems (Young, 1993). A study of alcohol advertising restrictions in 20 countries over 26 years found that moving from no restrictions to partial restrictions or from partial restrictions to total bans reduced alcohol consumption between 5%-8% (Saffer & Dhaval, 2002). Other recent studies have found no effects of advertising bans (Nelson & Young, 2001).

Saffer (2002) completed a review of published research literature on the potential effects of alcohol advertising on consumption and in particular the effects on youth drinking. He concluded that the results of the review suggest that alcohol advertising does increase consumption but that an alcohol advertising ban alone is insufficient to limit all forms of promotion and that a comprehensive ban would receive substantial public support. Saffer and Dhaval (2002) concluded following an analysis of national alcohol consumption related to total advertising expenditures that alcohol advertising bans decrease alcohol consumption. They found that one more ban on beer and wine or on spirits advertising would reduce consumption by about 5% and one more ban on all alcohol advertising in a media would reduce consumption y about 8%. Nelson (2003) used a panel of 45 states for the period 1982–1997. This study analyzes the importance of several restrictive alcohol regulations, including advertising bans for billboards, bans of price advertising, state monopoly control of retail stores, and changes in the minimum legal drinking age. In contrast to previous research, the study allows for substitution among beverages as a response to a regulation that targets a specific beverage. Nelson (2003) concluded

that "bans of advertising do not reduce total alcohol consumption, which partly reflects substitution effects." Recently, it has been estimated that a total ban on alcohol advertising in the US would result in a 16.4% decrease in alcohol-related life-years lost, and a partial advertising ban would result in a 4% reduction in alcohol-related life-years lost (Hollingworth et al., 2006). Tremblay and Okuyama (2001) conducted an analysis of the potential effect of spirits advertising on the demand for spirits as a result of spirits producers ending their voluntary ban on broadcast advertising. The authors argued that previous conclusions of policy economists that removing this voluntary ban had no effect on alcohol consumption was incorrect because it ignores the fact that advertising restrictions may affect industry competition as well as market demand.

Some natural experiments on partial advertising bans have not provided a sound basis for determining the unique potency of advertising (Montonen, 1996). Studies of partial advertising bans in Canadian provinces (Ogborne & Smart, 1980; Smart & Cutler, 1976) failed to show clear impacts perhaps because advertising from outside the province was not restricted. Other international studies found that bans produced no drop in consumption and that stricter rules did not produce lower rates of drinking (Simpson, Beirness, Mayhew, & Donelson, 1985). In contrast, a major cross-national time-series study of advertising bans implemented in European Community countries during the 1970s showed significant effects, including lower levels of consumption and alcohol-related problems, as indicated by motor vehicle fatality rates (Edwards et al., 1994; Saffer, 1991, 1995, 1998). Apparently no studies have investigated the specific effects of advertising restrictions on drinking or drinking problems among young people. The effects of advertising restrictions on young people's drinking is best considered an open question.

Warning Labels Warning labels on beverage containers constitute another strategy for targeting risky drinking. The warning label legislation is among the few U.S. federal alcohol policies motivated by public health concerns to be successfully enacted after 20 years of legislative attempts (Kaskutas, 1995). It was enacted in 1988 (P.L. 100-690) and implemented in November 1989. The warning label mandated on all alcohol containers carried a "Government Warning" tag line and alluded to the Surgeon General as the source of the determinations covered. The warnings included: 1) birth defects risks during pregnancy; 2) impairment when driving; 3) impairment when operating machinery; and 4) health problems. Some states also require posted warnings of alcohol risks in establishments that serve or sell alcohol.

An early evaluation of warning labels on alcohol beverage containers in the US found that about one fifth of respondents to a national survey remembered seeing the warnings six months after their introduction (Kaskutas & Greenfield, 1992; Graves, 1993). A study of US adolescents found that there were increases in awareness, exposure to, and memory of the labels after they were implemented, but there were no changes in alcohol use or beliefs about the risks targeted by the warning (MacKinnon, Pentz, & Stacy, 1993).

Self-reported precautionary behaviors have increased including personal caution regarding drinking and driving and drinking during pregnancy (Kaskutas & Greenfield, 1992; Greenfield, 1997; Greenfield & Kaskutas, 1998; Greenfield et al., 1999). No direct impacts of warning labels on alcohol-related problems have been reported. Much of the effect seen is consistent with the intent of Congress to remind the public of certain risks associated with drinking (Greenfield et

al., 1999). An experimental study of college students by Snyder and Blood (1992) involved participants looking at different advertisements for alcoholic products, some with the U.S. Surgeon General's warning and some without. Results showed that the warnings did not increase perceptions of alcohol risk and even made products more attractive to both drinkers and nondrinkers. Conversely, the U.S. Warning Labels Study found that awareness—as indicated by conversations about risks—was greater among the more frequent drinkers, including young adults (Kaskutas & Greenfield, 1997; Greenfield & Kaskutas, 1998).

The effect of warning label exposure on conversations about risks of drinking during pregnancy was seen also among women of childbearing age (Kaskutas, Greenfield, Lee, & Cote, 1998), and not limited to those with high levels of health consciousness (Kaskutas & Greenfield, 1997). Conversely, studies in prenatal clinics yielded little indication that the warning label had little effect on drinking by inner city ethnic minority women (Hankin, Sloan, & Sokol, 1998) so certain groups at particularly high risk may not be expected to be effectively reached. Greenfield and Kaskutas (1998) noted that, while after four or more years, warning label exposure rates may have leveled off, penetration of the warning label has been sufficient to reach numerous heavy drinkers (Greenfield, 1997). The more drinkers handle (open) containers and, especially for men, the more alcohol they purchased, the more likely the more they are to have seen and recalled the label's messages. Thus, warning labels assure that those most involved in drinking will have exposure to health messages. Overall, there is only limited evidence that alcohol beverage warning labels have any discernable effect on problem drinking among young people.

Mass Media Counter-Advertising Campaigns. This intervention involves disseminating information about a product, its effects, or the industry that promotes it, in order to decrease its appeal directly (Stewart, 1997). Counter-advertising can take the form of media literacy efforts to raise public awareness of industry tactics, and a module in community or school prevention programs (e.g., Greenfield & Zimmerman, 1993). There is evidence that synergies are achieved by implementing multi-faceted strategies, such as health messages at the point of purchase signs and public service announcements (PSAs) (Kaskutas & Graves, 1994; Kaskutas et al., 1998).

Billboard Bans of Alcohol Advertising— Billboard advertising, which can also include freestanding signs and signs on buildings, vehicles and other public locations (such as bus placards or subway ads) have been targeted by communities as a prevention strategy to reduce alcohol promotion. Some communities have undertaken the strategy of restricting or limiting the number and/or placement of billboards which contain alcohol advertising (Hackbarth et al., 2001). Such strategies are based upon the potential influence of exposure to positive alcohol messages on intention to drink and actual drinking by underage persons.

Milwaukee Fighting Back's *Erase and Replace Campaign* successfully reduced the number of billboards and signs advertising alcohol in the community. The campaign pressured billboard companies to abide by voluntary advertising guidelines by threatening to advocate for policies that would ban all billboards in the area. Companies complied with voluntary guidelines by agreeing to limit alcohol and tobacco advertising on billboards in Milwaukee County. The San Antonio based Fighting Back "chapter" helped youth organize to replace billboards advertising alcohol with billboards with positive messages. As part of this effort was a billboard "count" that

compared the numbers of billboards in minority neighborhoods with Anglo communities. The target of the effort were two the billboard advertising companies in the city. See Rabago (2000).

A complete handbook for local action on alcohol advertising is found at: http://www.faceproject.org/Resources/CommunityActionKits.html See the University of Minnasota School of Public Health suggested legal ordinance to limit billboards which advertise alcohol: http://www.epi.umn.edu/alcohol/sample/billbrd.shtm. as well as the Health Policy Guide: http://www.healthpolicyguide.org/doc.asp?id=126 and Coalitions against Alcohol and Drug Abuse (CADCA) at: http://www.cspinet.org/booze/Alcohol_Advertising.pdf.

Nelson (2003) as a part of his study of the effect of several restrictive alcohol regulations, included advertising bans for billboards and bans of price advertising. In contrast to previous research, the study allows for substitution among beverages and concluded that "bans of advertising do not reduce total alcohol consumption, which partly reflects substitution effects." Nelson did not address the effects of advertising bans on underage drinking. There are no studies specifically of the effects of a local ban or restriction on billboard or public advertising of alcohol and underage drinking initiation or drinking level.

Summary

Alcohol portrayals are relatively common on television, in film, and in music and music videos. These portrayals are largely positive or neutral, often associating drinking with positive consequences or desirable attributes. Negative consequences of drinking are rarely portrayed. Only a few studies have investigated the effects of exposure to alcohol portrayals in popular media. With some notable exceptions (e.g., Saffer, 1997), experimental and ecological studies have produced little or no evidence that alcohol advertising affects drinking beliefs, behaviors, or problems among young people. In contrast to experimental and ecological studies, however, survey research studies on alcohol advertising and young people consistently indicate that there are small, but significant, correlations between awareness of and affect toward alcohol advertising and drinking beliefs and behaviors among young people. Children and adolescents who are more aware of and favorably disposed to alcohol advertisements hold more favorable beliefs about drinking, intend to drink more frequently as adults, and drink more frequently and in larger quantities than do other young people. Taken as a whole, the survey studies provide some evidence that alcohol advertising *may* influence drinking beliefs and behaviors among some children and adolescents.

A growing body of research is confirming and extending these findings (cf. Martin et al., 2002). This evidence, however, is far from conclusive. Because of the cross-sectional design of most of the published studies, causal inferences are difficult. Alcohol advertising may predispose young people to drink or the opposite may be true instead. That is, young people who are favorable toward drinking may seek out information about alcohol and thus be more attentive to alcohol advertisements. Although studies using longitudinal data and nonrecursive modeling techniques suggest that responses to advertising affect many drinking behaviors, further research is needed. Longitudinal studies that follow the samples of young people from childhood to late adolescence and that adequately control for past drinking behaviors and predisposition would be particularly useful.

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Jennifer Lowe

From: Paula Garrow
Sent: Monday, January 12, 2015 2:15 PM
To: Jennifer Lowe
Subject: FW: Booze Permit at the Theater - SAY NO!

Follow Up Flag: Follow up
Flag Status: Completed

From: Jay [mailto:jaylad9@comline.com]
Sent: Sunday, January 11, 2015 10:11 PM
To: William Phillips
Subject: Booze Permit at the Theater - SAY NO!

Dear AV Council,

If theaters want to make more $, they should sell healthy beverages such as juices or those single-serving Odwalla of Naked protein drinks. A large percentage of the population will NOT drink Coke or booze. Alcohol kills. There will be an increase in drunk driving.

Neighbor

Jennifer Lowe

From: Paula Garrow
Sent: Monday, January 12, 2015 3:16 PM
To: Jennifer Lowe
Subject: FW: Upcoming vote on approval of alcohol sales at the Edwards Cinema

Follow Up Flag: Follow up
Flag Status: Completed

From: Mark VanBloem [mailto:mvanbloem@autocrib.com]
Sent: Monday, January 12, 2015 10:10 AM
To: William Phillips
Subject: Upcoming vote on approval of alcohol sales at the Edwards Cinema

Dear Mayor Phillips,

My name is Mark Van Bloem, and I am a long time resident in Aliso Viejo (since July 2000) and avid movie fan. I have been going to the Edwards Cinema an average of 2X a month since I moved here and typically go to the IMAX 3D. This represents thousands of dollars over the years. I have always enjoyed the family atmosphere and have a great concern over the sale of alcohol in this environment. This is due to several factors and my comfort level was not increased when hearing the legal representative for Regal plead his case at the last council meeting. The lack of forethought and preparation as it relates to oversight of the sale, the critical mass of existing licenses in the immediate area, state requirements for food service and most notably, no market research in terms of the difference between the Newport Beach Island Cinema and Cinepolis clientele and those who attend Edwards Theater in Aliso Viejo. There are many unaccompanied teenagers, families with small children and others who would not support service of alcohol. This was made further evident by my wife and I as we went to the theater this last Saturday and spoke with many theater goers who were appalled that this license was even under consideration let alone already approved by the planning commission.

I could sense you had misgivings and concerns at that meeting as well and I am hoping you agree with us and vote no for this license approval.

Thank you so much for your consideration,

Mark Van Bloem
6 Vantis Drive, Aliso Viejo
949 328-9046 Home
626 278-3002 Mobile

Jennifer Lowe

From: Paula Garrow
Sent: Monday, January 12, 2015 3:16 PM
To: Jennifer Lowe
Subject: FW: Vote to Approve Alcohol at Edwards Movie Theaters

Follow Up Flag: Follow up
Flag Status: Completed

From: David Olson [mailto:olson.david.t@gmail.com]
Sent: Monday, January 12, 2015 10:32 AM
To: William Phillips
Subject: Vote to Approve Alcohol at Edwards Movie Theaters

Mayor Phillips,

I understand Aliso Viejo is considering issuing an alcohol permit to Edwards Movie Theaters. My family and I moved here 5 years ago from another part of the country precisely to get away from these types of influences. Alcohol has no place in our family-oriented community. I understand that I am not alone in my feelings. Parents already have limited places they can feel "safe" sending their children. Right now, the Edwards Movie Theaters is one of those places. Additionally, kids aside, I personally don't want to attend movies where alcohol is being served. Alcohol consumption commonly results in a disruptive and unpleasant experience for others. I understand the movie theater has financial considerations and needs to remain competitive. But remaining competitive cannot come at the cost of what our community is and should be. Please do not vote to approve this permit. It will fundamentally change what it means for me and my family to live in this area.

Thank you for your service to our community; please reach out to me with any questions.

David Olson, concerned citizen (949) 436-3373

Mitzi Ortiz

From: Paula Garrow
Sent: Monday, January 12, 2015 11:36 AM
To: Bill Phillips 1
Cc: David Doyle; Albert Armijo; Mitzi Ortiz
Subject: FW: Aliso Viejo Theater

fyi

-----Original Message-----
From: Jenna Harline [mailto:jennaharline@gmail.com]
Sent: Monday, January 12, 2015 11:26 AM
To: William Phillips
Subject: Aliso Viejo Theater

Good Morning Mayor Phillips,
I am reaching out to you in this email as a concerned parent, citizen and resident of Aliso Viejo concerning the prospect of serving alcohol and other spirits at our local family movie theater. I have viewed the arguments for and against and feel that the most important issue for any community is the safety of its children and youth.

Our children are bombarded by images and encounters with drugs alcohol on a daily basis and surely we do not want to provide another avenue for exposure.

The theater attorneys presented their arguments:

- Fairness: We need the profits from beer/wine to be competitive.
- Theaters are trending this direction anyway.

* The theaters that are trending this way are upscale boutique theaters which cater to adults. Most families won't and can't afford to pay $17 for a ticket at these kinds of theaters. The selling of alcohol at these types of theaters will not impact families and children like it would at the AV movie theater.
- There is no impact to crime, because there hasn't been a rise in crime around the Newport Beach theater since they began this 1.5 years ago.
* They cannot guarantee that crime won't rise first of all, and second of all again you are comparing an adult boutique theater with a family friendly theater. On any given weekend, drive by and see the dozens of teens and pre-teens in front of that theater. You will not find that at Newport Beach.
- Drinks are expensive, so kids won't buy them. Most patrons don't leave a movie to order a second drink.
Kids will see them- some parents will give kids/ pre-teens sips.
- We targeted upscale neighborhoods like Aliso Viejo first because we wanted to avoid the issues of safety and crime. Targeted
- We are a family movie business, and don't want to offend our core customers. This is only targeted at a small percentage of the population who are willing to pay for drinks.
Everyone is affected by the selling of alcohol at the theater,

During public comment, concerns raised included:

- Petition presented with 274 signatures.
- Studies show that adding bars increases violence in communities.
- Alcohol changes a family-friendly environment (popcorn smells replaced with alcohol.)
- I don't feel comfortable bringing kids and grand-kids to a theater with alcohol.
- Early exposure to alcohol negatively impacts teenagers and children.
- Keep this theater as a family-friendly environment where teenagers can go to the movies safely.
- Pro-business is good, but pro-family is best for long-term health of the community.
- We seem to have a lot of liquor licenses in a highly concentrated area.

The theater attorneys presented their arguments:

- Fairness: We need the profits from beer/wine to be competitive.
- Theaters are trending this direction anyway.

* The theaters that are trending this way are upscale boutique theaters which cater to adults. Most families won't and can't afford to pay $17 for a ticket at these kinds of theaters. The selling of alcohol at these types of theaters will not impact families and children like it would at the AV movie theater.
- There is no impact to crime, because there hasn't been a rise in crime around the Newport Beach theater since they began this 1.5 years ago.
* They cannot guarantee that crime won't rise first of all, and second of all again you are comparing an adult boutique theater with a family friendly theater. On any given weekend, drive by and see the dozens of teens and pre-teens in front of that theater. You will not find that at Newport Beach.
- Drinks are expensive, so kids won't buy them. Most patrons don't leave a movie to order a second drink.
- We targeted upscale neighborhoods like Aliso Viejo first because we wanted to avoid the issues of safety and crime. Targeted
- We are a family movie business, and don't want to offend our core customers. This is only targeted at a small percentage of the population who are willing to pay for drinks.
Everyone is affected by the selling of alcohol at the theater, not just the "small percentage" who will buy.

Sent from Jenna's iPhone

Jennifer Lowe

From: Paula Garrow
Sent: Monday, January 12, 2015 3:17 PM
To: Jennifer Lowe
Subject: FW: Alcohol Free Movie Theater Please!!!

Follow Up Flag: Follow up
Flag Status: Completed

From: Jenna Harline [mailto:jennaharline@gmail.com]
Sent: Monday, January 12, 2015 12:31 PM
To: William Phillips
Subject: Alcohol Free Movie Theater Please!!!

Good Morning Mayor Phillips,

I am reaching out to you in this email as a concerned parent, citizen and resident of Aliso Viejo concerning the prospect of serving alcohol at our local family movie theater. I have viewed the arguments for and against and feel that the most important issue for any community is the safety of its children and youth. Our children are bombarded by images and encounters with drugs and alcohol on a daily basis and surely we do not want to provide another avenue for such exposure. There are many studies on the effects of early exposure. Here is one article that addresses the issue: http://www.sciencedaily.com/releases/2008/10/081016124244.htm.
There are hundreds of articles just like this one and you will be hard pressed to find an article scientific or otherwise which argues that early exposure is marginal or negligible at best on its impact on children and teens. I want to touch upon a few of the arguments presented by the attorneys for the pro-alcohol side.

They argued: Theaters are trending this direction anyway.
My response: The theaters that are trending this way are mostly upscale boutique theaters which cater to adults. Most families won't and can't afford to pay $17 or more for a ticket at these kinds of theaters. The selling of alcohol at these types of theaters will not impact families and children like it would at the AV movie theater. Our children would potentially be seated next to an adult drinking a beer or wine. And furthermore, some adults who purchase alcohol may even allow their underage teens to sip or share their drink. Lastly, should we follow a trend or do what is right for our families and community?

They argued: There is no impact to crime, because there hasn't been a rise in crime around the Newport Beach theater since they began this 1.5 years ago.
My response: They cannot guarantee that crime won't rise. Again, they are comparing an adult boutique theater with a family friendly theater. On any given weekend, drive by and see the dozens of families, teens and pre-teens in front of the AV theater, you wont see that in front of the Newport Theater.

They argued: We targeted upscale neighborhoods like Aliso Viejo first because we wanted to avoid the issues of safety and crime.
My response: Im sure they have done their homework on the demographic of Aliso Viejo. Wealthy neighborhoods mean more money- more people can afford to buy what they want to sell to make money. They know that serving alcohol can and does bring crime in underprivileged neighborhoods, so why not bring it to an upscale neighborhood because in upscale neighborhoods we're less likely to commit crimes- right?

Interesting choice of words- "Targeted." Let's be clear that the real target is our children. Who will monitor the people drinking in the theater? A wristband? How can a wristband gauge their tolerance? How are you going to deal with someone that gets a little too tipsy and does something to someone- and what if that someone is a child?

They argued: We are a family movie business, and don't want to offend our core customers. This is only targeted at a small percentage of the population who are willing to pay for drinks.
My response: Everyone is affected by the selling of alcohol at the theater. Everyone will see it, be around it and sit next to it.

I really hope that we will put children and teens first in Aliso Viejo. I think it is important to put their health, bright futures and safety before profit and the trends of the world.

Sincerely,

Jenna Harline

Jennifer Lowe

From: Paula Garrow
Sent: Monday, January 12, 2015 3:17 PM
To: Jennifer Lowe
Subject: FW: Please stop the sale of alcohol in our theaters

Follow Up Flag: Follow up
Flag Status: Completed

From: Dave Morse [mailto:dave@pocketfinder.com]
Sent: Monday, January 12, 2015 1:02 PM
To: William Phillips
Subject: Please stop the sale of alcohol in our theaters

Dear Mayor Phillips,

My name is Dave Morse and my wife and I are long term residents and fans of Edwards Theaters. We have both children and grandchildren who live in the area and use these theaters. Our family has jointly discussed the upcoming vote on this issue and we all hope that the approval to sell alcohol inside the theaters will **not be given**.

Our family will definitely not be comfortable having our young children potentially sitting right beside a person having a beer or drinking wine. We do not encourage the use of alcohol but especially when driving – and most people drive to the theater. It sets the wrong example and has the easy potential for teen abuse with just one carded "friend".

We would consider such a change to be a major shift from being a "family friendly" theater and would not allow our children/grandchildren to go to the movies alone – something we are comfortable with now.

Sincerely,

Dave & Lori Morse
949 425-8210
Mobile: 714 271-7304

Dave Morse| Chief Executive Officer|Tel (888) 600-1044 Ext 5 Fax (714) 200-0287| www.locationbasedtech.com or www.pocketfinder.com

www.linkedin.com/in/davemorsesr

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Jennifer Lowe

From: Paula Garrow
Sent: Monday, January 12, 2015 2:57 PM
To: David Doyle; Mitzi Ortiz; Jennifer Lowe
Subject: FW: No alcohol at the AV Movie Theaters

Follow Up Flag: Follow up
Flag Status: Completed

From: Ward Jami [mailto:jamicward@gmail.com]
Sent: Monday, January 12, 2015 2:43 PM
To: William Phillips
Subject: No alcohol at the AV Movie Theaters

Dear Mayor Phillips,

My husband and I moved to Aliso Viejo in April of 1990. We raised three daughters in Aliso Viejo and thoroughly enjoyed the family-friendly community. It was a great place to raise a family.

I am aware that the AV city council is trying to approve serving alcohol at the AV Theaters. Being a mother and grandmother I am very concerned about this action. There are so many temptations readily available in the world but I would hope our local movie theater where many youth go would not present a temptation to them. Even the example of adults consuming alcoholic beverages is damaging.

Please consider the good of the community—especially our youth—and not just the cash flow when considering this action. I am definitely opposed to serving alcohol at the Aliso Viejo movie theaters.

Sincerely,

Jami Ward
949-433-1714

Jennifer Lowe

From: Paula Garrow
Sent: Monday, January 12, 2015 2:57 PM
To: David Doyle; Mitzi Ortiz; Jennifer Lowe
Subject: FW: alcohol license and a single mom

Follow Up Flag: Follow up
Flag Status: Completed

From: ANDREA BUNTING [mailto:andrea.bunting.2@gmail.com]
Sent: Monday, January 12, 2015 2:53 PM
To: William Phillips
Subject: alcohol license and a single mom

Hi,

My name is Andrea Bunting and I'm a resident of Aliso Viejo. I think it's great to see you as the Mayor take a personal part in recognizing the youth of our community and personally taking your picture with the school kids that come in for the opening exercises of the City Council meetings. I am lucky that that I live in a City that cares about it's kids! My son goes to ANHS and my daughter goes to Oak Grove Elem - I appreciate the support our schools get from our City Council. Thank you!

I'm a single mom and love to come for the evening and hang out at AV Town Center, my kids and I literally spend hours there. We'll get a slice of pizza hang out till the movie starts, see a movie then get a yogurt and hang by the fountain. When we go to the movies we don't just spend money at the theater, we consistently spend money at other businesses in the Town Center. The Town Center is usually filled with families and teenagers; by serving alcohol in the theater I would choose to NOT go to the Town Center with my kids. I would be worried for the safety of myself and my kids with alcohol in the theater unsupervised. Having alcohol available at this family friendly theater is unnecessary, in my opinion. There are numerous restaurants around the Aliso Viejo Town Center that all serve alcohol. By approving this request for a liquor license the number of families that come to the movies will decline, less money will be spent at ALL of the businesses surrounding this theater, I do not think the money Edwards will make outweighs the money that ALL the other businesses will lose out on.

Thank you for considering my view and I appreciate your service to Aliso.

Andrea

Jennifer Lowe

From: Paula Garrow
Sent: Monday, January 12, 2015 4:46 PM
To: Jennifer Lowe
Subject: FW: Keep alcohol out of our movie theaters PLEASE!

Follow Up Flag: Follow up
Flag Status: Completed

-----Original Message-----
From: Alejandro Rubalcava [mailto:zorro@lynxdesign.com]
Sent: Monday, January 12, 2015 4:35 PM
To: Ross Chun; William Phillips
Subject: Keep alcohol out of our movie theaters PLEASE!

Mr Phillips & Mr. Chun,

Please keep alcohol out of our movie theaters, it is just not the right venue for it, it is dark, people are in close proximity to each other and we do not want our children exposed to this.

Please consider this carefully.

Thank you.

Alejandro Rubalcava

Jennifer Lowe

From: Paula Garrow
Sent: Monday, January 12, 2015 4:52 PM
To: Jennifer Lowe
Subject: FW: The selling of Alcoholic beverages in Edwards Theater Aliso Viejo

Follow Up Flag: Follow up
Flag Status: Completed

From: Carmen Bills [mailto:carmenbills2@gmail.com]
Sent: Monday, January 12, 2015 4:49 PM
To: William Phillips
Subject: The selling of Alcoholic beverages in Edwards Theater Aliso Viejo

Dear Mayor Phillips,
We are very concerned about the posibility of selling alcoholic bevereges in the Aliso Viejo Movie Theater. We have lived in this great city for the last 21 years, our children attended school here, and we are very proud of the wonderful
family environment we enjoyed since we moved here.

Now we found out that Edwards theater have been approved for a liquor license, and the City Council votes next week on revoking it.
Our plea to you and to the City Council is to express that we don't want our kids and teens to be exposed early to the type of beverages that could create an early problem specially if they are sitting next to someone who might be drinking beer or wine.

We appreciate your attention to this situation, and thank you for your help.

Sincerely,
Carmen Bills
949-697-3431

Jennifer Lowe

From: Paula Garrow
Sent: Tuesday, January 13, 2015 8:51 AM
To: Jennifer Lowe
Subject: FW: Edwards Theaters Vote

Follow Up Flag: Follow up
Flag Status: Completed

From: Valarie Swayze [mailto:valarie.swayze@gmail.com]
Sent: Monday, January 12, 2015 5:34 PM
To: William Phillips
Subject: Edwards Theaters Vote

Dear Mayor Phillips,

My name is Valarie Swayze, and I live in Aliso Viejo with my husband and three children. We moved to Aliso Viejo because my husband works at QLogic and we love the many opportunities for families in this wonderful community.

I am writing to you about the upcoming vote on serving alcohol at the theater. I feel that this change is unnecessary and respectfully request that you consider the following thoughts. The Aliso Viejo Town Center already offers many options for adults to enjoy alcoholic beverages if they so choose. In fact, I have learned that nineteen liquor licenses have been issued for an area only zoned for five. The theater is one of the few options for recreation where residents do not have to be exposed to alcohol and the inherent risks involved in the service of alcohol. For example, selling alcoholic beverages promotes congregating, and the theater is often already crowded. Further, movies often show aggressive or other images that may lead to inappropriate or even aggressive behavior in this busy environment. Finally, underage drinking is well-documented as a public health concern. The National Institute on Alcohol Abuse and Alcoholism notes that reducing commercial availability of alcohol may prevent underage drinking in this article. Page 11 of the Surgeon General's Call to Action To Prevent Underage Drinking highlights how and why communities have a responsibility to support teen's decisions not to drink. Part of this responsibility involves "providing alcohol-free places where teens can gather".

By voting against allowing alcohol to be sold at Aliso Viejo's only theater, you can help residents to continue to enjoy a clean, peaceful, and family-friendly environment.Thank you for taking the time to contemplate these ideas. Your thoughtful consideration is greatly appreciated.

Sincerely,

Valarie Swayze

949-636-9066

Jennifer Lowe

From: Paula Garrow
Sent: Tuesday, January 13, 2015 8:51 AM
To: Jennifer Lowe
Subject: FW: Edwards movie theatre alcohol license

Follow Up Flag: Follow up
Flag Status: Completed

From: Ron Bills [mailto:ronbills2@gmail.com]
Sent: Monday, January 12, 2015 5:44 PM
To: William Phillips
Subject: Edwards movie theatre alcohol license

Dear Councilman Phillips,

In advance of your vote regarding the above subject license I'm letting you know my feelings about selling alcohol in our movie theatres.

I have no children at home but have grandchildren growing up in the community. I would be very worried about them attending a movie that sells alcohol. I wouldn't attend myself if I knew alcohol would be served.

In offering your vote on the above subject license please consider the impact of mixing families and alcohol and vote NO.

Thank you for your time and consideration.

Ron Bills

Jennifer Lowe

From: Paula Garrow
Sent: Tuesday, January 13, 2015 8:50 AM
To: Jennifer Lowe
Subject: FW: alcohol free movies

Follow Up Flag: Follow up
Flag Status: Completed

-----Original Message-----
From: Roger Allen [mailto:rogera@pacific-ecom.com]
Sent: Monday, January 12, 2015 5:49 PM
To: William Phillips
Subject: alcohol free movies

Hi Mayor Phillips,

I wanted to take a moment to let you know my thoughts on serving alcohol at the movie theater.
I have seen the effects that alcohol can have on families first hand. My father was normally a very mild mannered man but when he consumed alcohol, it became easy for him to loose his temper and when he did at times it turned violent. That violence could be directed toward my mother or myself and it contributed to some very uncomfortable times.

During my teen and younger adult years, I consumed alcohol. At that young age, most of the time, I consumed too much so I developed a problem myself.
During my early 30s I decided that it was time to make some changes in my life. At that time, I quit consuming alcohol with help and support from my friends and family. It has now been approx 25 years since I have had any alcohol and my marriage has survived as many years. I'm not sure the last accomplishment could have been made without the first one.

I have lived in Aliso Viejo since 1994 and love the city. When we moved here the town center did not exist. I have raised 5 children here and my two youngest are teenagers that spend a lot of time at the Town Center and at the movie theater. We parents have enough to worry about without the additional burden of not knowing if they are sitting next to someone drinking alcohol while watching a movie. Or that they may have convinced someone of age to purchase alcohol and allow them to consume some (which I did as a teen).

The movie theater is a place of teens and families. People who feel the need to drink alcohol can have a two hour reprieve while they watch a movie and then visit any of the numerous other establishments that do sell alcohol when they get out.

I ask you to not allow the movie theater to put their profits ahead of the family values that many Aliso Viejo residents hold so dear.

Thank you,
Roger Allen
949 433 4794

Jennifer Lowe

From: Paula Garrow
Sent: Tuesday, January 13, 2015 8:52 AM
To: Jennifer Lowe
Subject: FW: LIQUOR AT OUR MOVIE THEATER?

Follow Up Flag: Follow up
Flag Status: Completed

From: Claudissima Di Martell [mailto:claudissima@outlook.com]
Sent: Monday, January 12, 2015 8:09 PM
To: William Phillips
Subject: LIQUOR AT OUR MOVIE THEATER?

Dear Mr. Phillips:

I am taking a moment to write you a little note regarding this future vote. I am a mother who loves to go to the movies and who has taken my two young boys to the movies often. I would like to plead to you that allowing to sell alcohol in the premises would be a great error and to try to dissuade you to abstain from favoring this such deal. We already have Cineopollis in our area where this is served, I believe in this case it is much more controlled as tickets are pretty pricey and sitting arrangements are in a much private/luminous way. In our movie theaters here in Aliso Viejo, the movie rooms are much much larger and there is a lot more traffic of people and we don't need as it is to have the movie theater smelling like alcohol on top of having kids sneak and try to drink without being caught or seen. This will facilitate the older kids buy and sneak it to the younger kids. The movies is still a place where most young kids (14-16-18) can go alone, and have mom pick them up, and to have to worry that they might be involved or exposed to this is just not right. We have this everywhere but as it is, at least in the movies, you can feel safe your kid is not exposed or tempted to participate primarily because it is dark and there are many opportunities for mischief, I am not saying most kids do, but it is one more opportunity to cause grief just because that is the nature of things. Please allow this world to at least keep it the most innocent in a family activity.

Thank you,
A concerned mom.
Claudia A. Martell

Sent from Windows Mail

Jennifer Lowe

From: Paula Garrow
Sent: Tuesday, January 13, 2015 8:52 AM
To: Jennifer Lowe
Subject: FW: Vote NO on alcohol served at Edwards Theatre, Aliso Viejo

Follow Up Flag: Follow up
Flag Status: Completed

From: Judy Giles [mailto:jrgiles@comline.com]
Sent: Monday, January 12, 2015 8:11 PM
To: William Phillips
Cc: jrgiles@comline.com
Subject: Vote NO on alcohol served at Edwards Theatre, Aliso Viejo

Dear Mayor Bill Phillips,

Please vote NO on alcohol served at Edwards Theatre, Aliso Viejo.

Personally, I grew up in a drinking family and would not feel comfortable sitting in the dark at the movies with those drinking. And I would wonder how safe it would be when they got into their cars and drove out of the parking lot.

My greatest concern would be the teenagers and families with children in the theatre. Alcohol changes the atmosphere and would need adult supervision taking away the option of teenagers without parents there.

Please keep an alcohol-free atmosphere at the movies. There are many other places serving alcohol.

Thank you.

Judy Giles

Jennifer Lowe

From: Paula Garrow
Sent: Tuesday, January 13, 2015 8:52 AM
To: Jennifer Lowe
Subject: FW: Alcohol at The Aliso Viejo Theater

Follow Up Flag: Follow up
Flag Status: Completed

From: Matt Boyer [mailto:mboyerchurch@gmail.com]
Sent: Monday, January 12, 2015 8:14 PM
To: William Phillips
Cc: EMILY Boyer; madlizboyer@gmail.com
Subject: Alcohol at The Aliso Viejo Theater

Dear Mayor Phillips,

My name is Matt Boyer. I have lived in Aliso Viejo for about 12 years and just recently moved to Laguna Niguel. I'm the father of 4 children ranging in age from 5 to 14. About 75% of the time that we attend a movie it is at the theater at the Aliso Town Center. My teenage daughter often goes to movies there with her friends without adult supervision.

I am writing to you about the upcoming vote regarding serving of alcohol at the theater.

I realize that I'm no longer a resident of Aliso Viejo, but my wife and I spend a significant amount of time and money in Aliso Viejo. I strongly am against serving alcohol at the theater. I feel it drastically changes the nature of the environment there to become much less family and child friendly. I and my family would be much more inclined to attend a movie elsewhere. Anyone who wants to drink alcoholic beverages have two very close bars by the theater.

Please do the right thing and keep "our" theater alcohol free. Thanks very much for your time and attention.

Respectfully
Matt Boyer
949-613-1389. Cell

Jennifer Lowe

From: Paula Garrow
Sent: Tuesday, January 13, 2015 8:53 AM
To: Jennifer Lowe
Subject: FW: Alcohol at the movie theater

Follow Up Flag: Follow up
Flag Status: Completed

-----Original Message-----
From: Janet Christensen [mailto:janetnco@cox.net]
Sent: Monday, January 12, 2015 8:57 PM
To: William Phillips
Subject: Alcohol at the movie theater

Mayor,
I would like to add my voice to those who have expressed concern about serving alcohol at the Aliso Viejo movie theater.
Please vote NO on this matter.
We have been a resident of Aliso Viejo for over 20 years.
We raised 4 wonderful children in this community. We love Aliso Viejo. We have been very activity in community activities, and love the safety and protection we have felt living in this city.
Our family has enjoyed spending many hours together at the movie theater.
We feel there are plenty of places for adults to enjoy adult activities, with fewer and fewer places for kids to be kids.
Please keep alcohol out a family oriented area.
Thanks for your consideration
Janet Christensen

Sent from my iPad

Jennifer Lowe

From: Paula Garrow
Sent: Tuesday, January 13, 2015 8:53 AM
To: Jennifer Lowe
Subject: FW: Aliso Viejo Movie Theaters

Follow Up Flag: Follow up
Flag Status: Completed

From: Wade Decker [mailto:wadedecker@gmail.com]
Sent: Monday, January 12, 2015 9:59 PM
To: William Phillips
Subject: Aliso Viejo Movie Theaters

Mr. Phillips,

I am writing you an email about the upcoming City Council vote for the liquor license for the Aliso Viejo movie theater. My wife, three boys and I live just up the street from the Aliso Town Center. As a family we are often at the town center, playing at Grand Park, eating, shopping or going to the movies. With liquor being served in the theater, I will no longer be taking my family to see any movies there. I feel that a movie theater is a place where families and kids can go and feel safe. If patron of the theater would like liquor they can walk just out side the door to one of several locations. I do not want my 10 year old sitting next to someone who is drinking wine or alcohol. In a restaurant you are at separate tables, in a movie theater you could be sitting/sharing an arm rest with a complete stranger. I understand they theater feels they will gain more revenue if alcohol is served but they will also lose revenues from families like mine. We will continue to see movies, just not at the Aliso Town Center.

Thank you for your time and consideration with this important matter.

Regards,

Wade Decker
19 Amador Way
Aliso Viejo, CA 92656
(949) 636-6678 Cell

Jennifer Lowe

From: Paula Garrow
Sent: Tuesday, January 13, 2015 8:53 AM
To: Jennifer Lowe
Subject: FW: Alcohol In Edwards Theaters

Follow Up Flag: Follow up
Flag Status: Completed

From: Linda Luther [mailto:lindal.fah@gmail.com]
Sent: Tuesday, January 13, 2015 7:57 AM
To: William Phillips
Subject: Alcohol In Edwards Theaters

Dear Mayor Phillips,

My name is Linda Luther, and I am a grandparent of 2 children who were born and raised for a while in Aliso Viejo. I live in Aliso Viejo and attend your theater at Town Center regularly.

I am writing to you about the upcoming vote on serving alcohol at the theater. I am strongly against alcohol in the movie theaters. Alcohol, like smoking and drugs, is for bars and restaurants or in one;s own home. I go to the movies sometimes with my grandchildren to quietly enjoy a movie with popcorn and candy, I have the choice of selecting the movie and its rating G, PG, R, X rated. The setting is quiet and dark, people do not talk and they silent their cell phones. If alcohol is allowed I have no choice but to move to another seat or leave or get up to find an attendant to complain.

People drink alcohol to relax which can loosen their inhibitions. They talk, get loud and sometimes can get out-of-hand. The public place for alcohol is in a noisy setting with other drinkers. How are you going to monitor them in the dark.

Movies is about the only entertainment ever ymember of the family can enjoy. It is not a place for alcohol.

The City of Aliso Viejo has a stellar reputation and a quality place of living. By voting Yes on alcohol in movie theaters starts a bad precedence.

I will take my family to another movie theater.

Kind Regards,
Linda Luther, CEO
Fidelity American Holdings Corporation
lindal.fah@gmail.com
949-872-9033

"Building Communities That Breathe Life Into Families."

Jennifer Lowe

From: Paula Garrow
Sent: Tuesday, January 13, 2015 10:41 AM
To: Jennifer Lowe
Subject: FW: Alcohol at Edwards Cinemas

Follow Up Flag: Follow up
Flag Status: Completed

From: Emily Lawrence [mailto:em.lawrence@gmail.com]
Sent: Tuesday, January 13, 2015 9:57 AM
To: William Phillips
Subject: Alcohol at Edwards Cinemas

Dear Mayor Phillips,

My name is Emily Lawrence, and I am a citizen of Aliso Viejo. My husband and I moved here with our two small children about 18 months ago. We were drawn to Aliso Viejo because it catered so well to young families. There are great schools here, and the community is very supportive of people in our stage of life. We have loved our short time living here.

I am writing to you about concerning the upcoming vote on serving alcohol at the Edwards Cinema theaters at Aliso Town Center. We have enjoyed many, many movies together as a family and we love taking our children to play in the fountains and up at Grand Park. I'm concerned that by allowing alcohol to be served at the theater, the environment will change, and what has been a family friendly environment for us the past 18 months will no longer be an environment that best serves our young family, and children in general. When I think of activities to do with my young children, I avoid places where alcohol is used as a form of recreation. I find that these environments often lead to bad language, and lewd behavior, and I'm concerned that this will become a problem at the movie theater.

As you and your city council weigh this matter, please consider all the young families who choose to live in Aliso Viejo because of the wonderful, supportive environment it is for children. It has a wonderful reputation, and I hope you will continue to support the families who live here.

Sincerely,
Emily Lawrence
(801) 735-5391

Jennifer Lowe

From: Paula Garrow
Sent: Tuesday, January 13, 2015 10:42 AM
To: Jennifer Lowe
Subject: FW: Alcohol Free movies

Follow Up Flag: Follow up
Flag Status: Completed

From: Mark Andra [mailto:mark4andra@gmail.com] **On Behalf Of** Mark Andra
Sent: Tuesday, January 13, 2015 10:16 AM
To: William Phillips; Ross Chun
Cc: Shawn Hansen
Subject: Alcohol Free movies

Dear Mayor Phillips and Councilman Chun,

My name is Mark Andraszczyk, and I am a father of four, a grandfather of five and a long-time resident of Laguna Niguel. I am writing to you about the upcoming vote on serving alcohol at the Aliso Viejo theater. The Aliso theater is an establishment that I have attended with my wife and children many times over the years. It has been a place of refuge and safety that my family has gathered on many Christmas afternoons to enjoy a movie with a positive and uplifting message. It has been a place that I have dropped off my middle school children to enjoy a wholesome outing with their friends. I have always been impressed with the amount of security present at the theater to protect the safety and security of my children and family. I appreciate the fact that movies are rated and that there are standards and guidelines associated with viewing the content of these productions. I like the fact that my children are not allowed into bars without proper ID and are prohibited from purchasing alcohol before a certain age. These are safeguards and guidelines that I value and depend upon for the safety and security of my children and family. If we allow alcohol into this particular family establishment, I feel like we would be compromising many of the safeguards and guidelines that so many of us have come to value and depend upon. Dropping my child off at the Aliso Viejo theater would be like dropping my child off at a bar. I believe that we have enough bars in our community. There are several restaurants within the same parking lot of the theater that serve alcohol. Do we really need more access to alcohol, especially at the expense of our children? The amount of effort and expense it would take to safeguard our children in such a commingled environment would far outweigh the additional revenue from alcohol sales at the theater. As a business owner, I understand the need for more revenue. Every business deserves the right to maximize their opportunity. I would hope, however, as elected city officials that we would never fall into the trap of putting the things that matter most at the mercy of things that matter least.

Please vote to keep our children and family establishments safe and alcohol-free!

Sincerely,
Mark Andraszczyk

www.AccessRetirementGroup.com
Office: 949.448.7526
Fax: 949.448.7501
Cell: 949.422.6907
Customer Support:
800-670-1615
mark@markandra.com

"To know even one life has breathed easier because you have lived. This is to have succeeded." -Emerson

Jennifer Lowe

From: Paula Garrow
Sent: Tuesday, January 13, 2015 10:42 AM
To: Jennifer Lowe
Subject: FW: Please Vote No

Follow Up Flag: Follow up
Flag Status: Completed

From: Bekah Paredes [mailto:rebekahkamauu@gmail.com]
Sent: Tuesday, January 13, 2015 10:20 AM
To: William Phillips
Subject: Please Vote No

Good morning Mayor Phillips-

I am writing in regards to Regal/Edwards cinema requesting to sell alcohol at the Aliso Viejo theater. As a resident of Aliso Viejo, I strongly urge you to vote "No" on this motion.

There are already 19 liquor licenses in an area that was originally zoned for only 5. Why should we add another when the town center has plenty of other restaurants and locations that sell alcohol.

I believe this will motivate underage drinking. The movie theaters are dark and let's be honest there is no one there to monitor this. Let's protect our youth. Underage drinking can lead to very serious consequences including DUIs and even death. Why are we giving our youth this opportunity to drink in public? I know that many believe this can be monitored but I have been to this movie theater a number of times and there is no way you can truly monitor the actions of every individual that walks in that door. So let's be proactive and protect our youth and say no to selling alcohol.

Finally, I have a child who is four and one on the way. We love to go to the movies as a family. I disagree that alcohol would not only be served at the theaters but also allowed in G/PG rated movies.

Please let me know if you have any questions on my stand. Thank you for your time.

Rebekah Paredes
949-613-1737

Jennifer Lowe

From: Paula Garrow
Sent: Tuesday, January 13, 2015 2:08 PM
To: Jennifer Lowe
Subject: FW: Alcohol at the Theaters,

Follow Up Flag: Follow up
Flag Status: Completed

From: Mont Flora [mailto:montflora@gmail.com]
Sent: Tuesday, January 13, 2015 1:52 PM
To: William Phillips
Subject: Alcohol at the Theaters,

Dear Mayor Phillips,

My name is Mont Flora, I am currently a resident of Laguna Hills, and previously for 14 years a resident of Aliso Viejo. My wife and I have 5 children, ranging from 20 to 3 years old. We patronize the Aliso Viejo Edwards theaters often and appreciate the current environment. We are completely opposed to the serving of alcohol at the local theaters. I don't know of any positive outcomes from consuming alcohol, and no not even a ecomonic benefit. In all cases the consumption of alcohol reduces moral behavior and this is not what is needed where children are present and often frequent.
We appreciate your support

Jennifer Lowe

From: Paula Garrow
Sent: Wednesday, January 14, 2015 8:07 AM
To: Jennifer Lowe
Subject: FW: Edwards Alcohol Permit - Bad Idea

Follow Up Flag: Follow up
Flag Status: Completed

From: Greg Smith [mailto:glsinbox@gmail.com]
Sent: Tuesday, January 13, 2015 8:03 PM
To: William Phillips
Subject: Edwards Alcohol Permit - Bad Idea

Dear Mayor Phillips,

My name is Greg, and I am the parent of two kids at Oak Grove elementary and one at Aliso Niguel. I am writing to to express my concern about the possibility that the Edwards theater may be given a permit to serve alcohol. There are plenty of bars and restaurants close to the theater that already serve alcohol. There is no reason to ruin the family and kid-friendly environment of the theater by allowing alcohol. The last thing I want to smell in the theater is alcohol. I will probably go elsewhere if the theater serves alcohol and will almost certainly send my teenager elsewhere. I have read the argument that this is something they are trying in upscale communities, but it seems to me that there is more to be said for keeping an alcohol-free theater in an upscale community. Please vote not to allow the theater to serve alcohol.

Sincerely,

Greg Smith
949-981-0816

Jennifer Lowe

From: Paula Garrow
Sent: Wednesday, January 14, 2015 8:07 AM
To: Jennifer Lowe
Subject: FW: Movie Theatre proposition

Follow Up Flag: Follow up
Flag Status: Completed

-----Original Message-----
From: joe wilson [mailto:blackanddeckerjoe@hotmail.com]
Sent: Tuesday, January 13, 2015 8:45 PM
To: William Phillips
Subject: Movie Theatre proposition

I have followed the proposed alcohol permit for the movie theatre in the past few weeks.

Please vote no.

There is not any compelling reason that justifies the increase of risk for families. Our town center has endless places to drink alcohol already. There is no reason to permit Edwards to experiment in our neighborhood.

Edwards failed to prove any benefit to anyone except themselves!

I would argue that the financial benefit will be minimal as they will need to hire older servers and also bulk up security staff. If they do not increase security greatly.... They are putting families and youth at a higher risk.

Please vote no on the alcohol permit at the theatre.

Joe Wilson

Sent from my iPhone

Jennifer Lowe

From: Paula Garrow
Sent: Wednesday, January 14, 2015 8:07 AM
To: Jennifer Lowe
Subject: FW: Please vote against alcohol being sold in Aliso Viejo theater. Thank you!

Follow Up Flag: Follow up
Flag Status: Completed

From: Linda Budd [mailto:lindasbudd@gmail.com]
Sent: Tuesday, January 13, 2015 9:29 PM
To: William Phillips
Subject: Please vote against alcohol being sold in Aliso Viejo theater. Thank you!

PLEASE keep the theater alcohol-free. There are so few places friendly to families these days. Families should feel safe bringing young children to the theater and dropping off older children without worry. Alcohol reduces inhibitions, even in small amounts, and presents dangers in the parking lots. And it smells bad to patrons who don't drink but are forced to sit next to people drinking in the theater.

Jennifer Lowe

From: Paula Garrow
Sent: Wednesday, January 14, 2015 8:08 AM
To: Jennifer Lowe
Subject: FW: No to Beer and Wine at the AV Theatres

Follow Up Flag: Follow up
Flag Status: Completed

From: Jared Christensen [mailto:jareddchristensen@gmail.com]
Sent: Tuesday, January 13, 2015 10:00 PM
To: William Phillips; Ross Chun; Mike@MikeMunzing.com; Dave Harrington; Phillip Tsunoda
Subject: No to Beer and Wine at the AV Theatres

Good evening,

It has come to my knowledge that the Aliso Viejo Town Center Movie Theatre is trying to add alcohol to their menu. As a resident of Aliso Viejo for 10 years and a parent of a 7 year old boy, a 5 year old boy and a 2 year old boy we love the Aliso Viejo Town Center and love going to the movie theatre in the Town Center. We see the theatre as a family friendly and non-threatening atmosphere for our boys. Adding alcohol to the atmosphere would drastically modify our view of the theatre and may direct us to go to the movies at the Spectrum or Kaleidoscope.

We would appreciate you not allowing the theatre to add alcohol to their menu.

Thank you,

Jared Christensen

Jennifer Lowe

From: Paula Garrow
Sent: Wednesday, January 14, 2015 8:08 AM
To: Jennifer Lowe
Subject: FW: ANHS Position on Sale of Alcoholic Beverages at Edwards Theater- Aliso Viejo 20
Attachments: ANHS letter-Mayor re alcohol sales at Edwards.pdf

Follow Up Flag: Follow up
Flag Status: Completed

From: Johanne Padilla [mailto:padillasmom@cox.net]
Sent: Tuesday, January 13, 2015 10:01 PM
To: William Phillips
Subject: ANHS Position on Sale of Alcoholic Beverages at Edwards Theater- Aliso Viejo 20

Dear Mayor Phillips,

Aliso Niguel High School Parent Teacher Student Association (ANHS PTSA) is requesting that you direct your staff to return with a resolution reversing the Director of Planning Services' action of November 10, 2014, and deny Administrative Use Permit PA14-020, a type 41 alcoholic beverage control license for Edwards Theater – Aliso Viejo 20 at 26701 Aliso Creek Road in Aliso Viejo, CA.

At our association meeting on Jan. 13, 2015 our members approved a motion that states our position against the sale of alcoholic beverages at the Edwards Theater in the Aliso Viejo Towne Center. "Aliso Niguel High School PTSA is against the approval of PA14-020 alcoholic beverage control license for Edwards Theater – Aliso Viejo 20."

ANHS PTSA represents nearly 1600 parents, teachers, staff members and students in our community. Our mission is to positively impact the lives of all children and families. We do this by adhering to our core values. One of these core values is to advocate for the safety and welfare of all children. We believe every adult has a responsibility to ensure that all children develop to their full potential. One of the ways we can help children develop to their full potential and keep them safe is to limit their exposure to alcohol.

Please see the attached letter for more detailed information regarding our position on this issue.

Sincerely,
Johanne Padilla
ANHS PTSA President, 2014-2015
anhsptsa@gmail.com
www.anhsptsa.org
Follow us on **Facebook!**

Jennifer Lowe

From: Paula Garrow
Sent: Wednesday, January 14, 2015 8:10 AM
To: Jennifer Lowe
Subject: FW: vote "no" on alcohol license for our movie theater

Follow Up Flag: Follow up
Flag Status: Completed

From: Patrice Miller [mailto:patricew.miller@gmail.com]
Sent: Tuesday, January 13, 2015 10:32 PM
To: William Phillips
Subject: vote "no" on alcohol license for our movie theater

Mayor Phillips,

I have been a resident and homeowner in Aliso Viejo for the past 15 years. Our family loves this city and loves the family friendly nature of our community. I am writing to urge you to please vote "no" on the alcohol permit for the Edwards movie theater. I have many reasons for not wanting alcohol in our local theater:

1. Our movie theater has always been family friendly. I would not want to bring my family to the movies and have my young children sitting next to someone drinking beer or wine.

2. I believe selling alcohol at our theater may encourage under-age drinking. I know that Regal claims they will monitor the theater with trained staff, but I can't believe that the monitoring will be very thorough. I also believe the wristband idea is pointless. Anyone can easily remove the wristband.

3. We live in an upper middleclass community with very low crime. I would hate to see crime rates go up because of the addition of alcohol in our theaters.

4. I do not think you can compare our theater to Cinepolis. Our theater is meant to be family friendly, while Cinepolis is "high-end". Not many people would take their children to Cinepolis to see a movie when the ticket price is so high. We are not competing with Cinepolis when the target audience is entirely different.

5. I believe you will hurt the profits of the local businesses near our theater (Buffalo Wild Wings, Stadium Brewing Co, and Mobtown Pizza) by serving food and alcohol at the theaters. I am pro-business and I would hate for any of these establishments to go out of business because of the approval of the alcohol license at the theater.

Please keep our theater and community safe, clean and family-friendly by voting "no" on the alcohol license.

Thank you,

Patrice Miller
949-362-8078

Jennifer Lowe

From: Paula Garrow
Sent: Wednesday, January 14, 2015 8:10 AM
To: Jennifer Lowe
Subject: FW: Vote NO on alcohol served at Edwards Theatre, Aliso Viejo

Follow Up Flag: Follow up
Flag Status: Completed

From: Judy Giles [mailto:jrgiles@comline.com]
Sent: Tuesday, January 13, 2015 11:46 PM
To: Phillip Tsunoda
Subject: Vote NO on alcohol served at Edwards Theatre, Aliso Viejo

Dear Councilman Phil Tsunoda,

Please vote NO on alcohol served at Edwards Theatre, Aliso Viejo.

Personally, I grew up in a drinking family and would not feel comfortable sitting in the dark at the movies with those drinking. And I would wonder how safe it would be when they got into their cars and drove out of the parking lot.

My greatest concern would be the teenagers and families with children in the theatre. Alcohol changes the atmosphere and would need adult supervision taking away the option of teenagers without parents there.

Please keep an alcohol-free atmosphere at the movies. There are many other places serving alcohol.

Thank you.

Judy Giles

Jennifer Lowe

From: Paula Garrow
Sent: Wednesday, January 14, 2015 8:10 AM
To: Jennifer Lowe
Subject: FW: Upcoming vote on approval of alcohol sales at the Edwards Cinema

Follow Up Flag: Follow up
Flag Status: Completed

From: Mark VanBloem [mailto:mvanbloem@autocrib.com]
Sent: Tuesday, January 13, 2015 11:59 PM
To: Phillip Tsunoda
Subject: Upcoming vote on approval of alcohol sales at the Edwards Cinema

Dear Councilman Tsunoda ,

My name is Mark Van Bloem, and I am a long time resident in Aliso Viejo (since July 2000) and avid movie fan. I have been going to the Edwards Cinema an average of 2X a month since I moved here and typically go to the IMAX 3D. This represents thousands of dollars over the years. I have always enjoyed the family atmosphere and have a great concern over the sale of alcohol in this environment. This is due to several factors and my comfort level was not increased when hearing the legal representative for Regal plead his case at the last council meeting. The lack of forethought and preparation as it relates to oversight of the sale, the critical mass of existing licenses in the immediate area, state requirements for food service and most notably, no market research in terms of the difference between the Newport Beach Island Cinema and Cinepolis clientele and those who attend Edwards Theater in Aliso Viejo. There are many unaccompanied teenagers, families with small children and others who would not support service of alcohol. This was made further evident by my wife and I as we went to the theater this last Saturday and spoke with many theater goers who were appalled that this license was even under consideration let alone already approved by the planning commission.

Thank you so much for your support for what we believe the majority of Aliso Viejo constituents want,

Mark Van Bloem
Regional Manager
phone 714.274.0400.x202 | **cell** 626.278.3002 | **email** mvanbloem@autocrib.com

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Autocrib has moved!
Our new facility is located at:
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Tustin, CA 92780

Please change your records to reflect our new address or forward this to the appropriate department.

AUTOCRIB
INDUSTRIAL VENDING INNOVATION

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Jennifer Lowe

From: Paula Garrow
Sent: Wednesday, January 14, 2015 8:11 AM
To: Jennifer Lowe
Subject: FW: Alcohol at Theater

Follow Up Flag: Follow up
Flag Status: Completed

From: Matt Boyer [mailto:mboyerchurch@gmail.com]
Sent: Wednesday, January 14, 2015 6:29 AM
To: Phillip Tsunoda
Subject: Alcohol at Theater

Dear Councilman Tsunoda,

My name is Matt Boyer. I have lived in Aliso Viejo for about 12 years and just recently moved to Laguna Niguel. I'm the father of 4 children ranging in age from 5 to 14. About 75% of the time that we attend a movie it is at the theater at the Aliso Town Center. My teenage daughter often goes to movies there with her friends without adult supervision.

I am writing to you about the upcoming vote regarding serving of alcohol at the theater.

I realize that I'm no longer a resident of Aliso Viejo, but my wife and I spend a significant amount of time and money in Aliso Viejo. I strongly am against serving alcohol at the theater. I feel it drastically changes the nature of the environment there to become much less family and child friendly. I and my family would be much more inclined to attend a movie elsewhere. Anyone who wants to drink alcoholic beverages have two very close bars by the theater.

Please do the right thing and keep "our" theater alcohol free. Thanks very much for your time and attention.

Respectfully

Matt Boyer
949-613-1389. Cell

Jennifer Lowe

From: Paula Garrow
Sent: Wednesday, January 14, 2015 8:11 AM
To: Jennifer Lowe
Subject: FW: Edwards Theater Vote

Follow Up Flag: Follow up
Flag Status: Completed

From: Valarie Swayze [mailto:valarie.swayze@gmail.com]
Sent: Wednesday, January 14, 2015 7:18 AM
To: Phillip Tsunoda
Subject: Edwards Theater Vote

Dear Mr. Tsunoda,

My name is Valarie Swayze, and I live in Aliso Viejo with my husband and three children. We moved to Aliso Viejo because my husband works at QLogic and we love the many opportunities for families in this wonderful community.

I am writing to you about the upcoming vote on serving alcohol at the theater. I feel that this change is unnecessary and respectfully request that you consider the following thoughts. The Aliso Viejo Town Center already offers many options for adults to enjoy alcoholic beverages if they so choose. In fact, I have learned that nineteen liquor licenses have been issued for an area only zoned for five. The theater is one of the few options for recreation where residents do not have to be exposed to alcohol and the inherent risks involved in the service of alcohol. For example, selling alcoholic beverages promotes congregating, and the theater is often already crowded. Further, movies often show aggressive or other images that may lead to inappropriate or even aggressive behavior in this busy environment. Finally, underage drinking is well-documented as a public health concern. The National Institute on Alcohol Abuse and Alcoholism notes that reducing commercial availability of alcohol may prevent underage drinking in this article. Page 11 of the Surgeon General's Call to Action To Prevent Underage Drinking highlights how and why communities have a responsibility to support teens' decisions not to drink. Part of this responsibility involves "providing alcohol-free places where teens can gather".

By voting against allowing alcohol to be sold at Aliso Viejo's only theater, you can help residents to continue to enjoy a clean, peaceful, and family-friendly environment.Thank you for taking the time to contemplate these ideas. Your thoughtful consideration is greatly appreciated.

Sincerely,

Valarie Swayze

Jennifer Lowe

From: Paula Garrow
Sent: Wednesday, January 14, 2015 8:11 AM
To: Jennifer Lowe
Subject: FW: No Alcohol at AV Theaters

Follow Up Flag: Follow up
Flag Status: Completed

From: Ward Jami [mailto:jamicward@gmail.com]
Sent: Wednesday, January 14, 2015 7:19 AM
To: Phillip Tsunoda
Subject: No Alcohol at AV Theaters

Dear Councilman Tsunoda,

My husband and I moved to Aliso Viejo in April of 1990. We raised three daughters in Aliso Viejo and thoroughly enjoyed the family-friendly community. It was a great place to raise a family.

I am aware that the AV city council is trying to approve serving alcohol at the AV Theaters. Being a mother and grandmother I am very concerned about this action. There are so many temptations readily available in the world but I would hope our local movie theater where many youth go would not present a temptation to them. Even the example of adults consuming alcoholic beverages is damaging.

Please consider the good of the community—especially our youth—and not just the cash flow when considering this action. I am definitely opposed to serving alcohol at the Aliso Viejo movie theaters.

Sincerely,

Jami Ward
949-433-1714

Jennifer Lowe

From: Paula Garrow
Sent: Wednesday, January 14, 2015 8:54 AM
To: Jennifer Lowe
Subject: FW: please do not allow alcohol to be served in our theaters

Follow Up Flag: Follow up
Flag Status: Completed

From: Dave Morse [mailto:dave@pocketfinder.com]
Sent: Wednesday, January 14, 2015 8:46 AM
To: Phillip Tsunoda
Subject: please do not allow alcohol to be served in our theaters

Dear Councilman Tsunoda,

My name is Dave Morse and my wife and I are long term residents and fans of Edwards Theaters. We have both children and grandchildren who live in the area and use these theaters. Our family has jointly discussed the upcoming vote on this issue and we all hope that the approval to sell alcohol inside the theaters **will not be given**.

Our family will definitely not be comfortable having our young children potentially sitting right beside a person having a beer or drinking wine. We do not encourage the use of alcohol but especially when driving – and most people drive to the theater. It sets the wrong example and has the easy potential for teen abuse with just one carded "friend".

We would consider such a change to be a major shift from being a "family friendly" theater and would not allow our children/grandchildren to go to the movies along – something we are comfortable with now.

Sincerely,

Dave & Lori Morse
949 425-8210
Mobile: 714 271-7304

Dave Morse| Chief Executive Officer|Tel (888) 600-1044 Ext 5 Fax (714) 200-0287| www.locationbasedtech.com or www.pocketfinder.com

www.linkedin.com/in/davemorsesr

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City of Aliso Viejo
AGENDA ITEM

DATE: January 21, 2015

TO: Mayor and City Council

FROM: City Attorney

SUBJECTS: ORDINANCES RELATED TO PROHIBITION OF SHORT-TERM RENTALS IN RESIDENTIAL DISTRICTS AND THE RECOVERY OF HEARING OFFICER COSTS IN ADMINISTRATIVE APPEALS, AND RESOLUTIONS RELATED TO APPEALS FEES AND INCREASING ADMINISTRATIVE FINE AMOUNTS

RECOMMENDED ACTIONS

Staff recommends the City Council take the following actions:

1) Introduce and approve for first reading an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF ALISO VIEJO, CALIFORNIA AMENDING TITLE 15 OF THE ALISO VIEJO MUNICIPAL CODE BY AMENDING TABLE 15.10.020 OF SECTION 15.10.020, ADDING SECTION 15.14.165, AND AMENDING SECTION 15.94.020 TO PROHIBIT SHORT-TERM RENTALS IN RESIDENTIAL DISTRICTS – PA 15-002 (ZCA) (Attachment 1); and

2) Introduce and approve for first reading an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF ALISO VIEJO AMENDING SECTIONS 1.10.050 AND 1.10.060 OF THE ALISO VIEJO MUNICIPAL CODE PROVIDING FOR THE RECOVERY OF COSTS OF HEARING OFFICERS IN APPEALS OF ADMINISTRATIVE DECISIONS (Attachment 2);

3) Approve the following Resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADOPTING FEES FOR APPEALS UNDER CHAPTER 1.10 OF THE ALISO VIEJO MUNICIPAL CODE (Attachment 3); and

4) Approve the following Resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADOPTING ADMINISTRATIVE FINE AMOUNTS FOR CERTAIN

VIOLATIONS OF THE ALISO VIEJO MUNICIPAL CODE AND ADOPTED CODES (Attachment 4).

FISCAL IMPACT

The additional revenue generated from increased administrative fine amounts for certain Code violations will allow the City to recoup a portion of its costs as it would require its appellants to pay an appeal fee and half of the Hearing Officer costs in administrative proceedings.

ENVIRONMENTAL:

The Ordinances and Resolutions are not subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activities will not result in a direct or reasonably foreseeable indirect physical change in the environment), and 15060(c)(3) (the activities are not "projects" as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because they have no potential for resulting in physical change to the environment, directly or indirectly.

BACKGROUND

The City of Aliso Viejo ("City") has received complaints about residents leasing their residential properties to travelers for short-term vacation rentals. Complainants assert that the rentals degrade the quality of neighborhoods by generating excessive noise, parking problems, and trash. The Aliso Viejo Municipal Code ("AVMC") does not address short-term rental uses. Therefore, our office was directed to prepare an ordinance that prohibits short-term rentals in residential neighborhoods for the Council's consideration.

Further, last year, the City conducted two administrative hearings relating to two short-term rental issues. Specifically, two residents appealed administrative citations issued to them after they used their residential properties as short-term rentals. Because the City did not have an appeals fee or a mechanism to recover the hearing officer's costs, the City shouldered the burden of paying for those administrative proceedings. As a result, our office was directed to update the AVMC and draft a resolution to require appellants pay their fair portion of an appeal.

Finally, during the course of some code enforcement proceedings, staff and we became aware that the City's fine schedule lacks fines for certain violations or contains penalties that might be considered "the cost of doing business" for some code violations. This agenda item includes a resolution increasing the administrative fine amounts for certain AVMC violations that especially threaten the public health, safety, welfare, or otherwise harm the City's community, including building violations and violations of the short-term rental ordinance (if enacted).

DISCUSSION

Short-Term Rental Ban

The proliferation of online vacation rental websites such as Airbnb.com and Homeaway.com have encouraged and enabled City property owners, tenants, and occupants to rent their local residential properties on a short-term basis to travelers and transients. These short-term rentals, generally numbering less than 30 days, are often associated with excessive noise, parking problems, trash, and degradation of a neighborhood's residential character. Because of those nuisance issues, the City has received a number of complaints regarding residents renting their properties out as short-term vacation rentals.

The AVMC does not expressly address short-term rentals in residential districts. Rather, AVMC Section 15.10.020, Table 15.10.020 "Permitted Uses in Residential Districts" lists uses that are permitted within each residential district. Section 15.10.020, subdivision (C) provides, in part, "If a use or structure is not listed as permitted [in Table 15.10.020], it is prohibited unless specifically determined to be permitted in accordance with AVMC section 15.06.050." (AVMC § 15.10.020(C), emphasis added.) Table 15.10.020 does not expressly permit short-term rentals in any residential district, and therefore that kind of use is prohibited in all residential districts. The City currently enforces these provisions by administratively citing violators on a case-by-case basis.

In an effort to more clearly define permitted uses within residential districts, the City directed staff to draft a proposed Ordinance that expressly prohibits short-term rentals. The Ordinance (Attachment 1) makes several changes to the City's Zoning Code, including updating Table 15.10.020 of AVMC Section 15.10.020 to expressly prohibit short-term rentals in all residential districts. The Ordinance also adds Section 15.14.165 to prohibit short-term rentals and clarify that any property owner, tenant, property manager, etc. who unlawfully allows a short-term rental use will be held liable for that use. Finally, the Ordinance adds new short-term rental-related definitions to AVMC Section 15.94.020, including "occupancy," "remuneration," and "transient."

Appeals and Hearing Officer Costs

The City conducted two administrative hearings last year after residents appealed their administrative citations related to allegations that they allowed short-term rentals at their residential properties.

AVMC Chapter 1.10 authorizes the City to conduct appeals of administrative decisions. In addition, AVMC section 1.10.050 authorizes the City Council to establish, via resolution, payment of any fee for an appeal. Currently, the City has not established an appeal fee. As a result, the City bears the burden of processing and conducting administrative appeals, which costs may include, without limitation, the cost to notice an appeal, staff analysis, of the appeal, preparation of the record an agenda item, the hearing, and preparation of formal documents upholding or denying the appeal. Because appeals are typically initiated by appellants other than the City, the City

believes that those appellants should bear the costs to process and conduct administrative appeals on the appellants' behalf. Accordingly, the City desires to enact an appeals fee, via resolution, so that appellants are required to pay for the actual time and material costs of an appeal hearing.

Similarly, the City desires to enact a revision to the AVMC that requires appellants to pay half the cost of a hearing officer. Because appellants typically initiate appeals, it is fair and reasonable for appellants to bear a portion of those costs.

Increase in Administrative Fine Amounts

Finally, to support the enforcement of the AVMC and other adopted regulations, the City has enacted an administrative citation procedure, codified in AVMC Chapter 1.06. Currently, AVMC section 1.06.120 provides that the administrative citation fine amounts are $100 for a first violation, $200 for a second violation of the same code provision, ordinance, or permit condition within one year from the date of the first violation, and $500 for each additional violation of the same code provision, ordinance, or permit condition within one year from the date of the first violation. To further deter code violations, the City desires to increase administrative citation fine amounts for violations that especially threaten the public health, safety, welfare, or otherwise harm the City's community. Specifically, this resolution would increase administrative fines for: (1) the construction, reconstruction, installation, erection, moving, or alteration of any building or structure without a permit, in violation of AVMC section 13.02.010; (2) short-term rentals in residential districts; and (3) the maintenance of unsafe buildings and other structures, as addressed in AVMC section 8.24.010. Since the Resolution sets fines for short-term rental violations, the Resolution would not take effect unless and until the Council approves the Ordinance prohibiting short-term rentals.

The attached Ordinance (Attachment 1) would amend Title 15 of the AVMC by adding Section 15.14.165 to expressly prohibit short-term rentals in residential districts to preserve the residential character of City neighborhoods and stem the negative, secondary effects caused by those uses.

The attached Ordinance (Attachment 2) would amend Title 1 of the AVMC by amending Sections 1.10.050 and 1.10.060 to require appellants to pay for half the hearing officer's costs in an administrative hearing.

The attached Resolution (Attachment 3) would adopt an appeals fee for appeals of administrative decisions pursuant to Chapter 1.10 of the AVMC. It would require an appellant to pay for the costs of the actual time and materials of the appeal hearing.

The attached Resolution (Attachment 4) would increase the administrative citation fine amounts to deter construction without a permit, short-term rentals, and the maintenance of unsafe buildings and other structures in the City.

CONCLUSIONS

Staff recommends the City Council introduce and approve for first reading the proposed Ordinances and adopt the proposed Resolutions.

Prepared by:

Scott C. Smith
City Attorney

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL

David A. Doyle
City Manager

Attachments:

1. Proposed Ordinance amending Title 15 of the AVMC by amending Table 15.10.020 of Section 15.10.020, adding Section 15.14.165, and amending Section 15.94.020;
2. Proposed Ordinance amending Title 1 of the AVMC by amending Sections 1.10.050 and 1.10.060;
3. Proposed Resolution setting appeal fees; and
4. Proposed Resolution increasing administrative fine amounts for certain Code violations

ORDINANCE NO. 2015-_____

AN ORDINANCE OF THE CITY COUNCIL OF ALISO VIEJO, CALIFORNIA, AMENDING TITLE 15 OF THE ALISO VIEJO MUNICIPAL CODE BY AMENDING TABLE 15.10.020 OF SECTION 15.10.020, ADDING SECTION 15.14.165, AND AMENDING SECTION 15.94.020 TO PROHIBIT SHORT-TERM RENTALS IN RESIDENTIAL DISTRICTS – PA 15-002 (ZCA)

WHEREAS, the proliferation of online vacation rental websites such as Airbnb.com and Homeaway.com have encouraged and enabled City of Aliso Viejo ("City") property owners, tenants, and occupants to rent their local, residential properties on a short-term basis to travelers or transients; and

WHEREAS, these short-term rentals, generally numbering less than 30 days, are often associated with excessive noise, parking problems, trash, and degradation of a neighborhood's residential character; and

WHEREAS, the City has received numerous complaints from residents about the negative secondary effects of short-term rental uses in their residential neighborhoods; and

WHEREAS, the Aliso Viejo Municipal Code ("AVMC") does not expressly address short-term rentals in residential districts. However, because short-term rentals are not expressly permitted in residential districts under the AVMC, such transient uses are prohibited; and

WHEREAS, the City Council desires to amend the City's Zoning Code to expressly prohibit short-term rentals in residential districts to preserve the residential character of City neighborhoods and stem the negative, secondary effects caused by those uses; and

WHEREAS, AVMC section 15.78.050 authorizes the City Council to initiate and adopt zoning code amendments, pursuant to the Council making certain findings related to the public welfare and General Plan consistency; and

WHEREAS, notice of the public hearing on this proposed Zoning Code Amendment was published in a 1/8 page display ad in the Aliso Viejo News on January 8, 2015 and public hearing notices were posted at the Aliso Viejo City Hall, the Aliso Viejo Library, and the Aliso Viejo Sheriff Substation pursuant to California Government Code sections 65853 *et seq.*; and

WHEREAS, the City Council held a duly-noticed public hearing on January 21, 2015 to consider first reading of this Ordinance and public testimony and recommendations presented by staff in its staff report and oral presentation.

THE CITY COUNCIL OF THE CITY OF ALISO VIEJO HEREBY ORDAINS AS FOLLOWS:

Section 1. CEQA. This Ordinance enacts changes to the City's Zoning Code in order to promote health, safety, comfort and general welfare in the community. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") because the activity is not a project as defined in Section 15378 of the State CEQA Guidelines. Even if the Ordinance constituted a "project" within the meaning of CEQA, the activity is exempt under State CEQA Guidelines section 15061 for the reasons set forth in this Ordinance and the corresponding staff report. The Ordinance does not have the potential for resulting in physical change to the environment, directly or indirectly.

Section 2. Findings. After receiving public testimony, reviewing the evidence submitted by staff, and discussing the proposed Ordinance, the City Council hereby finds that the amendments to the Zoning Code relating to the ban of short-term rentals in residential districts are supported by the following findings:

A. Public Welfare. Approval of the Code amendment will not create conditions materially detrimental to the public health, safety, and general welfare. Rather, the amendments are enacted to further protect residential uses by banning short-term rentals in residential districts and curbing the negative, secondary effects of such transient use, including excessive noise, parking problems, trash, and degradation of a neighborhood's residential character; and

B. General Plan Consistency. The Code amendment is consistent with the goals, objectives, and policies of the City's General Plan and any applicable specific plan. Specifically, residential housing was developed to encourage a diversity of housing types and provide affordability levels within Aliso Viejo to meet the needs of community residents. (General Plan Goals H1, p. H-6). When residential property is used for short-term rentals for travelers and transients, less long-term housing is available for community residents. The zoning amendment seeks to preserve housing for long-term residents who will invest in their neighborhoods and communities. Moreover, the amendment encourages safe and aesthetically pleasing neighborhoods, and provides adequate housing to meet the needs of all household types and income groups. (General Plan Goal H2, p. H-7). Prohibiting short-term rentals preserves the character of residential neighborhoods by minimizing the parking, traffic, and noise issues associated with short-term rentals. Further, short-term rentals in solely residential areas are not an expressly permitted use in any of the applicable specific plans, and therefore, are prohibited. (*See, e.g.*, Glenwood Specific Plan, Table 5-22-A; Ventana Ridge Specific Plan, p. 2-1; The Commons at Aliso Viejo Town Center Specific Plan, p. IV-10; Vantis Specific Plan, pp. 2-3- to 2-4.)

Section 3. Zoning Code Amendment. Table 15.10.020 of Section 15.10.020 of Title 15 of the Aliso Viejo Municipal Code is hereby amended, pursuant to Ordinance No. 2015-_____, to add the following reference:

TABLE 15.10.020:
PERMITTED USES IN RESIDENTIAL DISTRICTS

	RL Low Density Residential	RM Med. Density Residential	RH High Density Residential	RVH Very High Density Res.
RESIDENTIAL USES:				
Short-term rentals, subject to AVMC 15.14.165	NP	NP	NP	NP

Section 4. Zoning Code Amendment. Section 15.14.165 is hereby added to Title 15 of the Aliso Viejo Municipal Code, pursuant to Ordinance No. 2015-____, to read as follows:

"15.14.165 Short-term Rental Uses Prohibited.

A. Prohibition. Short-term rental uses such as transient bed and breakfast, hostel, hotel, inn, lodging, motel, resort and other transient lodging uses for remuneration are prohibited in all residential districts, except as otherwise permitted by the Municipal Code.

B. Liability and Enforcement. Any property owner, tenant, subtenant, occupant, person acting as agent, real estate broker, real estate agent, property manager, reservation service or otherwise who arranges or negotiates for the short-term use of residential property in violation of the provisions of this section shall be liable pursuant to the provisions of Chapter 1.06 of the Municipal Code."

Section 5. Zoning Code Amendment. Section 15.94.020 of Title 15 of the Aliso Viejo Municipal Code is hereby amended, pursuant to Ordinance No. 2015-_____, to add the following definitions:

"'Occupancy, Short-term' for purposes of Section 15.14.165, means the use or possession, or the right to the use or possession, of any portion of any room or rooms offered for remuneration for dwelling, lodging or sleeping purposes, regardless of the purpose for which such rooms are rented.

'Remuneration' means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession, or use of real property.

'Transient' means any person who exercises occupancy or is entitled to

occupancy in exchange for remuneration for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. In determining whether a person is a transient, an uninterrupted period of time extending both prior and subsequent to the effective date of the ordinance codified in this chapter may be considered."

Section 6. Conflicting Regulations. Upon the effective date of this Ordinance, all former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed and declared to be of no further force and effect.

Section 7. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

Section 8. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

Section 9. Publication. The City Clerk shall publish this Ordinance within fifteen (15) days of its adoption in accordance with California Government Code Section 36933.

Section 10. Notice of Exemption. The City Council hereby directs staff to prepare, execute and file with the Orange County Clerk a Notice of Exemption within five (5) working days of first reading of this Ordinance.

Section 11. Location and Custodian of Records. The documents and materials associated with this Ordinance that constitute the record of proceedings on which these findings are based are located at Aliso Viejo City Hall, 12 Journey, Aliso Viejo, California 92656. The Director of Planning Services is the custodian of the record of proceedings.

[Signatures on Following Page]

PASSED, APPROVED AND ADOPTED this _____ day of _____ 2015.

_____
William A. Phillips
Mayor

APPROVED AS TO FORM:

_____
Scott C. Smith, City Attorney

ATTEST:

_____
Mitzi Ortiz, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ALISO VIEJO)

I, MITZI ORTIZ, City Clerk of the City of Aliso Viejo, California, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly passed and adopted by the City Council of the City of Aliso Viejo at their regular meeting held on the ___ day of _____, 2015, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

_____
MITZI ORTIZ, MMC
CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Aliso Viejo City Council at its regular meeting held _____.

_____
MITZI ORTIZ, MMC
CITY CLERK

(SEAL)

ORDINANCE NO. 2015-___

AN ORDINANCE OF THE CITY COUNCIL OF ALISO VIEJO AMENDING SECTIONS 1.10.050 AND 1.10.060 OF THE ALISO VIEJO MUNICIPAL CODE PROVIDING FOR THE RECOVERY OF COSTS OF HEARING OFFICERS IN APPEALS OF ADMINISTRATIVE DECISIONS

WHEREAS, the City of Aliso Viejo ("City") is authorized to conduct appeals of administrative decisions pursuant to Chapter 1.10 of the Aliso Viejo Municipal Code ("AVMC"); and

WHEREAS, AVMC Section 1.10.030 authorizes the City to maintain a panel of qualified city managers to serve as hearing offices for matters appealed according to the AVMC; and

WHEREAS, the City currently bears the burden of paying all of the hearing officer's costs to process and conduct administrative appeals, which costs may include, without limitation, the hearing officer's cost to notice an appeal, analysis of the appeal, the hearing, and preparation of formal documents upholding or denying the appeal; and

WHEREAS, appeals are typically initiated by appellants other than the City, and therefore, those appellants should bear their fair share of the hearing officer's costs who hear the administrative appeals on the appellants' behalf; and

WHEREAS, accordingly, the City desires to enact an ordinance amendment providing that appellants are required to pay for half the hearing officer's cost in processing and conducting an administrative hearing, and such requirement is in the best interest of the City to promote its continued financial stability.

THE CITY COUNCIL OF THE CITY OF ALISO VIEJO HEREBY ORDAINS AS FOLLOWS:

Section 1. Incorporation of Recitals. The foregoing recitals are true and correct and are hereby incorporated and made an operative part of this Resolution.

Section 2. Hearing Officer Fee. Section 1.10.050, subdivision (A) of the Aliso Viejo Municipal Code is hereby amended in its entirety, pursuant to Ordinance No. 2015-____ to read as follows:

"1.10.050 Appeal procedures.

A. Notice of Appeal – Fee. Except for matters requiring prompt judicial review as described in AVMC 1.10.040, any person objecting to the administrative decision of a city official may, within 10 days, appeal such decision by filing a written notice of appeal with the city clerk, stating the grounds for why such decision is not proper and thus being contested. Any appeal shall be limited to such written grounds. Payment of any fee for appeal, which may be established by city council resolution, and

payment for any fee for a hearing officer must be deposited with the notice. The hearing officer fee deposit shall be based on City staff's estimate of the costs of the appeal and complexity of the hearing at the time of filing. The City and appellant shall each be responsible for paying one-half (½) of the fees and costs charged by the Hearing Officer. In the event that one-half (½) of the hearing officer's actual costs are less than the deposit paid, the City shall refund any excess costs to the appellant."

Section 3. Advance Deposit Hardship Waiver. Section 1.10.060 of the Aliso Viejo Municipal Code is hereby amended in its entirety, pursuant to Ordinance No. 2015-____ to read as follows:

"1.10.060 Advance deposit hardship waiver.

A. Any person who desires to appeal an administrative decision of a city official and who is financially unable to make the advance deposit of any appeal fee or fine or hearing officer fee may file a request for an advance deposit hardship waiver form, available from the finance department. The director of financial services shall be authorized to establish a reasonable policy, including criteria, for determining financial ability to pay the appeal fee and/or fine.

B. The request shall be filed with the finance department within five days of the date of the issuance of the decision subject to appeal.

C. The requirement of depositing the full amount of the appeal fee, fine, and hearing officer fee shall be stayed unless or until the financial services manager makes a determination not to issue the advance deposit hardship waiver.

D. The director of financial services may waive the requirement for the appeal fee, advance deposit of the fine, and hearing officer fee only if the requesting party submits to the director a declaration under penalty of perjury supported by evidence that shows to the financial services manager's reasonable satisfaction that such party is financially unable to deposit the total amount of the fine and appeal fee in advance of the hearing.

E. If the director of financial services determines not to issue an advance deposit hardship waiver, the requesting party shall remit the fine, appeal fee, and hearing officer fee to the city within five days of the date of that decision or 15 days from the date of issuance of the decision subject to the appeal, whichever is later.

F. The director of financial services shall list his/her reasons for granting or not granting an advance deposit hardship waiver in writing and serve it on the requesting party. The director's decision shall be final."

Section 4. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5. Severability. The provisions of this Ordinance are severable and if any provision of this Ordinance is held invalid, that provision shall be severed from the Ordinance and the remainder of this Ordinance shall continue in full force and effect, and not be affected by such invalidity.

Section 6. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

Section 7. Certification. The City Clerk shall publish this Ordinance within fifteen (15) days of its adoption in accordance with California Government Code Section 36933.

PASSED, APPROVED AND ADOPTED this _____ day of _____ 2015.

_____
William A. Phillips
Mayor

APPROVED AS TO FORM:

_____
Scott C. Smith, City Attorney

ATTEST:

_____
Mitzi Ortiz, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ALISO VIEJO)

I, MITZI ORTIZ, City Clerk of the City of Aliso Viejo, California, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly passed and adopted by the City Council of the City of Aliso Viejo at their regular meeting held on the ___ day of _____, 2015, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

_____
MITZI ORTIZ, MMC
CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Aliso Viejo City Council at its regular meeting held _____.

_____
MITZI ORTIZ, MMC
CITY CLERK

(SEAL)

RESOLUTION NO. 2015-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADOPTING FEES FOR APPEALS UNDER CHAPTER 1.10 OF THE ALISO VIEJO MUNICIPAL CODE

WHEREAS, the City of Aliso Viejo ("City") is authorized to conduct appeals of administrative decisions pursuant to Chapter 1.10 of the Aliso Viejo Municipal Code ("AVMC"); and

WHEREAS, AVMC section 1.10.050 authorizes the City Council to establish, via resolution, payment of any fee for an appeal; and

WHEREAS, because the City has not established an appeal fee, the City currently bears the burden of processing and conducting administrative appeals, which costs may include, without limitation, the cost to notice an appeal, staff analysis of the appeal, preparation of the record and agenda item, the hearing, and preparation of formal documents upholding or denying the appeal; and

WHEREAS, appeals are typically initiated by appellants other than the City, and therefore, those appellants should bear the costs to process and conduct administrative appeals on the appellants' behalf; and

WHEREAS, accordingly, the City desires to enact an appeals fee so that appellants are required to pay for the actual time and material costs of an appeal hearing; and

WHEREAS, the City Council finds that enacting an appeals fee is in keeping with prevailing practice of cities in the County and in the best interest of the City to promote its continued financial stability.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

Section 1. Incorporation of Recitals. The foregoing recitals are true and correct and are hereby incorporated and made an operative part of this Resolution.

Section 2. Amount of Appeals Fees. Except as otherwise provided below, an appellant of an administrative decision in the City of Aliso Viejo shall pay for the actual time and materials cost of the appeal hearing. The appellant shall pay a deposit against time and material costs, based on City staff's estimate of the costs of the appeal and complexity of the hearing at the time of filing. In the event that the actual time and material costs of the hearing are less than the deposit paid, the City shall refund any excess costs to the appellant

Section 3. Accounting of Costs. City staff shall maintain an account of actual costs of time and materials associated with each appeal hearing. In the event actual

costs to the City are less than the deposit paid, the City shall refund any excess costs to the appellant.

Section 4. CEQA. The City Council finds that this Resolution is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5. Severability. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

Section 6. Effective Date. This Resolution is adopted in connection with Ordinance No. 2015-_____ relating to City Appeals Procedures and shall take effect concurrently with that Ordinance.

Section 7. Certification. The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption thereof.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2015.

_____
William A. Phillips
Mayor

APPROVED AS TO FORM:

_____
Scott C. Smith, City Attorney

ATTEST:

_____
Mitzi Ortiz, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ALISO VIEJO)

I, MITZI ORTIZ, City Clerk of the City of Aliso Viejo, California, DO HEREBY CERTIFY that foregoing Resolution No. _____ was duly passed and adopted by the City Council of the City of Aliso Viejo at their regular meeting held on the ____ day of _____, 2015, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

_____
MITZI ORTIZ, MMC
CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Resolution No. _____ duly passed and adopted by the Aliso Viejo City Council at its regular meeting held _____, 2015.

_____
MITZI ORTIZ, MMC
CITY CLERK

(SEAL)

ATTACHMENT 3

RESOLUTION NO. 2015-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADOPTING ADMINISTRATIVE FINE AMOUNTS FOR CERTAIN VIOLATIONS OF THE ALISO VIEJO MUNICIPAL CODE AND ADOPTED CODES

WHEREAS, Article 11, Section 7 of the California Constitution authorizes the City of Aliso Viejo ("City") to make and enforce within its limits all ordinances and regulations not in conflict with general laws; and

WHEREAS, the Aliso Viejo City Council believes that enforcement of the Aliso Viejo Municipal Code, other ordinances that the City has adopted, conditions of entitlements and terms and conditions of City agreements approved under the provisions of the Aliso Viejo Municipal Code serves important public purposes; and

WHEREAS, to support the enforcement of the City's Code and other adopted regulations, the City enacted an administrative citation procedure, codified in Aliso Viejo Municipal Code ("AVMC") Chapter 1.06; and

WHEREAS, the administrative citation procedure, which is authorized under Government Code section 53069.4, allows the City to impose fines on responsible persons who violate any provision of the AVMC and other adopted City regulations; and

WHEREAS, AVMC section 1.06.120 provides that the administrative citation fine amounts are $100 for a first violation, $200 for a second violation of the same code provision, ordinance, or permit condition within one year from the date of the first violation, and $500 for each additional violation of the same code provision, ordinance, or permit condition within one year from the date of the first violation; and

WHEREAS, however, AVMC section 1.06.120 also authorizes the City Council to specify, by resolution, the administrative citation fine amounts for specific violations of the AVMC and other adopted codes; and

WHEREAS, the City Council has identified several Code violations that especially threaten the public health, safety, or welfare, or otherwise harm the Aliso Viejo community; and

WHEREAS, the construction, reconstruction, installation, erection, moving, or alteration of any building or structure without a permit, as addressed in the 2013 California Building Code section 1.8.4.1, as adopted by AVMC section 13.02.010, especially threatens the public health, safety, or welfare because such unpermitted and unregulated construction may include structural issues that could physically harm members of the public; and

WHEREAS, short-term rentals in residential districts, as addressed in AVMC section 15.14.165, particularly harm residents because short-term rentals are often associated with excessive noise, parking problems, trash, and degradation of a neighborhood's residential character; and

WHEREAS, the maintenance of unsafe buildings and other structures, as addressed in AVMC section 8.24.010, subdivision (G), also poses a significant, health and safety risk to residents' physical well-being; and

WHEREAS, the Council desires to increase the administrative citation fine amounts to further deter construction without a permit, short-term rentals, and the maintenance of unsafe buildings and other structures in the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

Section 1. Incorporation of Recitals. The foregoing recitals are true and correct and are hereby incorporated and made an operative part of this Resolution.

Section 2. Amount of Administrative Fines.

A. Administrative fines shall be assessed for violations of the 2013 California Building Code section 1.8.4.1, as adopted by AVMC section 13.02.010, as follows:

1. A fine not exceeding two hundred dollars ($200.00) for a first violation;

2. A fine not exceeding five hundred dollars ($500) for a second violation of the same code provision within one year from the date of the previous violation.

3. A fine not exceeding seven hundred dollars ($700.00) for each additional violation of the same code provision within one year from the date of the first violation.

B. Administrative fines shall be assessed for violations of AVMC section 15.14.165, as follows:

1. A fine not exceeding five hundred dollars ($500.00) for a first violation;

2. A fine not exceeding seven hundred dollars ($700) for a second violation of the same code provision within one year from the date of the previous violation.

3. A fine not exceeding one thousand dollars ($1000.00) for each additional violation of the same code provision within one year from the date of the first violation.

C. Administrative fines shall be assessed for violations of AVMC section 8.24.010, subdivisions (G)(1)-(10) and (12), as follows:

1. A fine not exceeding two hundred dollars ($200.00) for a first violation;

2. A fine not exceeding five hundred dollars ($500) for a second violation of the same code provision within one year from the date of the previous violation.

3. A fine not exceeding seven hundred dollars ($700.00) for each additional violation of the same code provision within one year from the date of the first violation.

Section 3. Remaining Provisions of Ordinance. Except as otherwise specifically set forth in this Resolution, the remaining provisions of Aliso Viejo Municipal Code Chapter 1.06 shall remain in full force and effect as to violations of the 2013 California Building Code section 1.8.4.1, as adopted by AVMC section 13.02.010, AVMC section 15.14.165, and AVMC section 8.24.010, subdivision (G)(1)-(10) and (12).

Section 4. CEQA. The City Council finds that this Resolution is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5. Severability. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

Section 6. Effective Date. This Resolution is adopted in connection with Ordinance No. 2015-____ relating to Short-Term Rentals shall take effect concurrently with that Ordinance.

Section 7. Certification. The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption thereof.

[Signatures on Following Page]

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2015.

_____
William A. Phillips
Mayor

APPROVED AS TO FORM:

_____
Scott C. Smith, City Attorney

ATTEST:

_____
Mitzi Ortiz, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ALISO VIEJO)

I, MITZI ORTIZ, City Clerk of the City of Aliso Viejo, California, DO HEREBY CERTIFY that foregoing Resolution No. _____ was duly passed and adopted by the City Council of the City of Aliso Viejo at their regular meeting held on the ____ day of _____, 2015, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

_____
MITZI ORTIZ, MMC
CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Resolution No. _____ duly passed and adopted by the Aliso Viejo City Council at its regular meeting held _____, 2015.

_____
MITZI ORTIZ, MMC
CITY CLERK

(SEAL)

City of Aliso Viejo
Agenda Item

DATE: January 21, 2015

TO: City Council

FROM: Albert Armijo, Director of Planning Services
Larry Lawrence, Consulting Planner

SUBJECT: ZONING CODE AMENDMENT – CHANGES TO STANDARDS FOR RESIDENTIAL ACCESSORY STRUCTURES, RECREATIONAL VEHICLES, AUTO RENTAL AGENCIES, MEDICAL OFFICE USES, OUTDOOR DINING, BUSINESS SIGNS, PARKING, HOUSING DEFINITIONS AND OTHER AMENDMENTS (PA15-001). THE CODE AMENDMENT IS NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") BECAUSE THE AMENDMENT: (1) WILL NOT RESULT IN A PHYSICAL CHANGE IN THE ENVIRONMENT; AND (2) IS NOT A PROJECT AS DEFINED IN THE CEQA GUIDELINES.

RECOMMENDED ACTION

Staff recommends the City Council Introduce the attached ordinance amending the Zoning Code as described in this report.

Background

Staff periodically brings proposed refinements to the Zoning Code to the City Council found needed as a result of experience in applying the code over time. This report describes the latest proposed amendments.

The City Attorney's office participated in preparation of this report. In addition, comments were solicited from the Police Services and Public Works Departments.

Discussion

Draft amendments to the Zoning Code include the following:

1. *Residential Accessory Structure Heights (Section 15.14.050(B)):* Clarification that residential yard structures and storage buildings not within a setback may be constructed up to the district's maximum structure height, the same as the main residence.

2. *Small Auto Rental Agencies (Table 15.18.020):* Allowing small auto rental agencies with three or fewer rental cars on site within all nonresidential districts except the CT (Town Center), subject to an administrative use permit, plus allowing larger rental businesses in the BP-1 with a full conditional use permit:

TABLE 15.18.020:
PERMITTED USES IN NONRESIDENTIAL DISTRICTS

Land Use	CT Town Center Commercial	CC Community Commercial	CN Neighborhood Commercial	PO Professional Office	BP-1 Business Park - 1	BP-2 Business Park - 2
Auto, truck and equipment rental businesses, with ~~vehicles and/or~~ equipment and/or 4 or more vehicles stored on the premises	NP	NP	NP	NP	~~NP~~ C	C
Auto rental agencies with 3 or fewer rental cars on the premises at one time	NP	AUP	AUP	AUP	AUP	AUP

3. *Medical Clinics (Table 15.18.020):* Adding a new use, "medical clinics", where overnight care is allowed, subject to approval of an administrative use permit. This is in recognition of the emergence of this kind of provider which fills a gap between walk-in doctor's offices and hospitals. Revised definitions for "medical clinics" and "medical offices" have also been added.

Land Use	CT Town Center Commercial	CC Community Commercial	CN Neighborhood Commercial	PO Professional Office	BP-1 Business Park - 1	BP-2 Business Park - 2
Medical clinics, where treatment services are provided on the premises and overnight/after-hour recovery care for 24 hours or less may also be provided	AUP	AUP	AUP	AUP	AUP	AUP
Medical offices, where treatment services are provided on the premises but overnight care is not provided	P	P	P	P	P	P

4. *Manufacturing Uses and Warehouses and Distribution Facilities under 80,000 sq/ft in BP-1 with an AUP (Table 15.18.020):* A change allowing light manufacturing uses and warehouses and distribution facilities under 80,000 sq/ft in the BP-1 District with an administrative use permit instead of a full conditional use permit.

5. *Setbacks for Taller Buildings (Table 15.18.030):* In the CT, PO and BP districts, limitations on the required increases in the perimeter setbacks for taller buildings

(see highlighted footnote below). That increase will be limited to a setback of 50 feet; or to 30 feet if a conditional use permit is approved by the City Council for a specific project:

TABLE 15.18.030: NONRESIDENTIAL DEVELOPMENT STANDARDS

	DISTRICT				
HEIGHT AND FLOOR AREA RATIO:	**CT** Town Center Commercial	**CC** Community Commercial	**CN** Neighborhood Commercial	**PO** Professional Office	**BP-1&-2** Business Park 1 and 2
Minimum Lot Size	no minimum				
Maximum Structure Height (feet) (See chapter 15.30 for additional provisions regarding height limits)	45[1]	35	35	65[1]	45[1]
Maximum Floor Area Ratio (FAR)	1.25	1.0	0.6	1.5	1.0
MINIMUM PERIMETER SETBACKS IN FEET:					
From arterial highways[2]	40	20	20	20	30
From local nonresidential streets[2]	20	20	20	20	15
From residential streets[2]	20	20	20	20	40
From abutting parcels in residential, OS and OR districts	20	20	20	20	40[3]
From abutting commercial, office and other nonresidential developments	10	10	10	10	10
From interior property lines within the same project	0	0	0	0	0

[1]All minimum perimeter setbacks shall be increased 1 foot for every foot in height above 35 feet (except for setbacks from interior property lines) up to a required minimum setback of 50 feet. However, such increased setbacks may be reduced to 30 feet if a conditional use permit (CUP) is approved for an individual project, subject to the CUP findings of sec. 15.74.040.
[2]Setbacks are measured from ultimate street right-of-way line.
[3]Or a distance equal to the height of the building, whichever is greater.

6. *Outdoor Dining Area (15.22.190(B)):* Allowing an increase in outdoor dining area if an exception permit is approved: "The area devoted to outdoor dining shall not exceed 1,000 square feet and shall be accessory to the main restaurant use. Outdoor dining area may be expanded to a maximum of 40 percent of the indoor floor area of the restaurant if an exception permit is approved pursuant to section 15.74.070."

7. *Sign Copy (Table 15.34.140):* Allowing building-mounted business signs to include trademarks: "Sign copy shall be limited to the business name, logo, ~~or~~ trademark, and/or generic description of the activity or business, such as "barber shop" or "hardware," ~~unless the trade name, product, or service is an integral part of the fictitious or trade-mark name of the business and/or service".~~

8. *Parking Standards (Table 15.38.040):* Adding parking standards for the new medical clinic and auto rental agency uses described earlier in this report: one space per 200 sq/ft of gross floor area for medical clinics and offices and one per 250 for auto rental agencies.

9. *Prohibition Against Living in Parked RV (15.38.110(A)):* Adding an explicit prohibition against using a recreation vehicle parked in a residential district for living purposes: "RVs stored in residential districts shall not be used for sleeping purposes or as a dwelling."

10. *Definitions (15.94.020):* An Update of the definitions of medical clinics and transitional and supportive housing.

Conclusions

Changes contained in this ordinance amendment are in response to application of the Zoning Code over time. Staff recommends adoption of the amendment.

Prepared by:

Mary Flemister for

Larry Lawrence
Consulting Planner

Reviewed by:

Albert Armijo
Director of Planning Services

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL

David A. Doyle
City Manager

Attachment:
1. Code Amendment Ordinance

ORDINANCE NO. 2015—0XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA AMENDING TITLE 15 OF THE ALISO VIEJO MUNICIPAL CODE, INCLUDING CHANGES TO LAND USE REGULATIONS FOR TRANSITIONAL AND SUPPORTIVE HOUSING, RESIDENTIAL ACCESSORY STRUCTURES, MEDICAL OFFICE AND AUTO RENTAL AGENCY USES, OUTDOOR DINING, PARKING REGULATIONS, RECREATIONAL VEHICLE PARKING, BUSINESS SIGNS AND OTHER AMENDMENTS (PA15-001).

WHEREAS, on April 21, 2004, the City Council of the City of Aliso Viejo, California ("City") adopted a General Plan as required by California Government Code section 65300; and

WHEREAS, California Government Code sections 65800 *et seq.* provide for the adoption and administration of local zoning laws, ordinances, rules and regulations to implement the General Plan; and

WHEREAS, on January 20, 2010, the Aliso Viejo City Council ("City Council") adopted a revised Zoning Code for the City; and

WHEREAS, the City Council and City staff have identified the need to make refinements to Title 15 of the Aliso Viejo Municipal Code, also known as the Aliso Viejo Zoning Code ("Zoning Code"); and

WHEREAS, Zoning Code chapters 15.70 and 15.78 and California Government Code section 65854 require the City Council to conduct a public hearing on amendments to the Zoning Code; and

WHEREAS, notice of the public hearing on the Zoning Code Amendment was published in a 1/8 page display ad in the Aliso Viejo News on January 8, 2015 and public hearing notices were posted at the Aliso Viejo City Hall, the Aliso Viejo Library, and the Aliso Viejo Sheriff Substation pursuant to California Government Code sections 65853 *et seq.*; and

WHEREAS, the City Council held a duly-noticed public hearing on January 21, 2015 to consider first reading of this Ordinance and public testimony and recommendations presented by staff in its staff report and oral presentation.

THE CITY COUNCIL OF THE CITY OF ALISO VIEJO HEREBY ORDAINS AS FOLLOWS:

SECTION 1. This Ordinance enacts changes to the City's Zoning Code in order

to promote health, safety, comfort and general welfare in the community, to provide a plan for sound and orderly development and to ensure social and economic stability. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") because the activity is not a project as defined in Section 15378 of the State CEQA Guidelines. Even if the Ordinance did constitute a "project" within the meaning of CEQA, the activity is exempt under State CEQA Guidelines section 15061 for the reasons set forth in this Ordinance and the corresponding staff report. The Ordinance does not have the potential for resulting in physical change to the environment, directly or indirectly.

SECTION 2. After receiving public testimony, reviewing the evidence submitted by staff and discussing the proposed ordinance, the City Council hereby finds that the amendments to the Zoning Code to amend certain land use regulations relating to transitional and supportive housing, residential accessory structures, medical office and auto rental agency uses, parking regulations, recreational vehicle parking, business signs and other amendments are consistent with the General Plan. Specifically, the amendments will refine land use regulations to allow the City to more effectively monitor and maintain standards for land use diversity and environmental compatibility (General Plan Goals LU-1 and LU-4, pp. LU-6 and LU-8) and access to safe and affordable housing (General Plan Goals H-1, H-2 and H-3, pp. H-4 through H-6).

SECTION 3. In addition, the City Council hereby finds that the amendments to the Zoning Code will not create conditions materially detrimental to the public health, safety, and general welfare. Rather, the amendments are enacted to refine the regulation of land use, sign and parking regulations while avoiding detrimental impacts on the public health, safety, and general welfare by providing more precise and effective standards.

SECTION 4. Title 15 of the Aliso Viejo Municipal Code (the "Zoning Code") is hereby amended as set out in Exhibit "A", attached hereto and incorporated herein by reference. This adoption is based upon the findings contained in this Ordinance, the accompanying staff report and all oral and written testimony presented at the public hearing.

SECTION 5. Upon the effective date of this Ordinance, all former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed and declared to be of no further force and effect.

SECTION 6. If any section, subsection, paragraph, sentence, clause, phrase, or portion of this Ordinance or any portion of the Zoning Code Amendment attached hereto as Exhibit "A" is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance and amended Zoning Code. The City Council hereby declares that it would have adopted this Ordinance and amended Zoning Code, and each section, subsection, paragraph, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections,

paragraphs, subdivisions, sentences, clauses, phrases or portions might subsequently be declared invalid or unconstitutional.

SECTION 7. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 8. The City Clerk shall publish this Ordinance within fifteen (15) days of its adoption in accordance with California Government Code Section 36933.

SECTION 9. Location and Custodian of Records. The documents and materials associated with this Ordinance that constitute the record of proceedings on which these findings are based are located at Aliso Viejo City Hall, 12 Journey, Aliso Viejo, California 92656. The Director of Planning Services is the custodian of the record of proceedings.

PASSED, APPROVED AND ADOPTED this 4th day of February 2015.

William "Bill" Phillips
Mayor

ATTEST:

Mitzi Ortiz, MMC
City Clerk

APPROVED AS TO FORM:

Scott C. Smith
City Attorney

ORDINANCE EXHIBIT A:
AMENDMENT TO TITLE 15: ZONING CODE (PA15-001)

1. SECTIONS 15.14.050 AND 15.14.060 OF THE ALISO VIEJO MUNICIPAL CODE ARE HEREBY AMENDED TO READ AS FOLLOWS [additions are shown double-underlined]:

15.14.050 Patio Covers and Yard Structures

A. *Applicability.* Yard structures are permitted as accessory structures on common residential lots or on residential lots containing a primary residence, subject to the requirements of this section. For purposes of this Code, the term "yard structure" means any type of unenclosed structure over 18 inches in height and placed within required yard setbacks, including but not limited to patio covers (attached or detached), gazebos, trellises, free-standing fireplaces, fire pits, barbecues, fountains, play equipment (other than enclosed playhouses), and cantilevered decks.

B. *Standards.* Yard structures shall conform to the following requirements. Setbacks shall be measured from the edge of the structure, not from supporting members. Height shall be measured at the highest point of the structure.

1. *Side and Rear Yards.* Yard structures under 6 feet in height may be located up to a side or rear property line subject to building code and fire code limitations. Yard structures 6 feet in height or over shall be located at least 3 feet from any property line and shall not exceed 12 feet in height. Yard structures not within a setback may be constructed up to the district's maximum structure height set out in Section 15.10.030(A), Table 15.10.030.

2. *Front Yards.* Yard structures in front yards shall not exceed 6 feet in height, shall be located at least 3 feet from any property line and shall not be located in the panhandle portion of a panhandle lot.

3. *Common Lots.* For common lots, yard structures under 6 feet high may be located up to any property line subject to building or fire code limitations. Yard structures 6 feet in height or over shall be located at least 3 feet from any property line and shall not exceed 12 feet in height.

4. *Elevated Decks.* No deck or viewing area shall be placed on the roof of a yard structure unless an exception permit is approved pursuant to section 15.74.070.

5. *Drainage from Roofs.* Yard structures shall be constructed in a manner so as to prevent rooftop water from draining onto any adjacent parcel.

C. *Increase in Height.* An increase of up to 3 feet in height for a yard structure within a setback may be permitted if an exception permit is approved pursuant to section 15.74.070.

15.14.060 Storage Sheds and Yard Buildings

A. *Applicability.* Storage sheds, playhouses and similar enclosed yard buildings are permitted as accessory structures on common residential lots or on residential lots containing a primary residence, subject to the requirements of this section. For purposes of this Code, the term "yard building" means any type of detached enclosed building over 18 inches in height and placed within required yard setbacks, including but not limited to storage sheds, garden sheds and enclosed playhouses. The term does not include attached enclosed patios, sunrooms, service porches or other enclosed rooms attached to the main building. Such rooms shall conform to the same setback and height regulations as the main building.

B. *Standards.* Yard buildings shall conform to the requirements listed below. Height shall be measured at the highest point of the structure.

1. *Side and Rear Yards.* Yard buildings under 6 feet in height may be located up to a side or rear property line subject to building or fire code limitations. Yard buildings 6 feet in height or over shall be located at least 3 feet from the property line and shall not exceed 8 feet in height. Yard buildings not within a setback may be constructed up to the district's maximum structure height set out in Section 15.10.030(A), Table 15.10.030.

2. *Front Yards.* Yard buildings in front yards shall not be located closer to the front property line than the front wall of the main building. Height and other restrictions shall be the same as for side and rear yards as set out in paragraph (B)(1) of this section.

3. *Common Lots.* For common lots, yard buildings under 6 feet high may be located up to any property line subject to building or fire code limitations. Yard buildings 6 feet in height or over shall be located at least 3 feet from any property line and shall not exceed 8 feet in height.

4. *Number and Size.* No more than 2 yard buildings shall be placed on any residential lot. No yard building shall exceed 200 square feet in ground area.

5. *Elevated Decks.* No deck or viewing area shall be placed on the roof of a yard building unless an exception permit is approved pursuant to section 15.74.070.

6. *Drainage from Roofs.* Yard buildings shall be constructed in a manner so as to prevent rooftop water from draining onto any adjacent parcel.

C. *Increase in Height.* An increase of up to 3 feet in height for a yard building within a setback may be permitted if an exception permit is approved pursuant to section 15.74.070.

2. TABLE 15.18.020 OF THE ALISO VIEJO MUNICIPAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS [additions are shown double-underlined and deletions in strikethrough]:

TABLE 15.18.020:
PERMITTED USES IN NONRESIDENTIAL DISTRICTS

Land Use	CT Town Center Commercial	CC Community Commercial	CN Neighborhood Commercial	PO Professional Office	BP-1 Business Park - 1	BP-2 Business Park - 2
AUTOMOTIVE USES:						
Auto and motorcycle dealerships, with associated repair services	NP	NP	NP	NP	C	C
Auto repair services, major	NP	C	C	NP	C	C
Auto repair services, minor as a principal use	C	C	C	NP	C	C
Auto repair services, minor, as an accessory use subordinate to a principal use such as a gas station, discount or warehouse store or other permitted use	AUP	AUP	AUP	NP	AUP	AUP
Auto, truck and equipment rental businesses, with ~~vehicles and/or~~ equipment and/or 4 or more vehicles stored on the premises	NP	NP	NP	NP	~~NP~~ C	C
Auto rental agencies with 3 or fewer rental cars on the premises at one time	NP	AUP	AUP	AUP	AUP	AUP
Car washes, automated as an accessory to gas station use on the same premises only	C	C	C	C	C	C
Car washes, full service	C	C	C	C	C	C
Gas stations and charging stations; may include accessory uses such as minimarts, automated car washes, fast food, and minor auto repair; subject to sec. 15.22.210	C	C	C	C	C	C
Parking lots and garages as a principal use	C	C	C	C	C	C
Vehicle, truck, recreation vehicle and marine sales, service, and storage, subject to landscaping and screening	NP	NP	NP	NP	NP	C
DINING, DRINKING AND ENTERTAINMENT USES:						
Alcoholic beverage sales, for on or off-premise consumption, subject to sec. 15.22.200	AUP	AUP	AUP	AUP	AUP	AUP
Bars, taverns. cocktail lounges and microbreweries, subject to sec. 15.22.200	C	C	C	C	C	C
Cigar bars and smoking, electronic cigarette and hookah lounges,	C	C	C	C	C	C
Coffee houses	P	P	P	P	AUP	AUP
Cyber or internet cafes	C	C	C	C	C	C
Live entertainment and dancing as a principal use	C	C	NP	NP	C	C
Live entertainment and dancing as an accessory use	AUP	AUP	AUP	AUP	AUP	AUP
Outdoor dining as an accessory use, subject to sec. 15.22.190	AUP	AUP	AUP	AUP	AUP	AUP
Restaurants, full-service, with 16 or fewer seats[1]	P	P	P	AUP	AUP	AUP
Restaurants, full-service, with 17 or more seats[1]	C	C	C	C	C	C
Restaurants, drive-thru[1]	C	C	C	NP	NP	NP
Retail sale of take-out food such as ice cream, frozen yogurt, and bakery goods, with ancillary seating[1]	P	P	P	AUP	AUP	AUP
[1]Outdoor dining is an accessory use regulated by sec. 15.22.190						
Theaters, live or motion picture (see "Public, Recreation and Assembly Uses")						

TABLE 15.18.020:
PERMITTED USES IN NONRESIDENTIAL DISTRICTS

Land Use	CT Town Center Commercial	CC Community Commercial	CN Neighborhood Commercial	PO Professional Office	BP-1 Business Park - 1	BP-2 Business Park - 2
Video arcades as a principal use	C	C	NP	NP	C	C
Video games as an accessory use (9 machines or less)	A	A	A	A	A	A
LODGING AND GROUP CARE USES:						
Alcoholic beverage sales, for on- or off-premise consumption, subject to sec. 15.22.200	AUP	AUP	AUP	AUP	AUP	AUP
Child day care centers and preschools	C	C	AUP	AUP	C	C
Homeless/Emergency shelters	NP	NP	NP	C	P	P
Hospitals	NP	NP	NP	C	C	C
Hotels and bed and breakfast inns	C	NP	NP	C	C	C
Motels	NP	NP	NP	NP	C	C
Managed care facilities, including assisted living facilities and convalescent homes	NP	NP	NP	C	C	C
Transitional/Supportive Housing	NP	NP	NP	C	P	P
OFFICE, RETAIL AND SERVICE USES:						
Alcoholic beverage sales, for on- or off-premise consumption, subject to sec. 15.22.200	AUP	AUP	AUP	AUP	AUP	AUP
Animal boarding and kennels[2]	AUP	AUP	AUP	NP	AUP	AUP
Animal grooming[2]	AUP	AUP	AUP	NP	P	P
Animal hospitals/Veterinary clinics[2]	AUP	AUP	AUP	NP	AUP	AUP
[2] Animal control, welfare and licensing requirements shall be pursuant to Title 6 of the Municipal Code.						
Automated teller machines as an accessory use	A	A	A	A	A	A
Banks and other financial institutions with tellers; may include drive-up or walk-up windows	P	P	P	P	P	P
Barber shops and beauty, nail, tanning and similar salons	P	P	P	P	P	P
Check cashing facilities	NP	C	NP	NP	NP	NP
Convenience stores and liquor stores[3]	C	C	C	NP	NP	NP
[3] Defined as retail stores under 5,000 sq/ft in gross floor area, open up to 24 hours/day and selling primarily food, beer, wine, liquor and sundries for off-site consumption.						
Dry cleaners, with no central plant onsite	P	P	P	P	P	P
Fortune telling, palmistry and similar services	NP	C	NP	NP	NP	NP
Furniture and appliance stores	C	C	NP	NP	NP	NP
Laundromats	NP	P	P	AUP	NP	NP
Massage parlors, massage centers, day spas and any other establishment offering massage services wherein one or more massage therapists providing services therein is not state-certified , subject to chapter 4.14 of the Municipal Code.	C	C	C	C	C	C
Massage parlors, massage centers, day spas and other establishments offering massage services provided exclusively by state-certified massage therapists, subject to chapter 4.14 of the Municipal Code.	P	P	P	P	P	P
Medical clinics, where treatment services are provided on the premises and overnight/after-hour recovery care for 24 hours or less may also be provided	AUP	AUP	AUP	AUP	AUP	AUP
Medical offices, where treatment services are provided on the premises but overnight care is not provided	P	P	P	P	P	P

TABLE 15.18.020:
PERMITTED USES IN NONRESIDENTIAL DISTRICTS

Land Use	CT Town Center Commercial	CC Community Commercial	CN Neighborhood Commercial	PO Professional Office	BP-1 Business Park - 1	BP-2 Business Park - 2
Miscellaneous small-scale services such as travel services, photo developing, shoe repair, appliance repair, and similar uses	P	P	P	P	P	P
Office uses, general and professional	P	P	P	P	P	P
~~Office uses, medical, dental, counseling, chiropractic, acupuncture and similar services~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
Pet supplies and accessories stores (accessory veterinary or kennel uses require a conditional use permit)	P	P	NP	NP	P	P
Pet stores, selling live animals	C	C	NP	NP	C	C
Plant nurseries and garden supply stores	P	P	NP	NP	NP	NP
Printing and copy services	P	P	P	P	P	P
Retail stores, general,[4] under 10,000 sq/ft gross floor area (GFA), other than convenience or liquor stores	P	P	P	A or AUP*	A or AUP*	A or AUP*
Retail stores, general,[4] 10,000 – 80,000 sq/ft GFA	P	P	P	NP	NP	NP
Retail stores, general,[4] over 80,000 sq/ft GFA	C	C	NP	NP	NP	NP
[4]Such as supermarkets and other retail stores selling such items as food, apparel, shoes, books, office supplies, gifts, and similar merchandise to the general public. Typically open less than 24 hours/day.				**AUP required if the store is a principal use*		
Tattoo parlors	NP	C	NP	NP	NP	NP
Thrift stores and pawn shops	NP	C	NP	NP	NP	NP
Video rental stores	P	P	P	P	P	P
Vendor carts and stands, outdoor, subject to sec. 15.22.130	C	AUP	NP	AUP	AUP	AUP
PUBLIC, RECREATION AND ASSEMBLY USES:						
Alcoholic beverage sales, for on- or off-premise consumption, subject to sec. 15.22.200	AUP	AUP	AUP	AUP	AUP	AUP
Bicycle, equestrian and hiking trails	P	P	P	P	P	P
Bowling alleys	C	C	NP	NP	C	C
Churches, temples, other places of worship[5]	C	C	NP	C	C	C
Cinemas and live theaters[5]	C	C	NP	NP	NP	NP
Clubs, lodges, union halls, and similar uses[5]	C	C	NP	C	C	C
Colleges and universities, public or private	NP	NP	NP	NP	NP	C
Community centers and senior citizen centers[5]	C	C	NP	C	C	C
[5]In the PO, BP-1 and BP-2 districts, such uses shall not exceed a maximum aggregate square footage of 5,000 sq.ft.						
Driving ranges, lighted or unlighted	NP	NP	NP	NP	C	C
Electric substations	NP	NP	NP	NP	NP	NP
Family/Children entertainment centers, <u>indoor</u>, with climbing apparatus, play equipment, food service, video games, party facilities, and similar attractions	C	C	NP	NP	C	C
Family/Children entertainment centers, <u>outdoor</u>, and similar outdoor recreation uses, with such attractions as miniature golf, batting cages, boat rides; may also include indoor attractions	NP	NP	NP	NP	C	C
Fire and police stations	P	P	P	P	P	P
Golf courses	NP	NP	NP	NP	NP	NP
Government offices	P	P	P	P	P	P

TABLE 15.18.020:
PERMITTED USES IN NONRESIDENTIAL DISTRICTS

Land Use	CT Town Center Commercial	CC Community Commercial	CN Neighborhood Commercial	PO Professional Office	BP-1 Business Park - 1	BP-2 Business Park - 2
Health clubs, boxing and martial arts uses, gymnastics, dance studios, and similar physical activity uses; under 3,000 sq/ft gross floor area	AUP	AUP	AUP	AUP	AUP	AUP
Health clubs, boxing and martial arts uses, gymnastics, dance studios, and similar physical activity uses; over 3,000 sq/ft gross floor area	C	C	NP	C	C	C
Helicopter pads	NP	NP	NP	C	C	C
Libraries and museums	C	C	C	C	C	C
Mortuaries and funeral homes	NP	NP	NP	NP	C	C
Outdoor amphitheaters	NP	NP	NP	NP	NP	NP
Parks and open space, passive, public, subject to ch. 15.46 (*Noise Standards*) and sec. 15.22.110 (Outdoor *Lighting*)	P	P	P	P	P	P
Pool halls/billiard centers	C	C	NP	NP	C	C
Pool or billiard tables as an accessory use (3 or fewer)	A	A	A	A	A	A
Public utility lines, boxes and transformers	P	P	P	P	P	P
Reservoirs and water tanks	NP	NP	NP	NP	NP	NP
Roller and ice rinks, indoor	NP	NP	NP	NP	C	C
Schools, private, with outdoor facilities, such as private elementary and high schools; except preschools (listed under *Group Care Uses*)	NP	NP	NP	NP	C	C
Schools, private, without outdoor facilities, such as business, vocational and professional	NP	C	NP	C	C	C
Schools, public	NP	NP	NP	NP	NP	NP
Skateboard, roller hockey, and stunt bike facilities, indoor or outdoor	NP	NP	NP	NP	NP	C
Sports training centers	NP	NP	NP	NP	C	NP
Stations and terminals, train, bus and taxi	C	C	NP	C	C	C
Swim schools	NP	NP	NP	NP	NP	C
Theaters, live or motion picture (see "Cinemas and live theaters")						
Tutorial services, not including schools or colleges	NP	AUP	AUP	AUP	AUP	AUP
RESEARCH, INDUSTRIAL AND HEAVY COMMERCIAL USES:						
Contractor and construction equipment yards, with outside storage	NP	NP	NP	NP	NP	C
Dry cleaners and laundries, central plants	NP	NP	NP	NP	C	C
Laboratories, dry	NP	NP	NP	P	P	P
Light manufacturing and light industrial uses, including the manufacture and assembly of products from materials such as cloth, fiber, fur, glass, leather, stone, wood, plastics, metal, and paper (except milling); may include offices, storage and other incidental uses on the same site	NP	NP	NP	NP	~~C~~ AUP	P
Lumber yards and other building materials sales, outdoor	NP	NP	NP	NP	NP	C

TABLE 15.18.020:
PERMITTED USES IN NONRESIDENTIAL DISTRICTS

Land Use		CT Town Center Commercial	CC Community Commercial	CN Neighborhood Commercial	PO Professional Office	BP-1 Business Park - 1	BP-2 Business Park - 2
Pest control services		NP	NP	NP	NP	C	AUP
Plumbing repair shops		NP	NP	NP	NP	C	AUP
Recycling recovery facilities as a principal use, with collection and sorting only (such as a materials recovery facility), not including auto salvage or junkyards		NP	NP	NP	NP	NP	C
Recycling collection facilities as an accessory use, such as dropoff bins and mobile recycling units		AUP	AUP	AUP	AUP	AUP	AUP
Research and development, other than specialized (see below)		NP	NP	NP	P	P	P
Specialized research, development, manufacturing and wet laboratories, where chemicals, drugs or biological matter are tested and analyzed, typically requiring water, direct ventilation, specialized piped utilities and protective measures. Approval of a use permit shall require the following findings in addition to those findings in sec. 15.74.040: • "That the facility will provide design and procedural safeguards such that its operation will not pose a danger to life, property or other land uses in the vicinity. • "That the facility will be compatible with other land uses in the vicinity and will not have material adverse impacts on persons or property in terms of noise, odors, vibration, glare or other effects."		NP	NP	NP	AUP	AUP	AUP
Storage facilities, personal, indoor, such as miniwarehouses		NP	NP	NP	NP	C	C
Welding, machine, milling and plating operations		NP	NP	NP	NP	NP	C
Warehouses as an accessory use, when incidental to a permitted use and occupying less than 30% of the floor area on a site		A	A	A	A	A	A
Warehouses and distribution facilities as a principal use, for storing or shipping food, beverages, packages, merchandise or other items:	Up to 80,000 sq/ft gross floor area	NP	NP	NP	NP	~~C~~ AUP	P
	Over 80,000 sq/ft gross floor area	NP	NP	NP	NP	NP	C
ACCESSORY USES:							
Caretaker residences as an accessory use (temporary or permanent) subject to sec. 15.22.160		AUP	AUP	AUP	AUP	AUP	AUP
Fences and walls, subject to sec. 15.22.030		A	A	A	A	A	A
Patio covers, trellises and similar open structures, subject to sec. 15.22.050		A	A	A	A	A	A
Incidental products or services for employees, patrons or businesses located in the same building as the principal use, such as cafeterias, retail shops under 1,000 sq/ft in gross floor area and similar incidental uses.		A	A	A	A	A	A
Outdoor storage and display as an accessory use, subject to sec. 15.22.120		A	A	A	A	A	A
Signs as an accessory use, subject to ch. 15.34		A	A	A	A	A	A
Parking facilities as an accessory use, subject to ch. 15.38		A	A	A	A	A	A
Lactation stations for breastfeeding as required by state and federal law		A	A	A	A	A	A

TABLE 15.18.020:
PERMITTED USES IN NONRESIDENTIAL DISTRICTS

Land Use	CT Town Center Commercial	CC Community Commercial	CN Neighborhood Commercial	PO Professional Office	BP-1 Business Park - 1	BP-2 Business Park - 2
Other accessory uses and structures which the Director determines are customarily associated with and subordinate to the principal use on the premises, are consistent with the purpose and intent of the zoning district, and will not have a material adverse effect on other properties	A	A	A	A	A	A
TEMPORARY USES:						
Christmas tree sales	TUP	TUP	TUP	TUP	TUP	TUP
Construction trailers and guard offices	TUP	TUP	TUP	TUP	TUP	TUP
Halloween pumpkin sales	TUP	TUP	TUP	TUP	TUP	TUP
Outdoor markets, such as farmers' markets, produce stands, flea markets, and swap meets.	TUP	TUP	TUP	NP	TUP	TUP
Professional film, video and still photography	TUP	TUP	TUP	TUP	TUP	TUP
Sidewalk sales and special shopping center events	TUP	TUP	TUP	NP	TUP	TUP
Special outdoor community and other events	Regulated by chapter 11.05 of the Aliso Viejo Municipal Code					
OTHER USES:						
Adult businesses, subject to ch. 4.12 (*Adult Business Regulations*)	NP	C	NP	NP	NP	NP
Amateur radio, satellite dish and video antennas	As provided in chapter 15.44					
Wireless communication antennas and facilities	As provided in chapter 15.42					
Other principal, conditional, accessory or temporary uses not listed in this table	If a use or structure is not listed as permitted, it is prohibited unless specifically determined to be permitted in accordance with sec.15.06.050.					

3. TABLE 15.18.030 OF THE ALISO VIEJO MUNICIPAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS [additions are shown double-underlined]:

TABLE 15.18.030: NONRESIDENTIAL DEVELOPMENT STANDARDS

	DISTRICT				
HEIGHT AND FLOOR AREA RATIO:	**CT** Town Center Commercial	**CC** Community Commercial	**CN** Neighborhood Commercial	**PO** Professional Office	**BP-1&-2** Business Park 1 and 2
Minimum Lot Size	no minimum				
Maximum Structure Height (feet) (See chapter 15.30 for additional provisions regarding height limits)	45[1]	35	35	65[1]	45[1]
Maximum Floor Area Ratio (FAR)	1.25	1.0	0.6	1.5	1.0
MINIMUM PERIMETER SETBACKS IN FEET:					
From arterial highways[2]	40	20	20	20	30
From local nonresidential streets[2]	20	20	20	20	15
From residential streets[2]	20	20	20	20	40
From abutting parcels in residential, OS and OR districts	20	20	20	20	40[3]
From abutting commercial, office and other nonresidential developments	10	10	10	10	10
From interior property lines within the same project	0	0	0	0	0

[1]All minimum perimeter setbacks shall be increased 1 foot for every foot in height above 35 feet (except for setbacks from interior property lines) up to a required minimum setback of 50 feet. However, such increased setbacks may be reduced to 30 feet if a conditional use permit (CUP) is approved for an individual project, subject to the CUP findings of sec. 15.74.040.

[2]Setbacks are measured from ultimate street right-of-way line.

[3]Or a distance equal to the height of the building, whichever is greater.

4. SECTION 15.34.140 OF THE ALISO VIEJO MUNICIPAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS [additions are shown double-underlined]:

15.22.190 Outdoor Dining

A. *Applicability.* General Provisions. Outdoor dining may be permitted as an accessory use subject to the provisions of this section if an administrative use permit is approved in accordance with section 15.74.040.

B. Allowing an increase in outdoor dining area if an exception permit is approved: "The area devoted to outdoor dining shall not exceed 1,000 square feet and shall be accessory to the main restaurant use. Outdoor dining area may be expanded to a maximum of 40 percent of the indoor floor area of the restaurant if an exception permit is approved pursuant to section 15.74.070.

C. *Required Findings.* Before approving an application, the decision-making authority shall make the following findings in addition to those required in section 15.74.040:

1. That the proposed outdoor dining is accessory to the eating and drinking establishment;

2. That the accessory outdoor dining area will not result in the reduction of existing parking spaces below that required for the restaurant use.

D. *Required Conditions.* Approval of an application to add or expand outdoor accessory dining shall include the following conditions:

1. The outdoor dining area shall be subject to the existing hours of operation, operational characteristics and conditions of any use permit applicable to the overall establishment;

2. Amplified live music shall not be permitted outdoors unless an exception permit is approved pursuant to section 15.74.070. Unamplified live music may be permitted if included as part of the outdoor dining administrative use permit;

3. All doors and windows leading to the outdoor dining area shall remain closed while indoor amplified music or live entertainment is being played;

4. Fences, walls, roofs or similar barriers shall serve only to define the outdoor dining area and shall not constitute a permanent all weather enclosure;

5. Any additional conditions the decision-making authority deems necessary or appropriate to ensure that operation of the outdoor dining area is consistent with the findings made at the time of approval.

5. SECTION 15.34.140 OF THE ALISO VIEJO MUNICIPAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS [additions are shown double-underlined and deletions in strikethrough]:

15.34.140 Permanent Signs in Nonresidential Districts

A. *Permitted Signs.* Signs identified in the following table are permitted in nonresidential districts and in the nonresidential portions of specific plan and mixed use developments subject to approval of a sign permit pursuant to section 15.34.080.

TABLE 15.34.140:
PERMANENT SIGNS IN NONRESIDENTIAL DISTRICTS REQUIRING A SIGN PERMIT

Sign Type and Placement	*Maximum Number*	*Maximum Area*	*Max. Height*	*Illumination*	*Additional Requirements*
Free-Standing Project Identification Signs identifying a single-tenant building or a multi-tenant building or complex	Per street frontage: 1 double-faced sign or 2 single-faced signs with 1 on either side of the project entry	40 sq/ft per sign unless otherwise provided in a sign program	6 feet	Individual channel letters or indirect lighting unless otherwise provided in a sign program	A planned sign program is required for multi-tenant projects. Also, unless otherwise provided in a sign program: ▪ Projects must have at least 100 feet of frontage where the sign is to be placed; ▪ Sign copy shall be limited to one business, center or major tenant name; ▪ Each sign shall contain the street address in characters 5 to 7 in. high.
Building-Mounted Building Identification Signs identifying a multi-tenant building of 3 stories or more	2 signs per building, unless otherwise provided in a sign program	1 sq/ft per each lineal foot of wall frontage, up to a max. of 100 sq/ft per building side	Top of building wall	Individual channel letters unless otherwise provided in a sign program	Each sign may identify either the name of the building or a major tenant, but no tenant shall have over 100 sq/ft aggregate of building-mounted signage of all types

TABLE 15.34.140:
PERMANENT SIGNS IN NONRESIDENTIAL DISTRICTS REQUIRING A SIGN PERMIT

Sign Type and Placement	*Maximum Number*	*Maximum Area*	*Max. Height*	*Illumination*	*Additional Requirements*
Building-Mounted Business Identification Signs identifying individual tenants, businesses, or other establishments	▪ 1 flush-mounted sign per tenant frontage along a street or a parking lot; ▪ 1 under-canopy sign; Individual ID signs are not permitted for tenants without direct exterior building access unless otherwise provided in a sign program.	Flush-Mounted: ▪ Area: 1 sq/ft per each lineal foot of wall frontage up to 100 sq/ft aggregate per tenant; a min. 24 sq/ft is permitted regardless of frontage. ▪ Max. letter height: 18 inches, unless otherwise provided in a sign program. Under-Canopy: ▪ 6 sq/ft	Top of building wall	Individual channel letters unless otherwise provided in a sign program	▪ A planned sign program is required for multi-tenant buildings and projects; ▪ Sign copy shall be limited to the business name, logo, ~~or~~ trademark, and/or generic description of the activity or business, such as "barber shop" or "hardware," ~~unless the trade name, product, or service is an integral part of the fictitious or trade-mark name of the business and/or service~~; ▪ Accessory signs may be permitted within the aggregate sign area.
Directory Signs for multi-tenant bldgs or complexes, exterior building-mounted or free-standing	1 per entrance to building or complex	20 sq/ft	Top of wall or 6 ft. if free-standing	Direct or indirect	Signs are to be designed and oriented to direct pedestrians and motorists entering the building or complex
Gas Station Signs building-mounted and free-standing	▪ 1 free-standing sign per street frontage combining business identification and gas prices ▪ Building-mounted signs identifying businesses on the premises	▪ 40 sq/ft per sign ▪ 24 sq/ft per sign and an aggregate of 100 sq/ft for all building-mounted signs	▪ 6 feet ▪ Top of wall	▪ Individual channel letters or electronic lighting; ▪ Individual channel letters unless otherwise provided in a sign program	▪ A planned sign program is required; ▪ No signs are permitted on pump canopies; ▪ Accessory signs may be permitted within the aggregate sign area; ▪ See section 15.34.070 for limitations on electronic signs.
Signs for Cinemas and Live Theaters	▪ 1 free-standing identification sign per street frontage ▪ 1 building-mounted sign which may include an attraction board ▪ Building-mounted coming-attraction posters: 1 per screen or stage	▪ 40 sq/ft ▪ 24 sq/ft plus 10 sq/ft per screen or stage, up to a max. of 100 sq/ft ▪ 10 sq/ft each	▪ 6 feet ▪ Top of wall ▪ Top of wall	▪ Direct or indirect ▪ Direct or electronic lighting ▪ Direct or indirect	▪ A planned sign program is required; ▪ See section 15.34.070 for limitations on electronic signs.

TABLE 15.34.140:
PERMANENT SIGNS IN NONRESIDENTIAL DISTRICTS REQUIRING A SIGN PERMIT

Sign Type and Placement	*Maximum Number*	*Maximum Area*	*Max. Height*	*Illumination*	*Additional Requirements*
Signs for Civic Activities, including Religious Uses, Colleges, Elementary and High Schools, Nonprofit Clubs, Libraries, and Museums	▪ If the use is in a multi-tenant building, the standards for Building-Mounted Business Identification Signs shall apply; otherwise: ▪ Free-Standing Signs, per project entry: 2 single-faced signs with 1 on either side of the project entry or 1 double-faced sign; -- or -- ▪ Building-Mounted Signs: 2 per use	▪ 24 sq/ft per sign unless otherwise provided in a sign program	Top of wall or 6 feet if free-standing	Unless otherwise provided in a sign program, individual channel letters for ID signs, and direct, indirect or electronic lighting for any permitted attraction board	▪ See section 15.34.070 for limitations on electronic signs.
Community Signs	Community announcement and community identification signs may be permitted subject to approval of a planned sign program. If approved in the sign program, such signs may be off-premise and may be permitted in the public right-of-way. In addition, community announcement signs may include attraction boards. See section 15.34.070 for limitations on electronic signs.				
Government Facility Signs	The same as allowed in table 15.34.150.				
▪ *Signs in residential districts requiring a permit: see section 15.34.150* ▪ *Temporary signs: see section 15.34.160* ▪ *Signs exempt from sign permit approval: see section 15.34.170*					

6. SECTION 15.38.040 OF THE ALISO VIEJO MUNICIPAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS [additions are shown double-underlined and deletions in strikethrough]:

15.38.040 Spaces Required for Nonresidential Uses

A. *Parking Required.* Nonresidential land uses and uses in the special purpose districts (chapters 15.18 and 15.26) shall provide offstreet parking in accordance with the following table unless modified per the provisions of section 15.38.120.

B. *Bicycle and Motorcycle Parking.* In addition to the automobile parking spaces required per this section, bicycle and motorcycle parking shall be provided for certain nonresidential uses in accordance with section 15.38.110.

TABLE 15.38.040: NONRESIDENTIAL PARKING REQUIREMENTS

Land Use	Minimum Offstreet Parking Requirement (GFA = gross floor area)	Additional Requirements
AUTOMOTIVE USES:		
Auto, motorcycle, truck, recreation vehicle and marine sales and service	1 space per each 2,500 sq/ft of gross site area, but not less than 8	
Auto repair services, major and minor (as a principal or accessory use)	1 space per 400 sq/ft GFA, excluding areas used exclusively for storage	
Auto, truck, recreation vehicle and marine storage and equipment rental	1 space per each 5,000 sq/ft of gross site area, plus 1 for any caretakers residence	
Auto rental agencies	1 space for each 250 sq/ft GFA plus 1 space for each rental car allowed on the site at one time	
Car washes, automated	1 space for self-drying after wash tunnel	
Car washes, full service	10 spaces not counting the wash queuing area before the wash tunnel, plus a stacking area after the wash tunnel equal to five times the capacity of the tunnel	Parking and stacking requirements may be modified if an exception permit is approved pursuant to section 15.74.070
Gas stations ~~and charging stations~~	4 spaces, plus the spaces required for any fast food, convenience store, auto repair or other accessory uses	
DINING, DRINKING AND ENTERTAINMENT USES:		
Bars, taverns. cocktail lounges and microbreweries	1 space per 80 sq/ft GFA	• Outdoor dining or drinking area is included in GFA
Coffee houses, cyber or internet cafes, and Hookah lounges	1 space per 100 sq/ft GFA	
Live entertainment and dancing as a principal use	1 space per 60 sq/ft GFA	
Restaurants, full-service, all	1 space per 80 sq/ft GFA	
Restaurants, drive-thru, subject to subsection 15.38.070(H)	1 space per 100 sq/ft GFA	

TABLE 15.38.040: NONRESIDENTIAL PARKING REQUIREMENTS

Land Use		Minimum Offstreet Parking Requirement (GFA = gross floor area)	Additional Requirements
Retail sale of take-out food such as ice cream, frozen yogurt, and bakery goods, with ancillary seating		1 space per 150 sq/ft GFA	
Theaters and cinemas, live or motion picture		*See "Public, Recreation and Assembly Uses"*	
Video arcades as a principal use		1 space per each 200 sq/ft GFA	
LODGING AND GROUP CARE USES:			
Child day care centers and preschools		1 per employee plus 1 dropoff space per each 8 children based on total capacity	Access/dropoff plan may be required
Hospitals		1 per 1.7 patient beds	
Hotels and bed and breakfast inns	Under 200 guest rooms	1.1 space for each guest room plus 1 space for every 75 sq/ft of meeting room floor area	Plus the spaces required for restaurants, retail stores and other ancillary facilities open to the public
	200 guest rooms or more	1.3 spaces for each guest room plus 1 space for every 75 sq/ft of meeting room floor area	
Motels		1.2 spaces for each guest room plus 1 space for every 75 sq/ft of meeting room floor area	Plus the spaces required for restaurants, retail stores and other ancillary facilities open to the public
Managed care: assisted living, congregate care facilities, and other senior group housing (age restricted)		• 1 space per dwelling unit; or • 0.5 spaces per bed in dormitory housing	For convalescent home and dormitory space, if the number of beds is uncertain at the time of City review, the requirement shall be 0.5 spaces per each 100 sq/ft of sleeping area
Managed care: convalescent homes		0.5 spaces per bed	
Homeless and emergency shelters		0.3 spaces per bed	For shelter and dormitory space, If the number of beds is uncertain at the time of City review, the requirement shall be 0.3 spaces per each 100 sq/ft of sleeping area
Transitional/Supportive Housing		• 1 space per dwelling unit; or • 0.3 spaces per bed in dormitory housing	
OFFICE, RETAIL AND SERVICE USES:			
Animal boarding/kennels		1 space per 500 sq/ft GFA	
Animal grooming services		1 space per 250 sq/ft GFA	
Animal hospitals/veterinary clinics		1 space per 220 sq/ft GFA	
Banks and other financial institutions with tellers		1 space per 220 sq/ft GFA	
Barber shops		1 space per 220 sq/ft GFA	
Beauty, nail, tanning and similar salons		1 space per 150 sq/ft GFA	
Check cashing facilities		1 space per 250 sq/ft GFA	
Convenience stores and liquor stores		1 space per 250 sq/ft GFA	
Dry cleaners, with no central plant onsite		1 space per 300 sq/ft GFA	
Fortune telling, palmistry and similar services		1 space per 250 sq/ft GFA	
Furniture and appliance stores		1 space per 500 sq/ft GFA	

TABLE 15.38.040: NONRESIDENTIAL PARKING REQUIREMENTS

Land Use	Minimum Offstreet Parking Requirement (GFA = gross floor area)	Additional Requirements
Live/work and other mixed use developments	2 spaces per unit in a garage plus the spaces required for the nonresidential uses per this chapter; or as required in an applicable specific plan	Each garage space shall have minimum unobstructed interior dimensions of 10 ft. x 20 ft.
Laundromats	1 space per 220 sq/ft GFA	
Massage parlors, massage centers, day spas and any other establishment offering massage services	1 space per 200 sq/ft GFA	
Medical clinics, where treatment services are provided on the premises and overnight/after-hour recovery care for 24 hours or less may also be provided	1 space per 200 sq/ft GFA	
Medical offices, where treatment services are provided on the premises but overnight care is not provided	1 space per 200 sq/ft GFA	
Miscellaneous small-scale services such as travel services, photo developing, shoe repair, appliance repair, and similar uses	1 space per 300 sq/ft GFA	
Office uses, general and professional	1 space per 250 sq/ft GFA	
~~Office uses, medical, dental, counseling, chiropractic, acupuncture and similar services~~	~~1 space per 200 sq/ft GFA~~	
Pet stores selling live animals and pet supplies and accessories	1 space per 250 sq/ft GFA	
Plant nurseries and garden supply stores	1 space per 1,000 sq/ft of retail display area, plus1 space per 500 sq/ft of any indoor display area	
Printing and copy services	Services with self-service facilities for the public such as copiers, computers and similar: 1 space per 220 sq/ft GFA. Services without facilities for the public: 1 space per 500 sq/ft GFA	
Retail home improvement and hardware stores over 80,000 sq/ft GFA	1 space per 400 sq/ft GFA	Home improvement stores under 80,000 sq/ft shall conform to the general retail parking standard
Retail stores, general,* under 80,000 sq/ft GFA	1 space per 250 sq/ft GFA	
Retail stores, general,* over 80,000 sq/ft GFA	1 space per 220 sq/ft GFA	
**Such as supermarkets and other retail stores selling such items as food, apparel, shoes, books, office supplies, gifts, and similar merchandise to the general public. Typically open less than 24 hours/day.*		
Shopping centers	1 space per 220 sq/ft GFA	
Tattoo parlors	1 space per 220 sq/ft GFA	
Thrift stores and pawn shops	1 space per 300 sq/ft GFA	
Video rental stores	1 space per 250 sq/ft GFA	

TABLE 15.38.040: NONRESIDENTIAL PARKING REQUIREMENTS

Land Use	Minimum Offstreet Parking Requirement (GFA = gross floor area)	Additional Requirements
PUBLIC, RECREATION AND ASSEMBLY USES:		
Bowling alleys	3 spaces per lane plus the spaces required for restaurant and bar area and other uses on the premises	
Churches, temples, other places of worship	1 space per every 35 sq/ft of seating area in the main auditorium plus additional spaces for any ancillary facilities on the same site in the amount of 50 percent of the number of spaces required for the main auditorium. Such additional spaces may be provided offsite and may be exempted from the locational limitations set forth in Section 15.38.160(B)(2) if approved by conditional use permit pursuant to Section 15.38.140	
Cinemas and live theaters	1 space per every 3 fixed seats	
Clubs, lodges, union halls, and similar uses	1 space per each 75 sq/ft GFA	
Colleges and universities, public or private	1 space per every 3 full-time equivalent students based on maximum capacity, plus 1 space for every 2 faculty or staff members	Additional spaces may be required for athletic facilities on the site such as stadiums and gymnasiums and for performance facilities such as performing arts theaters
Community centers and senior citizen centers	1 space per each 4 persons based on the maximum capacity of all facilities capable of simultaneous use, as determined by the Planning Director	
Driving ranges, lighted or unlighted	1 space per tee plus the spaces required for other uses on the site	
Electric substations	1 space per each employee plus 1 space per each vehicle used in connection with the facility	
Family/Children entertainment centers, indoor, with climbing apparatus, play equipment, food service, video games, party facilities, and similar attractions	1 space per every 4 guests based on maximum capacity, plus bus and drop-off spaces as determined for each use in the conditional use permit	
Family/Children entertainment ctrs., outdoor, and similar outdoor recreation uses, with such attractions as miniature golf, batting cages, boat rides. May also include indoor attractions		
Fire and police stations	1 per employee plus 1 per each fire, police or other emergency vehicle	
Golf courses, miniature, pitch and putt and par 3	3 per hole, plus the spaces required for other uses on the premises	
Golf courses, regulation	5 per hole, plus the spaces required for other uses on the premises	
Government offices	1 space per 250 sq/ft GFA	

TABLE 15.38.040: NONRESIDENTIAL PARKING REQUIREMENTS

Land Use	Minimum Offstreet Parking Requirement (GFA = gross floor area)	Additional Requirements
Gymnasiums	1 space per every 3 seats, or 1 space per every 35 sq/ft of seating area where there are no fixed seats	
Health clubs, boxing and martial arts uses, gymnastics, dance studios, and similar physical activity uses (all floor area sizes)	1 space per 150 sq/ft GFA	For purposes of this use, swimming pool area shall be counted as part of GFA
Helicopter pads	As required by conditional use permit	
Libraries and museums	1 space per 250 sq/ft GFA	
Mortuaries and funeral homes	1 space per every 3 seats, plus 1 space per every 35 sq/ft of seating area in the main auditorium where there are no fixed seats	For bench/pew seating, 18 inches of lineal bench shall count as 1 seat. Spaces provided for funeral services may be tandem if approved by conditional use permit.
Outdoor amphitheaters and stadiums	1 space per every 3 seats, or 1 space per every 35 sq/ft of seating area where there are no fixed seats	
Parks and open space, passive, public	As determined for each park based on the size of the site and the facilities to be provided	
Pool halls/billiard centers as a principal use	1 space per 200 sq/ft GFA	
Roller and ice rinks, indoor	1 space per 100 sq/ft GFA	
Schools, private, with outdoor facilities: • Elementary and middle schools • High schools	• 2 spaces per classroom • 1 space per every 6 full-time equivalent students based on maximum capacity, plus 1 space for each faculty or staff member	Additional spaces may be required for athletic facilities on the site such as stadiums and gymnasiums and for performance facilities such as performing arts theaters
Schools, private, without outdoor facilities, such as business, vocational and professional	1 space per every 1.5 students, based on the maximum capacity	
Schools, public	Same as private school requirements	
Skateboard, roller hockey, and stunt bike facilities, indoor or outdoor	1 space per 500 sq/ft of activity area	
Stations and terminals, train, bus and taxi	As determined in the conditional use permit for each facility	
Swim schools	1 space per 500 sq/ft of enclosed pool area	
Tutorial services, not including schools or colleges	1 space per 250 sq/ft GFA	
RESEARCH, INDUSTRIAL AND HEAVY COMMERCIAL USES:		
Computer data centers and server farms	1 space per 1,000 sq/ft GFA or 1 space per employee, whichever is greater_ The number of spaces per employee shall be based on the number of employees on duty during any one shift.	

TABLE 15.38.040: NONRESIDENTIAL PARKING REQUIREMENTS

Land Use	Minimum Offstreet Parking Requirement (GFA = gross floor area)	Additional Requirements
Contractor and construction equipment yards, with outside storage	1 space per 300 sq/ft GFA of associated office space plus 1 per vehicle stored on the premises	
Dry cleaners and laundries, central plants	1 space per 500 sq/ft GFA plus the spaces required for delivery vehicles	
Laboratories, dry	1 space per 400 sq/ft GFA	
Laboratories, wet, when accessory to a permitted use and under 1,000 sq/ft in floor area (wet laboratories as a principal use is listed under "Specialized research, development, manufacturing and wet laboratories", following)	1 space per 400 sq/ft GFA	
Light manufacturing and light industrial uses, including the manufacture and assembly of products from materials such as cloth, fiber, fur, glass, leather, stone, wood, plastics, metal, and paper (except milling); may include offices, storage and other incidental uses on the same site	1 space per 400 sq/ft GFA	
Lumber yards and other building materials sales, outdoor	1 space per 1,000 sq/ft of outdoor retail display area, plus1 space per 500 sq/ft of any indoor retail display area	
Pest control services	1 space per 500 sq/ft GFA	
Plumbing repair shops	1 space per 500 sq/ft GFA	
Recycling recovery facilities as a principal use, with collection and sorting only (such as a materials recovery facility), not including auto salvage or junkyards	1 space per every 1.5 employees	
Recycling collection facilities as an accessory use, such as dropoff bins and mobile recycling units	5 spaces plus 1 space for each attendant, if any	
Research and development, other than specialized (see below)	1 space per 400 sq/ft GFA	
Specialized research, development, manufacturing and wet laboratories, where chemicals, drugs or biological matter are tested and analyzed, typically requiring water, direct ventilation, specialized piped utilities and protective measures	1 space per 400 sq/ft GFA	
Storage facilities, personal, indoor, such as miniwarehouses	1 space per every 4,000 sq/ft of gross leasable area	
Welding, machine, milling and plating operations	1 space per 500 sq/ft GFA	

TABLE 15.38.040: NONRESIDENTIAL PARKING REQUIREMENTS

Land Use	Minimum Offstreet Parking Requirement (GFA = gross floor area)	Additional Requirements
Warehouses and distribution facilities as a principal use, for storing or shipping food, beverages, packages, merchandise or other items:	1 space per 1,000 sq/ft GFA or 1 space per employee, whichever is greater	
OTHER USES:		
Temporary uses and events	As required in the temporary use permit	
Adult businesses, subject to ch. 4.25 (*Adult Business*)	1 space per 150 sq/ft GFA	

7. SECTION 15.38.110 OF THE ALISO VIEJO MUNICIPAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS [additions are shown double-underlined]:

15.38.110 RV, Motorcycle and Bicycle Parking

A. *Recreational Vehicles.*

1. Recreational vehicles (RVs) may be stored within residential rear or side yards except where fence heights are limited to less than 6 feet, provided a 2-foot setback is maintained between the RV and the property line. For purposes of this section, the term "stored" shall mean the same as "parked".

2. RVs stored in residential districts shall not be used for sleeping purposes or as a dwelling.

B. *Motorcycle Parking.* Motorcycle parking areas shall be provided for all nonresidential uses as follows:

1. Uses with 25-99 automobile parking spaces shall provide 1 designated area of minimum 50 square feet for use by motorcycles.

2. Uses with more than 100 automobile parking spaces shall provide motorcycle parking areas at the rate of 1 motorcycle parking area of minimum 50 square feet for every 100 automobile parking spaces or fraction thereof provided.

C. *Bicycle Parking.* Bicycle parking shall be provided as follows:

1. Uses required to provide bicycle parking equal to 3 percent of the total required automobile parking spaces include: video and game arcades, bowling alleys, cinemas/movie theaters, commercial recreation, health clubs, libraries, schools, and skating rinks.

2. Uses required to provide at least 5 bicycle parking spaces include: banks, churches, clubs/halls, hospitals, restaurants (all categories).

3. Uses required to provide bicycle parking equal to 1 space for each 25,000 square feet of gross floor area include all office uses.

4. Shopping centers shall provide 5 bicycle parking spaces for each major tenant having over 20,000 square feet of gross floor area. The spaces shall be provided at or near the tenant's main entry.

8. THE FOLLOWING DEFINITIONS IN SECTION 15.94.020 OF THE ALISO VIEJO MUNICIPAL CODE ARE HEREBY AMENDED TO READ AS FOLLOWS [additions are shown double-underlined and deletions in strikethrough]:

15.94.020 Definitions.

~~**Clinic, Medical.** A facility used for the care, diagnosis and treatment of physiologically or psychologically sick, active, infirm or injured persons and those who are in need of medical, dental, psychological, or surgical attention, but who are not provided with board or room or kept overnight on the premises. "Clinic" includes dental clinic, health clinic, medical clinic and doctors' offices.~~

Medical Clinic. A building, site or tenant space designated specifically for use by health care professionals for human outpatient services, such as medical, dental, counseling, chiropractic, acupuncture, laboratory and similar services. Such services may be provided on the premises and overnight/after-hour recovery care for 24 hours or less may also be provided.

Medical Office. A building, site or tenant space designated specifically for use by health care professionals for human outpatient services, ~~. Diagnostic services (such as x-ray and laboratory) or surgical facilities may be provided on site but overnight care is not provided.~~ such as medical, dental, counseling, chiropractic, acupuncture, laboratory and similar services. Such services may be provided on the premises but overnight care is not provided.

Transitional and Supportive Housing. Pursuant to the California Government Code, buildings configured as rental housing developments but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. ~~California Health and Safety Code, means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months~~. "Supportive housing" means housing with no limit on length of stay, that is occupied by the target population (as defined in Government Code Section 65582(g)), and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. ~~housing with no limit on length of stay that is occupied by the target population (as defined in California Health and Safety Code Section 53260(d)) and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.~~

City of Aliso Viejo

CITY COUNCIL
AGENDA ITEM

DATE: January 21, 2015

TO: City Council

FROM: Albert Armijo, Director of Planning Services
Larry Lawrence, Consulting Planner

SUBJECT: PLANNED SIGN PROGRAM FOR OFFICE BUILDING AT 2 MAREBLU (PA14-034) THE SIGN PROGRAM IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") BECAUSE IT PROVIDES FOR THE CONSTRUCTION OF SIGNS AS ACCESSORY STRUCTURES APPURTENANT TO EXISTING FACILITIES.

Recommended Action

Staff recommends the City Council adopt the attached resolution to approve a sign program for the building at 2 Mareblu Lane.

Applicant: Michael Mckee
National Visual Systems, Agent
5482-G Oceanus Drive
Huntington Beach, CA 92649
714-891-2670, signs@nationalvisual.com

Property Owner: Claire Cho
2 Mareblu
Aliso Viejo, CA 92656, 949-831-8826

Location: 2 Mareblu

General Plan: "Professional Office"

Zoning: PO – Professional Office

Notices: No formal notice required

Environmental

The Planned Sign Program is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) and CEQA Guidelines (*Class 11:*

Accessory Structures, sec. 15311) because it provides for the construction of signs as accessory structures appurtenant to existing facilities.

Background

The owner of the office building at 2 Mareblu has applied for a planned sign program for one free-standing and three building-mounted identification signs (see Exhibit A). A sign program is needed because the Zoning Code requires such a program for free-standing signs for multi-tenant projects and for more than two building-mounted identification signs. The three building-mounted signs are currently existing.

The sign program includes one free-standing sign and the three existing building-mounted signs. The signs are described under "Discussion" below.

The City Attorney's office participated in preparation of this report. In addition, comments were solicited from the Police Services and Public Works Departments.

Discussion

The proposed signs conform to the basic standards in table 15.34.140 (extract on following page):

- The building-mounted signs are individual channel letters, the free-standing sign may be internally-illuminated channel letters or externally-illuminated with ground lighting.
- The free-standing sign is six feet high with a sign area of 37.5 sq.ft., including the street address on the base.
- The free-standing sign is on the corner of Pacific Park and Mareblu. There is over 100 feet of frontage on Mareblu.
- The building-mounted signs are 1 sq/ft per each lineal foot of wall frontage with a maximum of 100 sq/ft per building side.

However, the proposal does not conform to the following standards in the table:

- For free-standing signs, sign copy shall be limited to one business, center or major tenant name unless otherwise provided in a sign program. The program proposes three tenant names.

- For building-mounted building identification signs, a maximum of two signs per building are allowed unless otherwise provided in a sign program. The program proposes the three existing signs. Staff has added a provision in the sign program text limiting the building to three signs.

In view of the above, to allow the described signs a planned sign program approved by the City Council is required as provided in section 15.34.100 of the Zoning Code:

"*A. Purpose.* The purpose of the planned sign program is to encourage creative, coordinated, innovative, and attractive sign design for residential, commercial, office, industrial, and business park projects.

"*B. Modified Standards.* In order to serve the purposes set out in paragraph (A) of this section, signs in an approved sign program may deviate from the standards set out in this chapter provided all requirements of this section are satisfied..."

TABLE 15.34.140:
PERMANENT SIGNS IN NONRESIDENTIAL DISTRICTS REQUIRING A SIGN PERMIT

Sign Type and Placement	*Maximum Number*	*Maximum Area*	*Max. Height*	*Illumination*	*Additional Requirements*
Free-Standing Project Identification Signs identifying a single-tenant building or a multi-tenant building or complex	Per street frontage: 1 double-faced sign or 2 single-faced signs with 1 on either side of the project entry	40 sq/ft per sign unless otherwise provided in a sign program	6 feet	Individual channel letters or indirect lighting unless otherwise provided in a sign program	A planned sign program is required for multi-tenant projects. Also, unless otherwise provided in a sign program: ▪ Projects must have at least 100 feet of frontage where the sign is to be placed; ▪ Sign copy shall be limited to one business, center or major tenant name; ▪ Each sign shall contain the street address in characters 5 to 7 in. high.
Building-Mounted Building Identification Signs identifying a multi-tenant building of 3 stories or more	2 signs per building, unless otherwise provided in a sign program	1 sq/ft per each lineal foot of wall frontage, up to a max. of 100 sq/ft per building side	Top of building wall	Individual channel letters unless otherwise provided in a sign program	Each sign may identify either the name of the building or a major tenant, but no tenant shall have over 100 sq/ft aggregate of building-mounted signage of all types

Section 15.34.100 requires certain findings in conjunction with the approval of a sign program. These include the following:

1. *Common Theme. The signage follows a common theme, incorporating similar design elements in terms of materials, letter style, colors, illumination, sign type, and sign shape.*

   All signs will be of fabricated aluminum letters and background. Also, all of the sign copy will be individual channel letters with the building-mounted signs all having internal illumination. These elements will create a common theme.

2. *Consistency with Architecture. The signage utilizes materials, colors, and design which reflect and are consistent with the architecture of the buildings.*

   The building-mounted signs are in proportion to the building faces where mounted and the signs will be linear in shape to match the horizontal mass of the building. The aluminum letters will reflect the building's exterior aluminum window frames. All signs will consist of fabricated letters painted to match or complement the color of the building.

3. *Effective Identification. The signage provides effective identification of the applicable land use(s) to patrons and the general public.*

   All of the signs are readable, visible and of sufficient size to be easily read from off-site.

4. *Consistency with General Plan. The sign program or sign program amendment is consistent with the goals, policies and objectives of the General Plan and any applicable specific plan.*

   By improving the identification of businesses to the public, the sign program advances the following General Plan policies:

   - "Attract a broad range of additional retail, medical, and office uses providing employment at all income levels and making a positive contribution to the City's tax base." (Policy LU -1.2, p. LU-6);
   - "Actively promote Aliso Viejo as an employment center and ideal location for businesses, including national or regional corporate headquarters, by providing and maintaining high-quality services and facilities responsive to the needs of the business community." (Policy LU -3.2, p. LU-8)

5. *Consistency with Zoning Code. The sign program or sign program amendment conforms to the Zoning Code and any applicable specific plan.*

   The sign program meets the planned sign program requirements of Zoning Code section 15.34.100 because it satisfies the required findings of that section and other applicable provisions of chapter 15.34 (*Signs*).

6. *Compliance with CEQA. Processing and approval of the permit application are in compliance with the requirements of the California Environmental Quality Act.*

   The planned sign program is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) and CEQA Guidelines (*Class 11: Accessory Structures*, sec. 15311) because it

provides for the construction of signs as accessory structures appurtenant to existing facilities.

7. *Surrounding Uses. Approval of the application will not create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the vicinity.*

   The proposed signs will be constructed of high-quality materials and are designed to provide attractive identification for businesses in the building. Their size, placement and illumination will not be intrusive or distracting and will not create adverse impacts to land uses in the vicinity or the traveling public.

Conclusion

The proposed Sign Program meets the standards required of sign programs in the Zoning Code. Staff recommends approval.

Recommendation

Staff recommends the City Council adopt the attached resolution to approve a sign program for the building at 2 Mareblu Lane.

Prepared by:

Larry Lawrence
Consulting Planner

Reviewed by:

Albert Armijo
Director of Planning Services

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL

David A. Doyle
City Manager

Attachment:

1. Draft Resolution with the Following Exhibits:
   A: Sign Program
   B: Conditions of Approval

ATTACHMENT 1:
DRAFT RESOLUTION OF APPROVAL

RESOLUTION NO. 2015 – 00X

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING A PLANNED SIGN PROGRAM FOR THE BUILDING AT 2 MAREBLU (PA14-034)

WHEREAS, Michael Mckee, National Visual Systems, 5482-G Oceanus Drive, Huntington Beach, CA 92649 has submitted an application on behalf of Claire Cho, 2 Mareblu, Aliso Viejo, CA 92656 for a Planned Sign Program for the building at 2 Mareblu, designated as Planning Application 14-034; and

WHEREAS, the Planned Sign Program is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) and CEQA Guidelines (Accessory Structures: Class 11 sec. 15311) because it provides for the construction of signs as accessory structures appurtenant to existing facilities; and

WHEREAS, on January 21, 2015, the City of Aliso Viejo City Council held a public meeting as prescribed by law and considered evidence and recommendations presented by staff in its report and oral presentation.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ALISO VIEJO CALIFORNIA HEREBY RESOLVES AS FOLLOWS:

SECTION 1. In accordance with section 15.34.100 of the Aliso Viejo Zoning Code, the City Council hereby finds as follows regarding the subject sign program:

1. *Common Theme. The signage follows a common theme, incorporating similar design elements in terms of materials, letter style, colors, illumination, sign type, and sign shape.*

   All signs will be of fabricated aluminum letters and background. Also, all of the sign copy will be individual channel letters with the building-mounted signs all having internal illumination. These elements will create a common theme.

2. *Consistency with Architecture. The signage utilizes materials, colors, and design which reflect and are consistent with the architecture of the buildings.*

   The building-mounted signs are in proportion to the building faces where mounted and the signs will be linear in shape to match the horizontal mass of the building. The aluminum letters will reflect the building's exterior aluminum window frames. All signs will consist of fabricated letters painted to match or complement the color of the building.

3. *Effective Identification. The signage provides effective identification of the applicable land use(s) to patrons and the general public.*

All of the signs are readable, visible and of sufficient size to be easily read from off-site.

4. *Consistency with General Plan. The sign program or sign program amendment is consistent with the goals, policies and objectives of the General Plan and any applicable specific plan.*

   By improving the identification of businesses to the public, the sign program advances the following General Plan policies:

   - "Attract a broad range of additional retail, medical, and office uses providing employment at all income levels and making a positive contribution to the City's tax base." (Policy LU -1.2, p. LU-6);
   - "Actively promote Aliso Viejo as an employment center and ideal location for businesses, including national or regional corporate headquarters, by providing and maintaining high-quality services and facilities responsive to the needs of the business community." (Policy LU -3.2, p. LU-8)

5. *Consistency with Zoning Code. The sign program or sign program amendment conforms to the Zoning Code and any applicable specific plan.*

   The sign program meets the planned sign program requirements of Zoning Code section 15.34.100 because it satisfies the required findings of that section and other applicable provisions of chapter 15.34 (*Signs*).

6. *Compliance with CEQA. Processing and approval of the permit application are in compliance with the requirements of the California Environmental Quality Act.*

   The planned sign program is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) and CEQA Guidelines (*Class 11: Accessory Structures*, sec. 15311) because it provides for the construction of signs as accessory structures appurtenant to existing facilities.

7. *Surrounding Uses. Approval of the application will not create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the vicinity.*

   The proposed signs will be constructed of high-quality materials and are designed to provide attractive identification for businesses in the building. Their size, placement and illumination will not be intrusive or distracting and will not create adverse impacts to land uses in the vicinity or the traveling public.

SECTION 2. Based on the preceding findings, the City Council hereby approves the Sign Program as Master Sign Permit PA14-034, as set out in Exhibit "A" attached hereto subject to the conditions listed in Exhibit "B" attached hereto.

SECTION 3. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 21st day of January, 2015.

_____
William "Bill" Phillips
Mayor

ATTEST:

_____
Mitzi Ortiz, MMC
City Clerk

APPROVED AS TO FORM:

_____
Scott C. Smith
City Attorney

RESOLUTION EXHIBIT A:
SIGN PROGRAM

National Visual Systems
Architectural Signage Products

10/20/14

DENTAL HEALTH & AESTHETICS CENTER -Aliso Viejo, CA

Dental Health & Aesthetics Center
2 Mareblu Lane
Aliso Viejo, CA.

SIGN PROGRAM

JANUARY 2015

Prepared for:
Dental Health & Aesthetics Center
2 Mareblu Lane
Aliso Viejo, CA 92656

National Visual Systems
Architectural Signage Products

10/20/14

DENTAL HEALTH & AESTHETICS CENTER -Aliso Viejo, CA

PROJECT DIRECTORY

Landlord: *Dental Health & Aesthetics Center*
2 Mareblu Lane
Aliso Viejo, CA.
(949) 000-0000

Signage Consultant: *National Visual Systems*
5482-G Oceanus Drive
Huntington Beach, CA 92649-1043
(800) 788-2670 phone
(714) 898-9034 fax

City Planning: *City of Aliso Viejo*
Planning, Building & Safety Departments
12 Journey, Suite 100
Aliso Viejo, CA 92656-5335
(949) 425-2540 phone
(949) 425-3899 fax

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Tenant Elevation	*4.0*
Tenant Elevation	*4.1*

SIGN TYPE SCHEDULE

ITEM	SIGN TYPE	EXHIBIT
TENANT SIGNS		
TS	*Tenant Signage*	*2.0*
MONUMENT SIGN		
MS		*3.0*

SUBMITTALS & APPROVALS

There is a formal process for the creation, review and approval of Tenant signs at the Dental Health & Aesthetics Center. All Tenant signage is subject to Landlord or managing agent written approval. Approval will be granted based on the following:

1. Design, Fabrication and method of installation of all signs shall conform to this sign program.

2. Proposed signage is in harmony with adjacent signage conditions and conforms to the design standards for the Dental Health & Aesthetics Center.

A. SUBMITTAL TO LANDLORD:
Tenant shall submit two (2) copies of colored detailed shop drawings to Landlord for approval prior to city submittal or sign fabrication. Sign drawings to be prepared by a California licensed sign contractor. All signs must conform to the code requirements of City of Aliso Viejo Planning and Building Departments.

Submittals shall include the following:
1. TENANT ELEVATION(S):
Scaled elevation of Tenant's sign area, depicting the proposed sign design and the dimensions as they relate to the elevation.

2. SHOP DRAWINGS:
Fully dimensioned and scaled shop drawings, specifying exact dimensions, copy layout, type styles, materials, colors, means of attachment, illumination, electrical specifications, and all other details of construction, including a section through the letter and/or sign panel showing the dimensioned projection of the face of the letter or sign panel and the illumination type.

If shop drawing approval is denied, Tenant must resubmit revised plans until Landlord approval is obtained.

B. SUBMITTAL TO CITY:
A full set of plans must be approved by the Landlord prior to submittal to the city (exterior signs only). Tenant or his sign contractor is responsible for all submittal of all applicable documents and permit fees to the City of Aliso Viejo Planning and Building Departments.

C. TENANT'S RESPONSIBILITY:
1. All Sign Contractors must be fully insured and approved by Landlord prior to installation.

2. Compliance with this Sign Program shall be strictly enforced. Any unauthorized, illegal and/or non-conforming signs shall be moved by the Tenant or Sign Contractor at their expense, upon demand by the Landlord or upon notification from the City of Aliso Viejo.

3. If the Tenant chooses to change its exterior sign at anytime during the term of his lease, the Tenant must comply with the requirements set forth herein and any future modifications, revisions or changes which have been made to this sign program.

4. Tenant shall be ultimately responsible for the fulfillment of all requirements and specifications, including those of the Landlord, City, UL and the Uniform Electrical Code.

5. Tenant shall be responsible for all expenses relating to signage for his business, including but not limited to:

-100% of permit processing cost and application fees.
-100% of costs for sign fabrication and installation, including review of shop drawings and patterns.
-Normal sign maintenance (making sure sign is in full working order), ie. lighting, cleaning & overall appearance.
-All costs relating to sign removal, including repair of any damage to the building.

GUIDELINES

The purpose of these guidelines is to achieve a visually coordinated, balanced and appealing signage environment. High quality signage which reflects the integrity of the architecture will be encouraged.

A. WALL SIGNS:
Exterior Tenant wall signs will be allowed. See building elevation drawings for approved locations.

B. MONUMENT SIGN:
One (1) S/F monument sign is available for Tenants use, up to three(3) max. See sign drawing and specification description prior to submitting drawing for Landlord approval.

C. SIGN REMOVAL:

1. Signs which no longer identify bona fide business conducted on the premises shall be removed by the Tenant or approved Sign Contractor within ten(10) days of the business closing date.

2. Tenant will incur all expenses for sign removal.

3. Wall/ building sign shall be removed along with all electrical components, i.e. transformers, cables, and attachment hardware.

4. All installation holes in building to be patched and painted.

5. Electrical service to sign area to be turned off at service breaker and all wires capped.

PROHIBITED SIGNS

Only those sign types provided herein and specifically approved in writing by the Landlord will be allowed. The following signs are prohibited:

- Roof or Projecting signs

- Window signs except where specifically approved in writing by Landlord.

- Temporary wall signs, pennants, flags, banners, inflatable, displays or sandwich boards unless pursuant to the City of Aliso Viejo Sign Ordinance and specifically approved in writing by the Landlord.

- Animated, audible or moving signs: Signs which move, swing rotate or flash, except as provided in this text.

- Vehicle Signs: Signs affixed or on trucks, automobiles, trailers and other vehicles which advertise, identify or provide direction to a use or activity not related to its rightful use, are prohibited.

- Signs which conflict with any traffic control device due to color, wording, design, location, illumination or conflicts with the safe and efficient flow of traffic, both vehicular and pedestrian.

- Animals or human beings live or simulated, utilized as signs.

- Signs on any public property or projecting within the public right of way, except political signs and those required by law.

SIGN SPECIFICATIONS

The fabrication and installation of all signs shall be subject to the following specifications:

A. BUILDING SIGNS:

1. Sign locations will be as per the sign programs elevation plans. (See pages 4.0 & 4.1).

2. All tenant signs shall be of the following:
   A. Individually illuminated channel letters. Fabricated of aluminum with front lit faces, reverse back-lite (halo) or a combination of both.
   B. Non-illuminated dimensional letters.

3. All colors subject to Landlord and City of Aliso Viejo's approval.

4. Letter heights, cabinet dimensions I.E. sign area to comply with City of Aliso Viejo sign guidelines.

5. Channel letter illuminated by 13mm neon tube or LED low voltage lighting. Lighting must match the exact specifications of the approved shop drawings.

6. Surface brightness of all illuminated materials shall be consistent in all letters and components of the sign. Light leaks will not be permitted.

7. All signs shall be fabricated with UL approved components in compliance with all applicable building and electrical codes.

8. All sign installations shall meet or exceed the National Electrical Code specifications and the City of Aliso Viejo's building codes.

9. Sign manufacture shall supply a UL label and manufacturing label in a inconspicuous location if permitted by local authorities.

10. All signs shall comply with the this sign program, the City of Aliso Viejo sign ordinance and Landlord's approval prior to installation.

SITE PLAN

National Visual Systems
Architectural Signage Products

10/20/14

DENTAL HEALTH & AESTHETICS CENTER -Aliso Viejo, CA

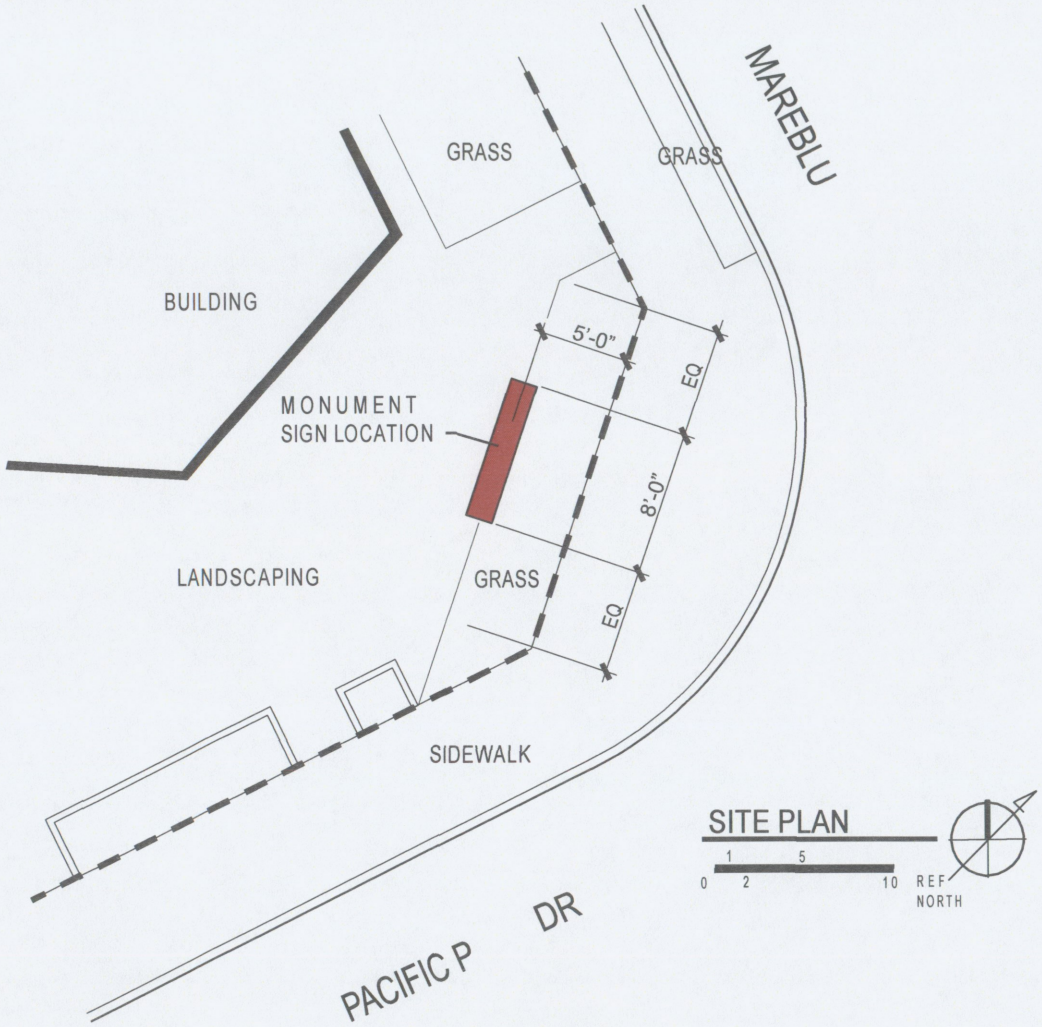
SITE PLAN
5 25
0 10 50
REF NORTH

SITE PLAN

EXHIBIT

PT1

SITE PLAN - MONUMENT



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Architectural Signage Products

10/20/14

DENTAL HEALTH & AESTHETICS CENTER -Aliso Viejo, CA

SITE PLAN - MONUMENT

EXHIBIT

1. PT1

Agenda Item 10-17

TS TENANT SIGNAGE

National Visual Systems
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10/20/14

DENTAL HEALTH & AESTHETICS CENTER -Aliso Viejo, CA

TENANT SIGNAGE

MATERIALS:	Signs may use any acceptable treatment as provided for in the Tenant Sign Criteria
COPY:	Single line or Double line of copy acceptable. Copy shall consist of Tenant Name/ Logo only.
QUANTITY:	**MAXIMUM 3 BUILDING-MOUNTED SIGNS**
SIGN AREA:	48" maximum sign height. 30" maximum letter/ logo height. Maximum sign area shall not exceed one(1) sq ft per lineal frontage per building elevation.
TYPEFACE:	Subject to Property Manager's Approval.
COLORS:	Subject to Property Manager's approval.
LIGHTING:	Non-Illum., Interior or Halo Illum. - Neon and/or LED illumination only

Sign area shall not exceed one(1) sq ft per lineal frontage per building elevation.

48" max

30" max

TENANT NAME

TENANT NAME

INDIVIDUAL CHANNEL LETTERS, INTERIOR ILLUMINATED

EXHIBIT

TS 2.0

Agenda Item 10-18

National Visual Systems
Architectural Signage Products

10/20/14

DENTAL HEALTH & AESTHETICS CENTER -Aliso Viejo, CA

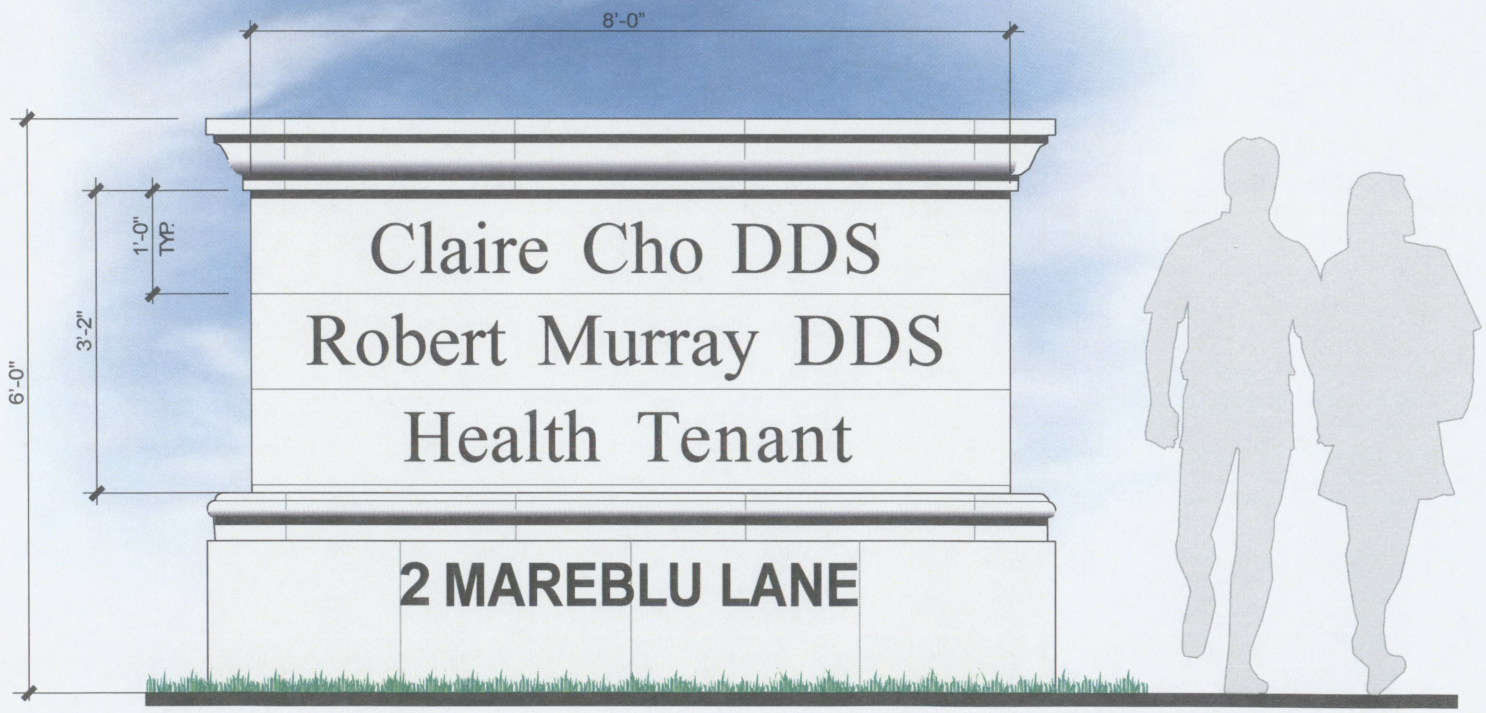
MONUMENT SIGN

EXHIBIT

MS

MS MONUMENT SIGN

MATERIALS:	Cabinet & Face to be fabricated from aluminum and painted to match building colors
COPY:	Tenant names to be routed from aluminum bkdgs and backed with acrylic
QUANTITY:	One(1) multi-tenant sign allowed
SIGN HGT:	6'-0" maximum.
TYPEFACE:	Custom tenant logotype/ name Property Manager's Approval.
LIGHTING:	Internal Illumination to be internal fluorescents



DOUBLE FACED MONUMENT SIGN 37.50 Sq ft

Scale: 1/2"=1'-0"

3.1 MS

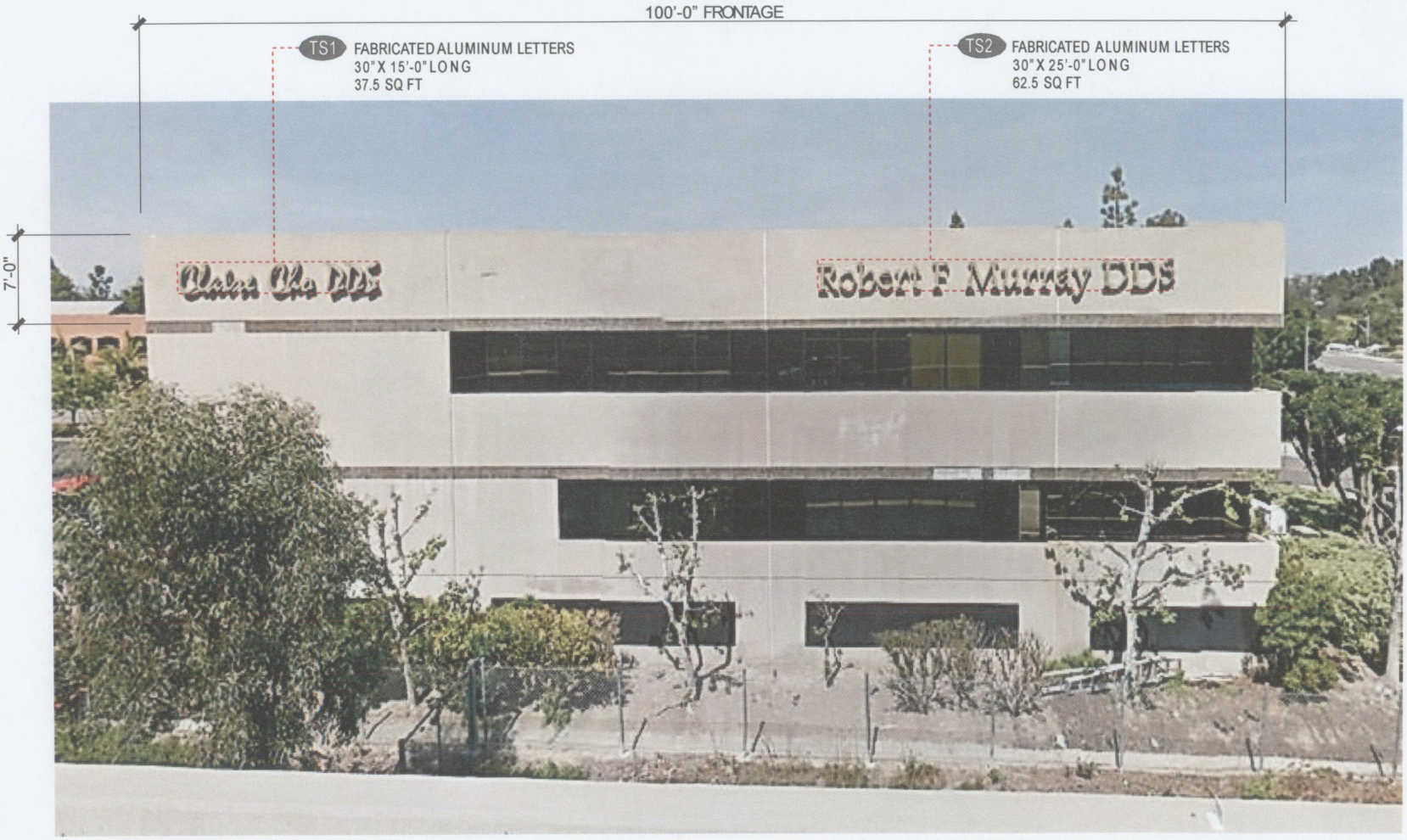
Agenda Item 10-19

National Visual Systems
Architectural Signage Products

10/20/14

DENTAL HEALTH & AESTHETICS CENTER -Aliso Viejo, CA

BUILDING ELEVATION



SOUTH ELEVATION

Scale: NA

EXHIBIT

4.0

Agenda Item 10-20

WEST ELEVATION

Scale: NA

RESOLUTION EXHIBIT B: CONDITIONS OF APPROVAL

1. Approval is valid for a period of two years from the effective date of approval. If the signs are not installed within such period of time, the approval shall expire and shall thereafter be null and void unless an extension is requested by the Applicant prior to the expiration date and subsequently granted by the City.

2. The sign program shall be limited to three building-mounted business identification signs.

3. Sign construction shall occur substantially as shown on the plans approved by the City Council and on file in the Planning Department. Any relocation, alteration, deviation or addition to any architectural detail, location or design of any use, structure, feature, or material on the approved plans or as-built shall require an amendment to the Sign Program Permit. Failure to abide by and faithfully comply with any and all conditions attached to granting of this permit shall constitute grounds for revocation of said permit.

4. The Applicant and Applicant's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions. All fees and expenses shall be paid in full prior to final inspection. Prior to issuance of applicable City approvals or permits, the Applicant shall be fully responsible for reimbursing the City of Aliso Viejo for all expenses incurred to assure compliance with all conditions of approval.

5. Design, maintenance, and operation of the permit area and facilities thereon shall comply with all applicable regulations of the Municipal Code and all requirements and enactments of federal, state, county, and city authorities, and all such requirements and enactments shall, by reference, become conditions of this permit, whether or not they are listed as conditions.

6. The Applicant shall obtain all necessary Planning and Building permits prior to installation of the signs.

7. The Applicant, and Applicant's successors, heirs, and assigns, shall protect, defend, indemnify, and hold harmless the City, its officers, employees, and agents from any claim, action, or proceeding against the City, its officers, employees, or agents to attack, set aside, void, or annul the approval granted by this approval.

City of Aliso Viejo
Agenda Item

DATE: January 21, 2015

TO: Mayor and City Council

FROM: Glenn Yasui, Director of Administrative Services

SUBJECT: ALISO CREEK TRAIL

Recommendation:

Receive and file the status report relating to the proposed Aliso Creek Trail.

Fiscal Impact:

There is no fiscal impact associated with the recommended action.

Background:

Over 40 years ago, the Aliso Creek Trail (aka "Forest to the Sea") was adopted as a regional trail over 16 miles in length linking inland communities to Aliso Beach located in the City of Laguna Beach. The multi-use trail is complete except for a one mile segment traversing through "The Ranch" which is a privately owned and operated resort including a hotel, restaurant, banquet facilities and golf course in Laguna Beach. The owner of the The Ranch plans to undertake an expansion and remodel of the hotel as well as other facility improvements. The proposed project did not originally include trail improvements.

Andi Culbertson from the environmental planning consulting firm of Culbertson, Adams & Associates, Inc. contacted the City to advocate support for the trail extension. Ms. Culberton stated the trail would benefit Aliso Viejo residents by providing more convenient access to the beach for pedestrians and bicyclists.

Discussion:

Since this project is in Laguna Beach, staff contacted the City of Laguna Beach to learn more about the issue. The original proposal for a trail extension entailed a multi-use trail going through the middle of the golf course. Laguna Beach officials informed us of several concerns related to the proposed alignment of the trail. In response to Laguna Beach's concerns, staff met with Laguna Beach staff and the owner of The Ranch to conduct a site visit. There is an existing golf cart path that follows Aliso Creek through

the middle of the golf course (see attached map). The golf cart path serves as a shared road for maintenance vehicles to access a nearby sewage treatment plant. The width of the golf cart path is insufficient to allow golf carts and vehicles to safely pass pedestrians and bicyclists. Therefore, a separate path for pedestrians and bicyclists would have to be constructed. There was a proposal to construct a multi-use path parallel to the golf cart path. However, the path needs to be a minimum of 25 feet from the bank of an adjacent creek. Given the existing terrain, there is not enough space in some areas to accommodate a path.

There are also concerns related to pedestrians and bicyclists getting hit from golf balls. In order to protect trail users, a fence would have to be installed along the trail. The installation of fencing would negatively impact the appearance of the golf course and impede the movement of golfers throughout the course.

The City of Laguna Beach approved a Coastal Development Permit to construct The Ranch hotel improvements; however, did not require a public access trail through the property to connect with the beach. Laguna Beach deemed the scope of the hotel modifications to be minor and non-intensive. Thus, the City concluded there is no nexus between the hotel improvements and need for a public access trail. The Laguna Beach City Attorney opined, "*there is no competent evidence demonstrating that the proposed project will burden public access to coastal resources nor does the proposed project create a need for a new public access trail*".

Coastal Commission Appeal Hearing

A Laguna Beach resident appealed the City's approval of The Ranch project to the Coastal Commission. On January 8, 2015, the Coastal Commission conducted an Appeal Hearing to consider The Ranch project, including the public access trail issue. The Coastal Commission approved The Ranch project with conditions. One of the conditions is to construct a multi-purpose trail along the north portion of The Ranch property. The exact alignment of the trail has not been determined at this time. The owner of The Ranch is required to contribute $250,000 toward the trail improvements.

City of Laguna Niguel

The City of Laguna Niguel was approached to support the extension of the Aliso Creek Trail. Laguna Niguel opted to take a position of "neutrality".

Conclusion

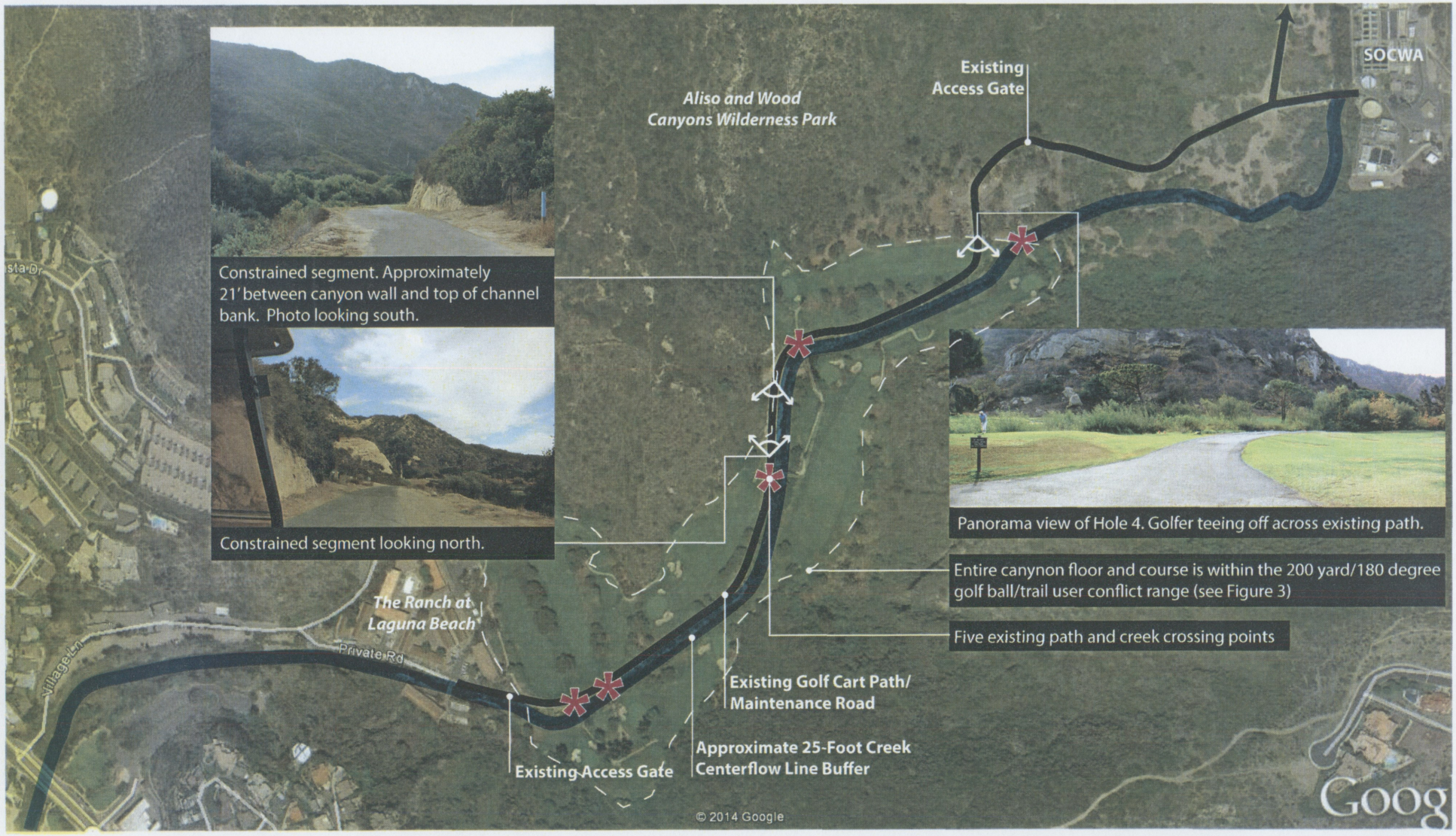
This report is intended to provide the Council with a status of the proposed Aliso Creek Trail. The Coastal Commission has approved The Ranch project including the construction of a public access trail. At this time, no action by the Council is recommended.

Glenn Yasui
Director of Administrative Services

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL

David Doyle
City Manager

Attachment:



25 250 1000 ft
0 100 500

Existing Path and Creek Crossing Points

Figure 4: The Ranch at Laguna Beach Golf Cart Path Feasibility Study: Opportunities and Constraints