

Process and Standards for Review of On-Sale Alcoholic Beverage Conditional Use Permits

- 1) The CUP review process will consist of an ~~“ongoing” or “rolling”~~ administrative review process in which ~~an established set of criteria would be evaluated semi-annually~~ **the on-sale establishments’ activities would be reviewed against an established set of criteria three times per year.**
- 2) On-sale establishments with a CUP would ~~only~~ be referred to the Planning Commission for a CUP review, and subsequently for a modification/revocation hearing if the Commission so decided upon its review, when they exceed established standards for each criteria to trigger such a review.
- 3) The standards that would trigger a referral to the Planning Commission for a CUP review and potential modification/revocation hearing will be based on the frequency or number of incidents/violations within a stipulated timeframe. This type of system avoids the inherent problems of “point systems” where the standards for assigning values is potentially subjective.
- 4) The standards that would trigger a referral to the Planning Commission for a CUP review and potentially for a subsequent modification/revocation hearing are as indicated in Table 1 below.
- 5) The administrative review of CUPs should be conducted **three times per year**. ~~on a semi-annually (twice a year) basis.~~ While a “rolling process” with a sliding timeframe would be more effective in making the review process truly timely (i.e., a rolling process would reduce the potential time between apparent CUP violations and the Planning Commission’s review), it would impose an unreasonable demand on City staff for the ongoing monitoring of the relevant data.
- 6) The standards or criteria of the CUP review system will be made readily available to all on-sale establishments with CUPs and the public via the City website and/or other appropriate media (including direct mailings) to minimize any confusion over what standards will initiate a Planning Commission review and potential modification/revocation hearing.
- 7) **Information from Police and Fire Department related to trends of establishments over-serving alcohol (as indicated by investigations of intoxicated persons after incidents) and consistency with ABC “Model House Policies” may be generally considered by the Planning Commission as factors in whether the business is being operated responsibly and engaging in the responsible service of alcohol. This information may be considered by the planning commission as additional justification for holding a CUP review hearing after referral based on the criteria above has been determined and as evidence in any CUP modification/revocation hearing.**

Table 1. CUP Review Standards

Criterion	Standard Initiating P.C. Review (Number of incidents in any 6 months)
Violation of Operating Hours	2
ABC Violations (underage serving, violation of hours, etc.)	2
Overcrowding Citation	1 ¹
Criminal Citation of Staff while Working/on Premises	2 ^(a)
Serious Crime on Premises indicative of Lack of Adequate Security	2 ^(a)

(Combination of any 3 or more)

Violation of any CUP Condition ^(b)
 ABC Violations (underage service, violation of hours, etc.)
 Overcrowding Citation
 Criminal Citation of Staff while Working/on Premises
 Serious Crime on Premises indicative of Lack of Adequate Security
 Noise Citation
 Health Department Violation
 Outdoor Encroachment Permit Violation
 Building Code Violation (incl. remodeling without permit)
 Sign Ordinance Violation
 NPDES Violation

(Administrative Determination)

“Excessive Number” of Calls for Police Service
 “Excessive Number” of Public Complaints to City

“Excessive Number” of Criminal Events on/adjacent to Premises

NOTE: (a) – Recommended threshold number; Chief of Police retains authority to recommend CUP review to Commission at his/her discretion—regardless of number of incidents in any period of time—as stipulated in many current CUPs and the Municipal Code. (b) Non-submittal of food to alcohol sales ratio reports in a timely manner when required by a CUP is considered a violation of the CUP condition. Reporting of the food to alcohol sales ratio required by a CUP, ABC license, or the Municipal Code may be required and considered during any modification/revocation action.