

Chapter 14B.100 Liquor License Recommendations

14B.100.010 Purpose.

The purpose of this Chapter is to establish a fair, effective and efficient process which shall be used by the Chief of Police in making recommendations to the Oregon Liquor ~~Control~~ & Cannabis Commission (OLCC) for liquor licenses for premises within the City limits. This Chapter is necessary to ensure that all premises licensed to sell or dispense liquor in any form meet the high expectations of this community and that all licensed premises are conducted in a lawful manner that does not unreasonably disturb the peace and tranquility of this City and its neighborhoods.

14B.100.020 Delegation of Application Recommendation Authority.

[No change.]

14B.100.030 Application Procedure.

A. [No change.]

B. The Bureau of Development Services shall accept liquor license applications only when the following conditions are met:

1. All required forms are properly completed and in order; and

~~2. The applicant has obtained a valid City business license; and~~

~~2.3.~~ The processing fee has been paid. Fees shall be in the maximum amount allowed by Oregon law and shall be nonrefundable.

C. The Bureau of Development Services shall forward completed liquor license applications and required documentation to the Chief of Police ~~with a copy of the City of Portland Liquor Outlet Information form to the Bureau of Licenses~~ or their designee within one two business ~~day of receipt~~ days.

D. Except for applications for new licensed premises for railroads, public passenger carriers or boats, health care facilities, or all OLCC wholesale type licenses, in addition to the posting of a conspicuous notice on the licensed premises as required by the OLCC, Bureau of Development Services shall:

EXHIBIT A

1. Notify the ~~following persons by mail~~public that an application has been filed: by posting relevant information on the liquor program website.

~~a. Property owners and property occupants within 300 feet of the proposed licensed premises;~~

~~b. The neighborhood association within whose boundaries the licensed premises will be located.~~

2. ~~Post~~Require the applicant to post the proposed new licensed premises with a notice indicating the process for public comment.

3. Request a response in writing, via mail or electronic delivery, from the ~~neighborhood association, property owners and property occupants~~public and allow at least 20 days after ~~the mailing or~~ posting of notification as provided in this Section, to provide a response in writing to Bureau of Development Services. ~~Bureau of Development Services shall notify any person who responds pursuant to this Section of the recommendation made by the Chief of Police to the OLCC.~~

E. [No change.]

F. The Chief of Police shall coordinate with ~~Office of~~ Bureau of Development Services ~~and the City Noise Control Officer~~ prior to issuance of a recommendation to determine if there is substantial neighborhood community concern or opposition to the application, ~~or if there is evidence that noise is or will be a significant and persistent problem at the licensed premises.~~

1. If the Chief of Police finds that there are valid grounds to make an unfavorable recommendation to OLCC as provided by Oregon liquor laws, the Chief of Police shall ~~forward~~make an unfavorable recommendation directly. This recommendation will be sent to the Bureau of Development Services and the OLCC.

2. If there is substantial neighborhood community concern or opposition to the application, ~~or there is evidence that noise is or will be a significant and persistent problem at the licensed premises,~~ but the Chief of Police, because of time constraints or other factors, does not find sufficient basis for an unfavorable recommendation as provided by Oregon liquor laws, the Chief of Police shall ~~forward~~make a no endorsement

EXHIBIT A

recommendation ~~directly to the OLCC,~~ with supporting documentation of ~~neighborhood community~~ concern or opposition ~~and/or evidence of noise~~ as provided by Bureau of Development Services, and ~~shall request~~ ~~may request~~ that the OLCC hear testimony from the ~~neighborhood community. This recommendation will be sent to the Bureau of Development Services and the OLCC.~~ Bureau of Development Services shall coordinate ~~neighborhood community~~ testimony for OLCC hearings.

3. If the Chief of Police finds no basis for an unfavorable recommendation as provided by Oregon liquor laws, and there is no substantial ~~neighborhood community~~ concern or opposition ~~or evidence that noise is or will be a significant and persistent problem~~ at the licensed premises, the Chief of Police shall ~~forward~~ ~~make~~ a favorable recommendation ~~directly. This recommendation will be sent~~ to the ~~Bureau of Development Services and the~~ OLCC. The Chief of Police may also attach conditions or restrictions to a favorable recommendation, such as allowing sales only during limited hours, restricting the sale of alcoholic beverages associated with street drinkers, or other conditions or restrictions consistent with the Oregon liquor laws.

G. The ~~Chief~~ ~~Bureau~~ of ~~Police~~ ~~Development Services~~ shall notify the applicant of the recommendation.

H. [No change.]

I. [No change.]

14B.100.040 Reconsideration of Applications.

[No change.]

~~14B.100.050 Notification of OLCC Proceedings.~~

~~Bureau of Development Services shall notify Council of OLCC hearing dates, places and times, and advise Council of applications that will receive unfavorable recommendations, no endorsements recommendations, or favorable recommendations with conditions or restrictions. Bureau of Development Services shall advise Council of the OLCC's decisions on applications.~~

EXHIBIT A

14B.100.060 Impact Areas.

A. It shall be the responsibility of the Chief of Police to review, from time to time, the locations, types and quantities of liquor licenses that have been issued for premises located in geographical areas, neighborhoods or sectors of the City. If the Chief of Police, upon inquiry, or at the request of citizens or groups finds: that some area of the City is saturated with certain types of licensed premises selling or serving alcoholic beverages and that the placement of additional licensed premises within that area will likely be deleterious to that area; or, that excessive criminal acts, traffic congestion, or litter problems are present or will increase due in part to the licensed premises; or, additional licensed premises are not justified by public interest or convenience, then the Chief of Police shall make a recommendation to Council that the area be designated as an impact area, and that liquor licenses of certain types should not be granted or renewed in that area for a specific period of time, or until the number of current licenses is reduced to the point that licensed premises can be permitted that will not be deleterious to the area, or, will not lead to additional criminal acts, traffic congestion or litter problems, or, are justified by public interest or convenience.

B. If Council declares an area to be an impact area based upon findings that valid grounds exist as provided by Oregon liquor laws, the Chief of Police shall notify OLCC so that OLCC may ensure that liquor license applicants are put on notice of the impact area.

C. Within any area declared to be an impact area as provided by this Chapter, the Chief of Police is authorized, on behalf of Council:

- 1.** To present an unfavorable recommendation to the OLCC on any application for a new licensed premises located in the impact area; or,
- 2.** To present a favorable recommendation for any existing licensed premises located in the impact area, subject to certain conditions or restrictions, such as allowing liquor sales only during limited hours, restricting the sale of alcoholic beverages associated with street drinkers, or other restrictions consistent with the Oregon liquor laws.

D. Impact area recommendations shall not apply to licensed premises wherein the sale of alcoholic beverages is incidental to full service restaurant facilities,

EXHIBIT A

with meals prepared on the licensed premises, provided that the liquor license applicant(s) and the restaurant owner(s) are one and the same.

E. The following areas are declared by Council to be impact areas:

- 1.** Burnside District Impact Area. The Burnside District, as herein defined, is declared an impact area with regard to new licensed premises applications and existing licensed premises. For purposes of this Section, the Burnside District is defined as that area bounded by the Willamette River on the East and North, by NW Ninth Avenue to West Burnside Street, by West Burnside Street to SW Fourth Avenue, by SW Fourth Avenue to SW Ankeny Street, by SW Ankeny Street to the Willamette River.
- 2.** Central Eastside Industrial District Impact Area. The portion of the Central Eastside Industrial Area, as herein defined, is declared an impact area with regard to new licensed premises applications and existing licensed premises. For the purposes of this Section, the Central Eastside Industrial Area is defined as that area bounded by the Banfield Freeway to the North, by SE 12th Avenue to the East, by SE Clay Street to the South, and by the Willamette River on the West.
- 3.** Inner North/Northeast Neighborhood Impact Area. The Inner North/Northeast Neighborhood, as herein defined, is declared an impact area with regard to new licensed premises applications and existing licensed premises. For purposes of this Section, the Inner North/Northeast Neighborhood is defined as that area bounded by NE Columbia Blvd. on the North, NE Broadway Blvd. on the South, and Interstate 5 on the West. The area's boundary on the East is NE 42nd Avenue from NE Columbia Blvd. to NE Prescott Street, NE 23rd Avenue from NE Prescott Street to NE Mason Street, NE 21st Avenue from NE Mason Street to NE Fremont Street and NE 7th Avenue from NE Fremont Street to NE Broadway Blvd.