

MOTION

Liquor licenses are issued, regulated, suspended, and revoked by the California Department of Alcohol Beverage Control (ABC). Local government has no authority over the actual liquor license. However, local government has land use authority that determines the location and under what conditions the liquor license is used, and typically through a discretionary approval process and issuance of Conditional Use Permit (CUP).

While new businesses looking to sell alcoholic beverages are required to go through the CUP process, businesses with 'grandfathered' land use rights to sell alcohol at a property do not go through the CUP process.

In recent years, local governments have adopted so-called 'Deemed Approved Ordinances,' that contain operating standards (e.g. no littering, loitering, graffiti, drug dealing, prostitution, gambling, shootings, or other nuisance activities in or around the premises) for all existing alcohol establishments that do not have a CUP and operate under 'grandfathered' land use rights to sell alcohol at a property.

The City of Oakland's *Deemed Approved Ordinance* is recognized nationally as a best practice, and other cities nationwide have enacted ordinances replicating the City of Oakland's ordinance. *Deemed Approved Ordinances* give cities more latitude in enforcing nuisance rules and revoking business licenses on businesses that are otherwise subject to less restrictions as result of their grandfathered status.

I THEREFORE MOVE that the Council instruct the Planning Department, in consultation with the City Attorney, and with the assistance of the Department of Building and Safety, to prepare and present an ordinance that contains land use operating standards applicable to existing alcohol establishments that do not have a Conditional Use Permit and operate under 'grandfathered' land use rights to sell alcohol at a property, and use the City of Oakland's Deemed Approved Ordinance as a model, inasmuch as it is recognized nationally as a best practice, and replicated by cities nationwide.

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ORIGINAL

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