

REDLINED Process and Standards for Review of On-Sale Alcoholic Beverage Conditional Use Permits
NEW TEXT is shown as underline. DELETED TEXT is shown in strikethrough font.

- 1) The CUP review process consists of an administrative review process of the activities of ~~the on-sale alcoholic beverage establishments' activities~~ throughout the city. The establishments operations would be reviewed against an established set of criteria ~~three times per year~~ by the Planning Commission annually.

The annual city-wide review does not preclude the scheduling of a public hearing for the individual review and consideration of a revocation/modification hearing of an on-sale alcoholic beverage establishments' CUP that meets the established review criteria at any time (HBMC 17.70.010).

- 2) All on-sale establishments with a CUP would be referred to the Planning Commission for a CUP review annually. A subsequent public hearing for modification or revocation would only be scheduled at the direction of the Planning Commission by minute order.

~~and subsequently for~~ A modification/revocation hearing will also be scheduled if the Commission so decided upon its review, when the a given on-sale alcohol serving establishment holding a CUP exceeds established standards for each criteria set by the Planning Commission 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.

- 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 not less than one time annually with an evaluation of on-sale alcoholic beverage establishment activities for the preceding 12-month period ~~three times per year with an evaluation of the on-sale establishments' activities for the prior 6-month period.~~ The 12-month review would cover the period from October 1st through September 30th of the following year.

- 6) For transparency, the standards or and criteria of the CUP review process system will be made easily accessible readily available to all on-sale alcoholic beverage establishments with CUPs and the public through 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 to consider the potential modification/revocation hearing.

- 7) Information from either: 1) the Police and Fire Department related to patterns of patronage of on-sale establishments (as indicated by investigations of intoxicated persons after incidents), calls for service, and consistency with "Model House Policies" or 2) the Los Angeles County Fire Department regarding overcrowding or other life safety code violations 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 pPlanning eCommission, as additional justification for holding a CUP modification or revocation review hearing, as well as be used as evidence during such 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 a P.C. Review/Modification/Revocation Hearing ^(a) (Number of incidents in any <u>6</u> months)
Violation of Operating Hours	2
ABC Violations (underage serving, violation of hours, etc.)	2
Overcrowding Citation	1
Criminal Citation of Staff while Working/on Premises	2
Serious Crime on Premises indicative of Lack of Adequate Security	2

(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; the Chief of Police or Community Development Director may recommend CUP review to Commission at ~~his/her~~ their discretion—at any time regardless of number of incidents in any period of time, to determine whether revocation/modification ~~education~~ is appropriate under HBMC 17.70.010—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.