

## **BID ALDO Subcommittee**

Recommended Changes and Amendments to ALDO

Approved February 2, 2010

The BID Board opposed the Alcohol License Density Plan ordinance in 2007, and does not support it as an effective way to decrease the incidence of alcohol-related problems or foster a business mix that contributes to economic vitality and quality of life in the central downtown. The BID Board recommends that the ALDO be allowed to sunset in October 2010. In the interim, the BID Board recommends the following changes and amendments:

1. "Exceptional Circumstances:" (ALDO # 4c)

Allow more flexibility for licenses for entertainment establishments without requiring 50% food receipts or specifying an alcohol percentage. Consider amending the exceptional circumstances so that it is not tied to percentage but is instead at the discretion of ALRC.

Specific amendment language to be developed by the BID Subcommittee.

2. "365 Day Window" under "Restrictions" (ALDO # 5)

### **Amending Secs. 38.05(9)(o)5.a.v & 38.05(9)(o)5.b.vii of the ALDO to Permit the Granting of Licenses to Locations Previously Holding Alcohol Licenses**

v. The proposed establishment is intended to replace a former 'Class A' alcohol beverage license that ceased regular operations, ~~no more than three hundred sixty five (365) days prior to the filing date of the new alcohol beverage license application. In the case of leased property, this three hundred sixty five (365) day grace period begins tolling on the first day that the property owner regains full possession and control of the affected property, as evidenced by competent evidence provided by the property owner.~~

vii. The proposed establishment is intended to replace a former Class 'B' Beer, Class 'C' Wine, or 'Class B' Combination alcohol beverage license that ceased regular operations, ~~no more than three hundred sixty five (365) days prior to the filing date of the new alcohol beverage license application. In the case of leased property, this three hundred sixty five (365) day grace period begins tolling on the first day that the property owner regains full possession and control of the affected property, as evidenced by competent evidence provided by the property owner.~~

Also, amend Sec. 38.05(9)(o)(6)(a) M.G.O. re: Capacity to reflect above amendments.

6. Capacity.

a. Any new licenses granted pursuant to the sale of an existing and operational business or ~~under the three hundred sixty five (365) day window to replace a former license that ceased regular operations~~ as described in sections 5(a) and (b) above will be eligible for a licensed capacity no greater than the licensed capacity of the former business at the time that regular operations were ceased.

### 3. Capacity (ALDO #6)

Sec. 38.05(9)(0)6.C., M.G.O.

The ALRC may also recommend approval of a request to increase capacity for existing alcohol beverage licenses within the density plan area if not a hotel or bona fide restaurant if:

- i. Building code changes permit an increased capacity; or
- ii. If expansion into adjacent space permits increased capacity; or
- iii. If physical improvements (such as increased exiting, increased toilet facilities, construction of fire rated separation or other such physical features) permits increased capacity; or
- iv. The capacity originally established by the Common Council was intended to be temporary pending a review of the operation at a later date and the Common Council determines that the history of the temporary operation warrants a higher capacity.

Drafter's Note: The purpose of this new section is to define circumstances under which the City may exercise its discretion to increase capacities for alcohol beverage licensed premises which are not hotels or bona fide restaurants within the alcohol license density area.