

**Citizens Committee to Review Alcoholic Beverage Laws (CCRABL)
Meeting Minutes**

**Truxtun Recreation Center
Meeting Room 3
March 30, 2010
6:00 PM to 7:30 PM**

Committee Members:

Whitney Chellis, Chair	Lynne Jones	Vince Quinlan
Brian Cahalan	Joe Lyon	Gilbert Renaut
Chris Fox	Valerie Miller	Chuck Weikel
John Giannetti	Sean O’Neil	Denise Worthen
Jerry Hardesty	Vic Pascoe	

Committee Resource Members:

Charles Grayston, Vice Chair

City Staff:

Sally Nash
Jacqui Rouse
Jon Arason

Parties of Interest:

Alderman Kirby
9 members of the public

General Notes:

The **Chair** opened the meeting at 6:00 pm. The purpose of the meeting was to discuss zoning and land use as related to alcoholic beverage licenses.

Agenda Item II: Informational Zoning Overview with Jon Arason Planning Director

Jon Arason began his discussion by giving a brief overview of zoning generally and describing the different districts in the City of Annapolis. He described the different way that uses can be allowed—either permitted by right, permitted with standards, as a special exception, or as a special exception with standards.

Mr. Arason then discussed the history of the 2 am license moratorium in the C2 district. Before the current moratorium, restaurant approval was based on the existing number of seats that were already devoted to that use. Only a certain percentage of all establishments could be allocated as restaurants. This method was imprecise and difficult to monitor. Applications had to be heard before City Council, and the hearings were often very contentious.

The Ward One Sector Study came about because people were tired of battling over the “balance of uses” approach and wanted to find a way to compromise on the number of new establishments. Following the approval of the Study, the City Council adopted an ordinance that

prohibited new 2 am licenses and required that new midnight license-owners meet a 50% food-to-beverage ratio for their sales. There have been only four new establishments that have opened since these regulations went into effect in 1994 that are subject to this standard. This standard is not a requirement of Title 7 in the City of Annapolis, but zoning. Licenses cannot be issued to an establishment that is not in conformance to zoning.

The Mixed Use District has a different history. In order to encourage development in Inner West Street, this area was rezoned as Mixed Use (MX) in 1987. Development along this corridor did not really begin until the late 1990s. At this time, several amendments to the MX Zone were made. One of these amendments created three height districts. The issue of bar/restaurant proliferation was also addressed at this time, and was tied to the height districts. New 2 am licenses are permitted in Height District 1, but not Height District 2 or 3.

Mr Arason stated that one of the motivations for creating the height districts and for using the height districts to limit the 2ams on inner West Street was because of the proximity of residential and commercial uses along the corridor. He called out the fact that the commercial property on inner West Street was "one lot deep" and immediately adjacent to residential uses.

The Zoning Department is often tasked with enforcement of problems that are not exclusively land use problems, **Mr. Arason** explained. For example, the department often adds language to special exception applications that are related to noise and trash. However, Zoning does not have the ability to effectively enforce violations of special exception conditions such as these. In fact, on one occasion this kind of condition was challenged in court and the judge found that Zoning did not have the ability to enforce trash violations. Zoning cannot regulate human behavior, **Mr. Arason** pointed out.

At least one establishment has lost its special exception since 1994. There is a concern that market forces and rent prices might cause a proliferation of bars/restaurants downtown if 2 am licenses are again permitted. **Mr. Arason** explained that the planning department does try to encourage a balance of uses, but that it is very difficult to predict all the relevant variables. He knows of at least three establishments that currently have 12:00 am licenses that would apply for 2:00 am licenses immediately if the moratorium was lifted. If the moratorium is lifted, new business could have 2:00 am licenses. So, while we know of several existing businesses that could take advantage of the change, any number of new businesses that are not anticipated could locate in the City and request a 2 am license. The City currently does not limit the number of City-wide licenses that are issued—it is unlimited.

The committee then discussed the ratio requirements for restaurants and what title of the City Code such requirement should be a part of. A committee member, **Vince Quinlan**, pointed out

that since special exception requirements run with the land, the special exception agreements should be recorded in the land records to provide clear notice to future owners of use restrictions.

Another committee member, **Chris Fox**, asked what the consequences of not being able to meet the food/alcohol ratio might be. He suggested there should be flexibility in regulation and citations if such a ratio were to be implemented across the board to allow for unique situations.

During the discussion of the alcohol ratios, **Jacqui Rouse** commented that a) only a very small percentage of restaurants are currently subject to the 50% rule and b) it would be "a major change" for most of the restaurants in the City to adapt to that change. In response, committee member **Denise Worthen** pointed out that in fact all restaurants in the City currently report their alcohol sales ratios so that it would not be an additional burden on all restaurants. And in addition, only 5 or 6 restaurants currently have sales ratios above the 50% mark so that **Ms. Worthen** didn't feel limiting the ratios to 50% in the City would in fact represent a major change for most restaurants.

The audience was invited to comment. One member of the public pointed out that a group of many establishments that sell alcoholic beverages creates a different kind of environment and atmosphere than one establishment on its own does.

A committee member indicated that the requirements for restaurants should be "flat" and consistent, not so complicated. There should be one set of standards that would apply across the board to provide clarity to business owners, and the residents, about what to expect. When the City isn't consistent, it makes it seem as though it would be hard to open a business.

Another committee member suggested that the City should limit the total number of licenses. Allow 2 am for all existing establishments, but no more after that unless there was action taken by the Council. Or each Ward would have a limit. The committee discussed how the City would determine "too much" should there be a ratio based on population.

Also discussed was the issue of whether a license should reflect the actual use. If a business is actually a tavern/bar, and not a restaurant, for example, then we should recognize that and—without harming the business—transition into what the use actually is on the license. The City has no tavern licenses issued, only restaurants. Tavern license are limited to midnight.

Closing:

The **Chair** went over the upcoming meeting schedule. The interim report, which had been handed in to City Hall earlier in the afternoon, was distributed to the committee.

The committee's public hearing will be held on April 29, 2010 at 7:00 pm in the City Council Chambers. The next meeting of the committee will be April 6, 2010 at 6:00 p.m. in the same room. The committee will begin formulating recommendation on the fee structure for alcoholic beverage licenses.

The **Committee** requested more information on the following items:

A summary of what type of alcoholic beverage regulations might be removed from Title 21: Zoning and incorporated in to Title 7. (**Jon Arason, P&Z**).

THE MEETING WAS ADJOURNED AT 7:25

Action Items:

Provide a summary of how APD staffing generally works on Friday and Saturday nights (**APD**)

Look up the timeline for the new fee schedule that will go into effect in July (**P&Z**)

Pursue an audit of personnel costs associated with alcoholic beverage licensing fees (**Finance**)

Next Meeting:

The next meeting for the committee will be held on **April 6, 2010 at 6:00pm** at the Truxtun Park Recreation Center, Meeting Room 3.

Future Draft Agenda(s):

- April 6:** Formulating Recommendation: FEES-Committee Discussion
- April 13:** Formulating Recommendation: Licensing/ABCB-Committee Discussion
- April 20:** Formulating Recommendation: Enforcement-Committee Discussion
- April 27:** No committee meeting

Schedule of Public Hearings:

- April 12 7:30 PM City Council- **Interim Report**
- April 29 7:00 PM- **CCRABL PUBLIC HEARING** City Council Chambers (R-73-09)
- July 26 7:30 PM-CCRABL City Council –**Final Report**

END