

SUBSTITUTE AMENDMENT TO CAL. NO. 35,420

CITY HALL: April 23, 2026

BY: COUNCILMEMBER MORRELL

SECONDED BY:

BRIEF DESCRIPTION:

An amendment to Cal. No. 35,420 to clarify language, extend the length of temporary permits, and to expand appeal rights, and otherwise to provide in respect thereto.

AMENDMENT:

1. On page 1, delete lines 8-10 and insert the following in lieu thereof:
 - (a) The department of safety and permits shall issue a 90-day temporary alcoholic beverage outlet permit, and, if applicable, a temporary mayoralty permit for live entertainment and recommend to the department of finance the approval of a temporary occupational license within ten calendar days of the submission of a complete application, provided that:
2. On page 1, line 11, after “application” delete “is a” and insert the following in lieu thereof:

, occupational license, and if applicable, the temporary mayoralty permit for live entertainment, is a
3. On page 2, line 20, delete “ten” and insert “five calendar” in lieu thereof.
4. On page 2, line 21, delete “revenue” and insert “finance” in lieu thereof.
5. On page 2, line 21, delete “60” and insert “90” in lieu thereof.
6. On page 2, line 22, insert a period after “code” and delete “and, if applicable, a temporary mayoralty permit for live”.
7. On page 2, delete lines 23-28.
8. On page 2, line 29, delete “chapter” and insert “section” in lieu thereof.
9. On page 2, line 29, delete “shall mean” and insert “means” in lieu thereof.

10. On page 2, delete line 31 and insert the following in lieu thereof:
 - (1) Application for an occupational license, an alcoholic beverage outlet permit, and, if applicable, a temporary
11. On page 2, line 37, after “outlet permit” insert “, the temporary occupational license,”.
12. On page 2, line 37, after “if applicable, the” insert “temporary”.
13. On page 2, line 39, after “permit” insert “and license”.
14. On page 2, line 41, delete “shall”.
15. On page 2, line 41, delete “60” and insert “90” in lieu thereof.
16. On page 2, line 47, after “until a” add “temporary or final”.
17. On page 2, line 47, delete “has been” and insert “is” in lieu thereof.
18. On page 3, line 53, delete “60” and insert “90” in lieu thereof.
19. On page 3, line 54, delete “is authorized to” and insert “may” in lieu thereof.
20. On page 3, line 63, after “designee” add “within 15 calendar days of the director’s decision to deny the permit”.
21. On page 3, after line 63, add the following:
 - (i) The failure to grant or deny any of the temporary permits created by this section or licenses created by section 150-153(b) within 15 calendar days results in the automatic issuance of the temporary alcoholic beverage outlet permit, a temporary occupational license, and, if applicable, a temporary mayoralty permit for live entertainment.
 - (j) Within five calendar days of denying a temporary alcoholic beverage outlet permit, or, if applicable, a temporary mayoralty permit for live entertainment, the department of safety and permits shall inform the applicant in writing of the specific reason(s) for denying the temporary permit. Within five calendar days of denying a temporary occupational license, the department of finance shall inform the applicant in writing of the specific reason(s) for denying a temporary occupational license. If the applicant disagrees with the denial of a temporary alcoholic beverage outlet permit, temporary occupational license, or, if applicable, temporary mayoralty

permit for live entertainment, the applicant may appeal the denial to the Chief Administrative Officer or his designee within 15 calendar days of the denial decision.

THE FOREGOING AMENDMENT WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS:

NAYS:

ABSENT:

RECUSED:

AND THE AMENDMENT WAS ADOPTED.

ENGROSSED VERSION:

The following engrossed version shows how the proposed amendment would modify Cal. No. 35,420, as originally introduced. Additions are **underlined**. Deletions are shown as ~~strikethroughs~~.

Sec. 10-107 – Issuance of temporary permit.

- (a) **The department of safety and permits shall issue a 90-day temporary alcoholic beverage outlet permit, and, if applicable, a temporary mayoralty permit for live entertainment and recommend to the department of finance the approval of a temporary occupational license within ten calendar days of the submission of a complete application, provided that:** ~~The department of safety and permits shall issue a 60-day temporary alcoholic beverage outlet permit and shall recommend for approval within ten calendar days of the submission of a complete application, provided that:~~
- (1) The use specified in the alcoholic beverage outlet permit application, **occupational license, and if applicable, the temporary mayoralty permit for live entertainment, is a** ~~is a~~ **permitted use, valid conditional use, or valid legal non-conforming use** ~~is a permitted use, valid conditional use, or valid legal non-conforming use~~ within the zoning district of the subject property.
 - (2) Neither the applicant nor the listed business owner(s) have been found guilty of a violation related to alcoholic beverage sales or public safety within the previous 365 days.
 - (3) Neither the applicant nor the listed business owner(s) have applied for more than one temporary alcoholic beverage outlet permit for the subject property within 365 days of submission of a complete application.
- (b) Within **five calendar** ~~ten~~ days of the issuance of a temporary alcoholic beverage outlet permit, the department of ~~finance~~ **revenue** shall issue a **90-60**-day temporary occupational license pursuant to Sec. 150-953 of this code, ~~and, if applicable, a temporary mayoralty permit for live entertainment, provided that the use is a permitted use, valid conditional use, or legal non-conforming use within the zoning district of the subject property, as confirmed by the department of safety and permits. Failure of the department of revenue to grant or deny a temporary alcoholic beverage outlet permit and, if applicable, temporary mayoralty permit for live entertainment shall result in the automatic issuance of the temporary permit.~~
- (c) For the purposes of this **section** ~~chapter~~, a "complete application" ~~shall mean~~ **means** the submission of the following:

- (1) Application for ~~an a temporary~~ occupational license, an alcoholic beverage outlet permit, and, if applicable, a ~~temporary~~ mayoralty permit for live entertainment;
 - (2) State alcoholic beverage permit;
 - (3) State health permit;
 - (4) State fire marshal approval;
 - (5) Approval of the district councilmember for the subject property for the temporary alcoholic beverage outlet permit, the temporary occupational license, and, if applicable, the temporary mayoralty permit for live entertainment; and
 - (6) Payment of all applicable permit and license fees.
- (d) Each of the temporary alcoholic beverage outlet permit, temporary occupational license, and, if applicable, temporary mayoralty permit for live entertainment ~~shall~~ expire 90-60 days after issuance and shall not, on its own, entitle the applicant to an alcoholic beverage outlet permit, occupational license, or mayoralty permit for live entertainment or automatic renewal thereof, as issued under the authority of this chapter.
- (e) If a building permit has been issued to the applicant for construction or renovation of the applicant's premises, the department of safety and permits shall not issue a temporary alcoholic beverage outlet permit until a temporary or final certificate of occupancy ~~has been~~ is issued in connection with the construction or renovation of the applicant's premises.
- (f) Temporary alcoholic beverage outlet permits, temporary occupational licenses, and, if applicable, temporary mayoralty permits for live entertainment shall not be renewed.
- (g) The provisions of this section shall cease to be effective on July 1, 2027. Nevertheless, any temporary alcoholic beverage outlet permit issued prior to this sunset date shall remain valid until its 90-60 -day expiration date.
- (h) The director of the department of safety and permits ~~may is authorized to~~ deny a temporary alcoholic beverage outlet permit when there is one or more outstanding health, safety, or building violations associated with the subject property, that, in the opinion of the director, present a serious threat to the health, safety, or welfare of the public; provided, however, the director shall provide written justification to the applicant within

five calendar days of denying the permit. The written justification shall specifically identify and explain the serious threat to the health, safety, or welfare of the public. If the applicant disagrees with the denial of the permit by the director of the department of safety and permits, the applicant may appeal the denial of the permit to the Chief Administrative Officer or his designee within 15 calendar days of the director's decision to deny the permit.

(i) The failure to grant or deny any of the temporary permits created by this section or licenses created by section 150-153(b) within 15 calendar days results in the automatic issuance of the temporary alcoholic beverage outlet permit, a temporary occupational license, and, if applicable, a temporary mayoralty permit for live entertainment.

(i) Within five calendar days of denying a temporary alcoholic beverage outlet permit, or, if applicable, a temporary mayoralty permit for live entertainment, the department of safety and permits shall inform the applicant in writing of the specific reason(s) for denying the temporary permit. Within five calendar days of denying a temporary occupational license, the department of finance shall inform the applicant in writing of the specific reason(s) for denying a temporary occupational license. If the applicant disagrees with the denial of a temporary alcoholic beverage outlet permit, temporary occupational license, or, if applicable, temporary mayoralty permit for live entertainment, the applicant may appeal the denial to the Chief Administrative Officer or his designee within 15 calendar days of the denial decision.