



**CLEAR**

Community Leaders for Enforcement, Accountability, and Responsibility in Alcohol Licensing

January [REDACTED], 2021

The Honorable Mayor Keisha Lance Bottoms  
City of Atlanta Mayor  
55 Trinity Avenue, Suite 2500  
Atlanta, GA 30303  
404.330.6100

Dear Mayor Bottoms:

We are writing to you to express our serious concerns with the lack of community protections within the City of Atlanta Code of Ordinances Chapter 10 (Alcohol Code) and the License Review Board policies and procedures. **This letter and the organizations that have signed in support represent approximately 232,400 residents across City of Atlanta neighborhoods and six Neighborhood Planning Units.** For expediency, we have initially organized with neighborhood leaders actively struggling with pervasive issues. However, this is a city wide challenge and neighborhoods in every NPU are affected.

Our neighborhoods are vibrant, urban communities that welcome the cultural activities that make city living interesting, eclectic and complex. We want music, food, libation and art culture that will push our growth as a community and provide opportunities for us to connect with each other. We want these activities to co-exist harmoniously so that businesses can thrive and residents can maintain a reasonable expectation of a good quality of life and public safety.

**We are frustrated with the imbalance between community needs and the right to sell alcohol.** As community leaders, we have unfortunately witnessed a flawed liquor license application process, lacking objective criteria for application review, insufficient legislative tools to strengthen enforcement, decreased prioritization of critical departments, and a due cause process that disproportionately benefits the liquor license agent over the community. For decades, we have been on the frontlines of this process on behalf of our communities: from application review to collaboration with APD to initiating due cause packages. Within our NPUs and each of our neighborhood civic associations, we have all attempted to address these challenges through a piecemeal strategy. We've been met with varying levels of success and a shared opinion that this could *and should* be improved holistically.

Our community working group was born out of necessity. **The degradation of public safety as a result of irresponsible liquor license holders has reached a grossly unacceptable level.** We appreciate the recent creation of a "nuisance property" inter-departmental working group. We see this as addressing an important, but albeit partial, part of the problem.

**As elected representatives of our communities that are severely impacted by alcohol licensing, we formally request the establishment of a new task force dedicated exclusively to an overdue 360 degree review of alcohol licensing.**



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**We believe our experience is invaluable and request inclusion as members of the task force.** Enclosed with this letter, we identify recommended action items that represent immediate targeted change to help restore public safety. In addition to these immediate action items, we created a detailed outline of alcohol licensing challenges which can be further studied during the task force review.

This change will require our city (and possibly state) elected officials to reform laws at each level to achieve the modernization of alcohol licensing and enforcement tools we seek. This will be a complex discussion and will require knowledgeable and committed stakeholders. We stand ready to be a meaningful part of this initiative.

We look forward to collaborating with our City of Atlanta partners. We thank you for hearing the resounding voice of your constituents and look forward to your response.

Courtney R. Smith  
Chairperson, CLEAR  
President, Midtown Neighbors' Association  
NPU-E Board Member & Executive Officer  
[president@midtownatlanta.org](mailto:president@midtownatlanta.org)

cc:

|                                   |  |                                  |
|-----------------------------------|--|----------------------------------|
| Jon Keen                          | City of Atlanta Mayor's Office         | Chief Operating Officer          |
| Tim Keane                         | City of Atlanta Department of Planning | Commissioner                     |
| Chief Rodney Bryant               | City of Atlanta Police Department      | Chief of Police                  |
| Deputy Chief Darin Schierbaum     | City of Atlanta Police Department      | Governmental Affairs Division    |
| Deputy Chief Timothy Peek         | City of Atlanta Police Department      | Licenses & Permits Division      |
| Office of Chief Randall Slaughter | City of Atlanta Fire Rescue Department | Fire Chief                       |
| Hon. Felicia Moore                | Atlanta City Council                   | Council President                |
| Hon. Carla Smith                  | Atlanta City Council                   | D1                               |
| Hon. Amir Farokhi                 | Atlanta City Council                   | D2                               |
| Hon. Antonio Brown                | Atlanta City Council                   | D3                               |
| Hon. Clela Winslow                | Atlanta City Council                   | D4                               |
| Hon. Natalyn Archibong            | Atlanta City Council                   | D5                               |
| Hon. Jennifer Ide                 | Atlanta City Council                   | D6                               |
| Hon. Howard Shook                 | Atlanta City Council                   | D7                               |
| Hon. JP Matzigeit                 | Atlanta City Council                   | D8                               |
| Hon. Dustin Hillis                | Atlanta City Council                   | D9                               |
| Hon. Andrea Boone                 | Atlanta City Council                   | D10                              |
| Hon. Marci Collier Overstreet     | Atlanta City Council                   | D11                              |
| Hon. Joyce Shepard                | Atlanta City Council                   | D12                              |
| Hon. Michael Julian Bond          | Atlanta City Council                   | Post 1                           |
| Hon. Matt Westmoreland            | Atlanta City Council                   | Post 2                           |
| Hon. Andre Dickens                | Atlanta City Council                   | Post 3                           |
| Leah LaRue                        | City of Atlanta Department of Planning | Assistant Director, NPU Division |

**Exhibits attached:**

- A: Supporting community organization indications
- B: CLEAR recommended action items



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**EXHIBIT A: AWAITING ORGANIZATIONAL CONFIRMATIONS OF SUPPORT**

This letter is supported by the following:

**Neighborhood Planning Units:**

|       |                      |             |
|-------|----------------------|-------------|
| NPU-B | Nancy Bliwise        | Chairperson |
| NPU-E | Nabil Hammam         | Chairperson |
| NPU-F | Debbie Skopczynski   | Chairperson |
| NPU-M | Rebecca Rice         | Chairperson |
| NPU-N | Christopher Leerssen | Chairperson |
| NPU-X | Zachary Adriaenssens | Chairperson |

**Neighborhood Civic Associations:**

|  |  |  |
|--|--|--|
| Ansley Park Civic Association                    |  |  |
| Ardmore Park Civic Association                   |  |  |
| Atkins Park                                      |  |  |
| Atlantic Station Civic Association               |  |  |
| Brookwood Hills Community Club                   |  |  |
| Buckhead Council of Neighborhoods                |  |  |
| Buckhead Forest Civic Association                |  |  |
| Buckhead Heights Civic Association               |  |  |
| Cabbagetown Neighborhood Improvement Association |  |  |
| Candler Park Neighborhood Organization           |  |  |
| Castleberry Hill Neighborhood Association        |  |  |
| Atlanta Downtown Neighborhood Association        |  |  |
| Druid Hills Civic Association                    |  |  |
| East Chastain Park                               |  |  |
| Fourth & SAND                                    |  |  |
| Fourth Ward Alliance                             |  |  |
| Fourth Ward Neighbors                            |  |  |
| Fourth Ward West Association                     |  |  |



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|   |  |  |
|---|--|--|
| Garden Hills Civic Association                  |  |  |
| Historic Brookhaven Neighborhood Association    |  |  |
| Home Park Civic Association                     |  |  |
| Inman Park Neighborhood Association             |  |  |
| Lenox   |  |  |
| Lindbergh / Morosgo Neighborhood Association    |  |  |
| Lindridge-Martin Manor Neighborhood Association |  |  |
| Loring Heights Civic Association                |  |  |
| Marietta Street Artery Association              |  |  |
| Midtown Neighbors' Association                  |  |  |
| Morningside Lenox Park Association              |  |  |
| North Buckhead Civic Association                |  |  |
| Old Fourth Ward Business Alliance               |  |  |
| Peachtree Heights East Neighborhood Association |  |  |
| Peachtree Heights West Civic Association        |  |  |
| Peachtree Hills Civic Association               |  |  |
| Peachtree Park Civic Association                |  |  |
| Piedmont Heights Civic Association              |  |  |
| Pine Hills Neighborhood Association             |  |  |
| Poncey-Highland Neighborhood Association        |  |  |
| Ridgedale Park Civic Association                |  |  |
| Sherwood Forest Neighborhood Association        |  |  |
| South Tuxedo Park Civic Association             |  |  |
| Sweet Auburn District                           |  |  |
| Virginia-Highland Civic Association             |  |  |



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**CLEAR Members:**

NPU-M / NPU-M Public Safety Committee

Dorthey Hurst  
Parlimenatarian / Chairperson

NPU-E / Marietta Street Artery Association

Nathan Hedges      Board Member / Land Use Chairman  
Larry Cardinal      Member

NPU-E / Midtown Neighbors' Association

Courtney Smith      Board Member / MNA License & Permits Committee Member  
Simon Clarke      MNA License & Permits Committee Member  
Christian Fuller      MNA License & Permits Committee Member  
Gregory Higgins-Yali      MNA License & Permits Committee Member

NPU-E / Brookwood Hills Community Club

Jim Stokes      Board Member / NPU Representative

NPU-B

Nancy Bliwise      Chairperson  
Rebecca King      Buckhead Condo Alliance Representative

NPU-F / Piedmont Heights Civic Association

Jim Hardy      Public Safety Chairperson and Vice Chairperson of License & Permits / President



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# **EXHIBIT B: RECOMMENDED ACTION ITEMS**

January 2021



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## **SUMMARY**

- I CONDUCT FULL REVIEW OF CHAPTER 10 AND LICENSE REVIEW BOARD
- II REVISE APPLICATION PROCESS
- III REVIEW TEMPORARY LICENSING AND EXPAND OVERSIGHT
- IV EXPAND LICENSEE AUDIT PROGRAM
- V STRENGTHEN AND EXPAND ENFORCEMENT
- VI LEGISLATE TEMPORARY CLOSURES
- VII ADDRESS DEPARTMENTAL RESOURCES



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## **I -- CONDUCT FULL REVIEW OF CHAPTER 10 AND LICENSE REVIEW BOARD**

### **NEW TASK FORCE**

- Establish a new task force to:
  - Review and make recommendations to Atlanta City Council for legislative changes to City of Atlanta Code of Ordinances that pertain to alcohol service (excluding special events)
  - Review and make recommendations for APD License and Permits Unit and License Review Board policies and procedures
- Complete review within FY2021 – FY2022
- Assign a responsible party and impose deadlines for each action item resulting from the review
- Include knowledgeable and committed community leaders with direct involvement in liquor license review as stakeholders
  - Include a representative for NPU-B, NPU-E, NPU-F, NPU-M, NPU-N, and NPU-X
  - Include one NPU representative from each of the at-large districts as defined by City of Atlanta ordinance
- Report progress monthly to NPUs via Office of Planning Planner's report





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## II -- REVISE APPLICATION PROCESS

### DEFINITIONS

- Expand and clarify all [Ch 10-1 definitions](#) and objective criteria for issuance of each category of licenses
  - Restaurant, nightclub, outdoor market, lounge, open air café, patio (street dining) and bar definitions should be extensively reviewed using revised sales distribution, specified operating hours, seating design, stage presence, geographic footprint boundaries, and commercial kitchen provisions as possible criteria
  - Identify tangible criteria that must be established in advance of license issuance (e.g. commercial kitchen, seating as a percent of square footage, defined patio space)

### PARKING

- Provide clarity on “adequate parking” definition and conflicts between [Ch 16 Zoning](#) and [Chapter 10](#) alcohol parking requirements
- Review current parking requirements in the context of residential growth and proximity to licensees
- Revise existing City of Atlanta protocols for valet and park for hire permits to be incorporated into alcohol licensing requirements

### LRB HEARING

- Require NPU comments be provided to LRB members in advance of applicant’s appearance
- Formally read NPU comments into the meeting during which the application is heard



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## **II -- REVISE APPLICATION PROCESS**

### **CHANGE OF AGENT AND RENEWAL APPLICATIONS**

- Legislate a mandatory blackout period (< 12-24 months) restricting Change of Agent or Renewal applications if a specified violation of the ordinance has been cited within an identified recent time period

### **PROBATIONARY PERIOD**

- Establish a 12 month probationary period for new license holder and impose revocation of license for specified violations within the probationary period

### **PROOF OF CH 10 KNOWLEDGE**

- Require applicants certify an understanding of all sections of the City of Atlanta Code of Ordinances pertaining to the licensing requested in advance of license issuance

### **DOCUMENT PROVISION**

- Allow NPU Chairpersons, as part of the Department of City Planning, to request City of Atlanta records and inspection documentation without the requirement for Open Records Request



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### **III -- REVIEW TEMPORARY LICENSING AND EXPAND OVERSIGHT**

- Enforce existing requirement that NPUs receive notification of all temporary alcohol licenses
- Actively manage the expiration of temporary licenses and enforce violations
- Establish a blackout period for full license issuance for businesses that serve on an expired temporary license
- Limit temporary license extensions and establish tangible criteria for granting any extension



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#### **IV -- EXPAND LICENSEE AUDIT PROGRAM**

- Further amend the recently passed audit process ([20-O-1741](#)) to verify that original license conditions are consistently met.
  - Create specific guidelines for how a licensee is chosen for audit (e.g. required annual / bi-annual review, 911 call volume, citations, building permit issuance, NPU recommendation)
- Vary the timing so that it can not be anticipated by agent
- Create a process framework that reduces the opportunity for protracted delay tactics by agent
- Target audits to the following [Ch 10 Alcohol Code](#) categories:
  - Restaurant, Open Air Cafe and Patio (street dining)
  - Nightclub
  - Package store
  - Outdoor market
  - Lounge
  - Bar



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## **V -- STRENGTHEN AND EXPAND ENFORCEMENT**

### **LICENSE REVIEW BOARD**

- Burden of proof
  - Establish objective and relevant burdens of proof for neighborhoods / applicants to provide at LRB hearings that establish a framework for decision making by the LRB
  - Establish publicly available LRB standard operating procedures which could be pointed to in any appeal of a LRB decision
- Legislate the right of NPU's to present at all LRB hearings for applicants within their [City of Atlanta GIS-defined boundary](#)

### **APD LICENSE AND PERMIT DEPARTMENT AND ZONE ENFORCEMENT**

- Require annual training of select officers within each APD Zone to:
  - ensure zone-based knowledge of all applicable alcohol code
  - improve accuracy of issued citations
  - optimize the effective utilization of zone-based officers by APD License & Permits as needed for due cause investigations
- Establish objective criteria that, if met, requires an officer / inspector to issue a citation for violation(s) of a liquor license



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## **VI -- LEGISLATE TEMPORARY CLOSURES**

- Pass legislation that will:
  - allow the temporary closure or suspension (< 72 hours) of business operations by the APD Chief of Police for identified public safety concerns or issuance of certain specified citations
  - provide authority for temporary closure by APD without any required License Review Board or other city department review / approval
  - require licensee appearance before the License Review Board for an emergency hearing to reinstate license and ability to re-open business



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## **VII -- ADDRESS DEPARTMENTAL RESOURCES**

- Increase staffing level within APD License & Permits and License Review Board staff to realistically achieve the responsibilities of the department / board
  - Allocate inspector staffing as a percentage of liquor licenses within specified categories
  - Maximize the use of civilian staff (as legally allowable) to reduce recruiting demands of sworn officers