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Subject: ALRC Agenda 32. 77906 Change of Licensed Premises 2116 AWA LLC • dba The Atwood
Date: Wednesday, May 24, 2023 2:06:39 PM

RE 32. 77906 Change of Licensed Premises 2116 AWA LLC • dba The Atwood Current Capacity (in/out): 160/0 • Proposed Capacity (in/out): 160/20 2116 Atwood Ave • Agent: Brian Mason Class B Combination Liquor & Beer • 85% alcohol, 10% food, 5% other Alder District 6 (Alder Rummel) • Police Sector 410 Request to extend premises outdoors to rear patio for four 10' x 10' tents, at time a perimeter fence will be present with signage reading "No Alcohol Beyond This Point."

Greetings ALRC members-

I will not be able to attend your meeting but wanted to again ask the applicant to consider referral to allow me to organize a neighborhood meeting since many neighbors would like the opportunity to discuss their concerns directly with the applicant. I apologize again for not being able to get a meeting together sooner but this is the third requested neighborhood meeting regarding alcohol and noise impacts I've had since I was sworn in April 18th.

After the last meeting, I was able to connect with Vanessa Flores, the Atwood's manager, and I shared the questions I had with her. I've copied her responses:

Q1. proposed hours for the patio

A1. My proposed hours would be Mon - Friday 2pm - 8pm; and Sat - Sun 11am-8pm we will begin to stop outdoor service at that time (8pm) and patrons will no longer be able to take their drinks outside but would still be able to use the back exit till 9pm as our liquor license allows. I do not wish to extend hours beyond that time. *We have a strict rule that you're not able to use the back exit or linger in the parking lot after 9pm.*

Q2. explanation of the ownership of the area that is the rear of 2118 Atwood.

A2. We have an easement for use of the entire parking lot, aside from two parking spots allowed for use by 2118.

Q3. how would the parking lot be monitored and accessed during live music events in the bar per licensed condition #1: On nights when there is live music, a staff member will manage the parking lot from 11 p.m. until it has cleared.

A3. During patio hours staff will be monitoring the patio through video surveillance and checking in on patrons. We no longer have live music past 9pm

and have not for quite some time. When we do have the occasional band I would not have the patio open as this would cause confusion for staff, patrons, and a nuisance for neighbors.

Q4. if the applicant was proposing patios hours of operation beyond 9p (which I understand would require a conditional use permit from the Plan Commission), I noted that licensed condition #5 states: After 9p, the back door would be used as an emergency exit only

A4. I do not wish to propose patio hours after 9pm.

I understand that in 2022, the Council changed ordinances to allow more permitted uses for outdoor patios with a general understanding that 9p close was the intent. Clearly the application as clarified by Vanessa fits the 9p closing.

I sent out the following info in my alder blog of May 15 so readers would be aware of the changes. The location of the outdoor areas was generally described as sidewalk or roadway cafes, the language is silent on back yard areas. It is not clear to me what site plan review has been conducted of the proposed area, per the zoning changes which allowed more permitted uses.

In 2022, the Council changed many ordinances to allow more permitted outdoor food and beverage areas. [Summary of ordinance changes](#) They codified that some uses could be allowed with a site plan review and approval by ALRC under change of licensed premises review. [Zoning text amendment staff report temporary and permanent seating areas 03.07.22](#)

The supplemental language adopted in Ch 28J Outdoor Eating Areas Associated With Food and Beverage Establishments:

- (a) Primary access to the area shall be from within the establishment.
- (b) Hours of operation shall end at 9:00 p.m. in all districts except for MXC, CC and RMX, unless extended as part of the conditional use approval.
- (c) No amplified sound is permitted in all districts except MXC, CC and RMX, unless allowed as part of the conditional use approval.
- (d) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

I worked with the owner of these premises when they purchased Mr. Roberts but I am unfamiliar with their recent history. During the era of Mr. Roberts, I worked with the previous owner, neighbors and city staff to deal with various noise related complaints. I would respectfully request that if the ALRC believes the applicant is entitled to an outdoor use

because it is permitted that I be able to hold a neighborhood meeting to discuss the proposal with nearby property owners given the impact of the back yard location. In general, I support sidewalk or side yard outdoor spaces that close at 9p in the TSS district but do have concerns about back yard uses.

Thank you for your service-

Marsha Rummel

District 6 Alder

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