



## **Staff Report**

For City Council Meeting of 02/01/2017

### ***Subject - OLCC License Renewals***

**Synopsis:** Attached is the list of OLCC liquor licenses in Gearhart that are eligible for license renewal.

(ORS) 471.166 establishes the process for local governments to make recommendations to the OLCC.

**Council Options:** The Council has the following options regarding this issue.

- 1) Provide a written renewal recommendation to the OLCC for any or all of the licenses on the attached list.
- 2) Make a written request for additional time to investigate a specific renewal or renewals. The request must set forth the reason additional time is needed, state that the local government is considering making an unfavorable recommendation, and state the specific grounds being considered toward an unfavorable recommendation..
- 3) Take no action. After 3/6/2014, the OLCC will process the renewal application as if you made a favorable recommendation..

**Recommendation:** N/A

**Legal Analysis:** N/A

**Financial Analysis:** N/A

Respectfully submitted,

Chad

City Administrator  
GEARHART  
PO Box 2510  
Gearhart, OR 97138

## RENEWAL NOTIFICATION PROCESS

It's time again for liquor license renewals in your area. Liquor licenses are due to expire **3/31/2017**. Attached is the list of licensees who are required to submit their renewal application to local government for comment. According to our records you charge:

---

\$0.00 Renewal Fee for ON-PREMISES \$0.00 Renewal Fee for OFF-PREMISES

We told applicants to mail your local government fees to the address on this letter.  
**PLEASE NOTIFY US IMMEDIATELY IF THE FEE(S) OR ADDRESS ARE INCORRECT**

---

## HOW TO MAKE A RECOMMENDATION

**You have until 3/3/2017 to make your recommendation. Below are your options for renewals:**

### **RECOMMEND APPROVAL**

**1. DO NOTHING.** If you do not submit a recommendation by **3/3/2017**, the OLCC will process the renewal application as a favorable recommendation.

### **RECOMMEND DENIAL (see additional information on page 2)**

1. File an unfavorable recommendation, stating the grounds for the unfavorable (must meet the denial criteria on back of form); **OR**
2. Make a written request for additional time to complete an investigation. The request must state: 1) you are considering making an unfavorable recommendation; 2) the specific grounds being considered. **The grounds must be one referenced in Oregon Administrative Rule 845-005-0308(3).** If your request is granted you will be given a 45-day extension to file your unfavorable recommendation. Unfavorable means recommending denial of a license or requesting restrictions be placed on a license.

If you need assistance or would like to discuss a specific application, please contact your local OLCC office for help. Please send renewal recommendation correspondence to [OLCC.Renewals@oregon.gov](mailto:OLCC.Renewals@oregon.gov) or OLCC License Renewals, P.O. Box 22297, Portland, OR 97269-2297. If you have questions, contact our license renewal section at 503.872.5138 or toll free at 1.800.452.6522 ext 5138.

**REASONS WE MAY DENY OR RESTRICT A LICENSE**  
**ORS 471.313(4)(5), OAR 845-005-0320, 845-005-0321, 845-005-0322**  
**845-005-0325, 845-005-0326(4)(5) or 845-005-0355**

The following is a list of problems relating to the **APPLICANT** or **BUSINESS** that OLCC can consider to refuse or restrict a license:

1. Applicant has a habit of using alcohol or drugs to excess
2. Applicant makes a false statement to OLCC (must be related to a refusal basis)
3. Applicant has been convicted of local, state or federal laws that are substantially related to the fitness of holding a liquor license
4. Applicant has demonstrated poor moral character
5. Applicant has a poor record of compliance when previously licensed by OLCC
6. Applicant is not the legitimate owner of the business
7. The business has a history of serious and persistent problems at this location. The problems can include:

obtrusive or excessive noise, music or sound vibrations  
public drunkenness  
fights or altercations  
harassment  
unlawful drug sales  
alcohol or related litter

OLCC is not able to consider the following issues when deciding to renew a liquor license:

lack of parking  
increase in traffic  
too many licenses in a specific area (saturation)  
entertainment type - nude dancing, gambling, live bands, etc.  
increased noise  
zoning issues

Visit [www.oregon.gov/olcc/](http://www.oregon.gov/olcc/) to see the full text of ORS and OAR referenced above. In order for an unfavorable recommendation from a local government to be valid, the grounds must be found in the license refusal bases of ORS 471.313(4), 471.313(5), OAR 845-005-0320, 845-005-0321, 845-005-0322, 845-005-0325 or 845-005-0326(4)(5) or the license restriction bases of OAR 845-005-0355, and must be supported by reliable factual information.

<u>License No./ Premises No.</u>	<u>Tradename/Licensee/License Type</u>	<u>Premises Address &amp; Phone</u>	<u>Premises Mailing Address</u>
Lic. 232564 Prem. 2705	<b>BUD'S CAMPGROUND &amp; GROCERY</b> ARRIMEIER ENTERPRISES LLC O - OFF-PREMISES SALES	4412 HWY 101 N GEARHART, OR 97138 503-738-6855	90831 LEWIS AND CLARK RD ASTORIA, OR 97103
Lic. 234132 Prem. 38549	<b>EL TRIO LOCO MEXICAN CUISINE</b> SANTA MARIA LLC F-COM - FULL ON-PREMISES SALES	3615 HWY 101 N GEARHART, OR 97138 503-352-9885	
Lic. 234919 Prem. 2766	<b>GEARHART GROCERY</b> GEARHART GROCERY LLC O - OFF-PREMISES SALES	599 PACIFIC WY GEARHART, OR 97138 503-738-7312	3457 HWY 101 N GEARHART, OR 97138
Lic. 233678 Prem. 22599	<b>GREAT WALL RESTAURANT</b> LIN'S RESTAURANTS INC F-COM - FULL ON-PREMISES SALES	4340 HWY 101 N GEARHART, OR 97138 503-738-4108	88822 TEAL ROAD GEARHART, OR 97138
Lic. 233099 Prem. 43991	<b>HIGHLANDS GOLF CLUB</b> DOWNTOWN GOLF CO LLC L - LIMITED ON-PREMISES SALES	33260 HIGHLANDS LN GEARHART, OR 97138 503-738-5248	PO BOX 2654 GEARHART, OR 97138
Lic. 235614 Prem. 2178	<b>MCMENAMIN'S SANDTRAP BAR &amp; GRILL</b> MCMENAMIN'S INC O - OFF-PREMISES SALES	1157 N MARION GEARHART, OR 97138 503-223-0109	430 N KILLINGSWORTH PORTLAND, OR 97217
Lic. 235713 Prem. 2178	<b>MCMENAMIN'S SANDTRAP BAR &amp; GRILL</b> MCMENAMIN'S INC F-COM - FULL ON-PREMISES SALES	1157 N MARION GEARHART, OR 97138 503-223-0109	430 N KILLINGSWORTH PORTLAND, OR 97217
Lic. 232490 Prem. 17954	<b>PACIFIC WAY BAKERY &amp; CAFE</b> JOHN S. ALLEN L - LIMITED ON-PREMISES SALES	601 PACIFIC WY GEARHART, OR 97138 503-738-0245	PO BOX 2565 GEARHART, OR 97138
Lic. 235726 Prem. 2765	<b>RECREATION LANES RESTAURANT AND LOUNGE</b> DAMARKOM INC F-COM - FULL ON-PREMISES SALES	1301 HWY 101 N GEARHART, OR 97138 503-738-5333	PO BOX 23 SEASIDE, OR 97138

Count for GEARHART

9