

Communication from Public

Name: Los Angeles Drug & Alcohol Policy Alliance

Date Submitted: 02/24/2021 03:11 PM

Council File No: 17-0981

Comments for Public Posting: The following letter is from the Los Angeles Drug and Alcohol Policy Alliance, requesting modifications to the amendments recently made to the RBP ordinance draft.



February 18, 2021

Ad Hoc Comprehensive Job Creation Plan Committee
200 N. Spring Street
Los Angeles, CA 90012

Attn: Councilmember Paul Krekorian, Chair

*RE: Restaurant Beverage Program File # 17-0981 Amendment
recommendations:*

We hope you find yourself in good health. We commend you as well as city councilmembers for your work in addressing the Covid-19 pandemic.

We are writing to provide your committee with input to improve the RBP ordinance. The Los Angeles Drug and Alcohol Policy Alliance (LA DAPA) membership read the recommended amendments made by the PLUM committee on November 19, 2020. After an extensive review, we would like to suggest the changes listed below in order to improve them:

1. One of the proposed amendments allows the council offices to establish an alcohol sensitive use zone designation in their district which can create additional provisions. We would like to request that the term 'alcohol-sensitive use zone' be defined in the ordinance and that the allowed provisions also be outlined for clarity in order to avoid confusion in the future.
2. Another of the proposed amendments restricts eligibility for the RBP program to L.A. residents or businesses. We request that the terms 'local residents and businesses' be defined further for clarification. We also agree with the recommendations provided by the Community Coalition and the agency Social Model Recovery. We ask that these recommendations be considered as well. More specifically the language in their letter stated:



Must benefit the local neighborhood and be locally owned and/or minority-owned

a. A necessary qualification for the Restaurant Beverage Program (RBP) must be that it is locally owned and/or operated (owners residing within a 3-mile radius of the business location) and/or minority-owned.

b. If the restaurant is locally owned and NOT minority-owned, 65% of employees must reside within a three (3) mile radius of the business.

c. Applicant must own 51% of the business applying for the permit

d. Must have lived in the community for the past 5 years

e. Phase in the program to ensure key restaurants are prioritized (technical assistance)

3. A proposed amendment stated that the applicant business with more than 5 complaints in the complaint portal shall be subject to a hearing to review conditions and mitigate any issues. We believe that is more reasonable to lower the number of complaints to 3 in order to require a review. We also request that one 'criminal' complaint be considered as justifiable to require an immediate review such as an assault, a homicide, or drug trafficking, etc. We further request that the term 'criminal' complaint be added to the amendment.
4. The proposed amendment asked that a provision be created in the conditions of approval that would allow annual sales of alcoholic beverages to not exceed 40 % of the total gross annual restaurant sales. We believe 40% is too high of a percentage allowed for alcohol sales at restaurants. The L.A. City Planning Department has a standard practice of putting a cap at 35 %. Additionally, restaurant industry research indicates that alcohol sales at restaurants typically range at around 25 %. We request that the allowed sales be limited to 30 %. We also request that the LA City Planning Department and the City Council provide justification and data for any rate of alcohol sales allowed at restaurants.
5. The PLUM committee added an additional request in the same document as the amendments which stated that a 30% outdoor dining cap be given more flexibility as discretionary to the councilmember of the district and it also adds that a 20 seat minimum be given more flexibility as discretionary to the councilmember district. We support keeping the 20-seat capacity/minimum not being reduced as we do not feel a business that has less than 20 seats can be considered a bona fide restaurant but it is something else instead. We support expanding past 30 percent outdoors as long as the expansion does not go into the public space such as sidewalks and streets.



6. We would like to seek clarification on whether other locations aside from restaurants can also fall under this ordinance? We bring this up because we found in early drafts and documents related to this file that other establishments such as theaters, hotels, small beer manufacturers, and on-site tastings locations (alcohol license codes: 23, 41, 47, 64, 67, 69, 80 and 86), were also being considered as eligible. We request that the alcohol license type for the business that qualifies for RBP conditions be listed in the ordinance to avoid confusion in the future.
7. Lastly, in order to reduce additional alcohol-related problems that will arise from an inevitable increase in alcohol outlet density, including drunk driving, injuries, crime, violence, and public nuisance activity, LA DAPA strongly recommends adding rigorous conditions around the sale and services of alcohol, including restrictions on happy hours, minimum drink requirements, and drink specials.

We look forward to furthering discussions on the RBP ordinance and our suggested changes. As of now, L.A. DAPA is taking the policy position of 'support if our recommendations are made to the amendments'. Soon, we will be reaching out to the offices of the Ad Hoc Comprehensive Job Creation Plan Committee members to schedule meetings in order to continue the conversation. Thank you for your attention to this matter.

Sincerely,

Maurina Cintron
Co-Chair

Brenda Villanueva
Co-Chair

CC: Ad Hoc Comprehensive Job Creation Plan Committee members