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December 1, 2020

Councilmember Paul Krekorian, Chair
Ad Hoc on Comprehensive Job Creation Plan Committee
Attn: John White

RE: COUNCIL FILE TRANSMITTAL

On November 19, 2020, the Planning and Land Use Management Committee considered the following: Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15301(Class 5), Negative Declaration, No. ENV-2018-4660-ND, report from the Los Angeles City Planning Commission (LACPC), and a proposed Ordinance modified by the LACPC on June 25, 2020, amending Sections 12.21, 12.22, 12.24, and 19.01 of the Los Angeles Municipal Code (LAMC) to create the Restaurant Beverage Program, an administrative process for the onsite consumption of alcohol incidental to a restaurant, subject to a set of eligibility criteria, performance standards, and enforcement procedures, Council file 17-0981. After consideration, the Committee moved to approve as amended with the additional recommendation:

REQUEST the City Attorney, with the assistance of the Department of City Planning, to prepare and present an Ordinance, with the following amendments:

- Establish an opt in process for Council Offices to designate geographies in their district, including by Council District boundaries, Community Plan Area, and/or specific boundaries as provided through Resolution.
 - Changes to geographic boundaries should be via Council Resolution, and therefore, not require an amendment to the entire ordinance
 - Additionally, allow Council Offices to establish an alcohol sensitive use zone designation which will create additional provisions listed in the ordinance as provided below:
- Restrict eligibility for the program to LA County residents or businesses to ensure the program is benefiting local operators
- All approvals shall be provisional until after a 1 year review period, in which the applicant may be subject to a public hearing and review of conditions as determined by the Department of City Planning
 - Businesses with more than 5 complaints in the complaint portal shall be subject to a hearing to review conditions and mitigate any issues
- Include the following provisions in the conditions of approval:
 - Gross annual sales of alcoholic beverages shall not exceed 40% of the total gross annual restaurant sales

- Any change in owner and/or operator of the business shall require a new application for the RBP program
- Limit the RBP program to beer and wine only during the first year of the program
- Additional Provisions for Alcohol Sensitive Use Zones:
 - Eligible applicants must be located in a census tract that has not been deemed as over concentrated with on-site licenses as measured by the State's Department of Alcoholic Beverage Control (ABC). If an applicant is located in a census tract that has been deemed as over concentrated by ABC, they will be required to file for a Conditional Use Permit
 - Applicants will be required to submit an outreach plan at the time they file an application for the RBP program to demonstrate their outreach efforts in the local community. The Planning Department will provide guidance on the requirements for the outreach plan.

Programmatic Instructions:

- Establish a portal for community members to file complaints and a method to validate the complaints.

Additional request: that the 30% outdoor dining cap be given more flexibility as discretionary to the Councilmember of the district. In addition, that the 20 seat minimum be given more flexibility as discretionary to the Councilmember of the district.

The file is now transmitted to the Ad-Hoc on Comprehensive Job Creation Plan Committee.



Leyla A. Campos
Legislative Assistant
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<u>MEMBER</u>	<u>VOTE</u>
MARQUEECE HARRIS-DAWSON:	YES
BOB BLUMENFIELD:	YES
CURREN D. PRICE:	ABSENT
GILBERT A. CEDILLO:	YES
JOHN S. LEE:	ABSENT

17-0981