

CATEGORICAL EXEMPTION, NEGATIVE DECLARATION, and PLANNING AND LAND USE MANAGEMENT (PLUM) COMMITTEE REPORT relative to creating the Restaurant Beverage Program (RBP).

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. DETERMINE based on the whole of the administrative record, that:
 - a. The proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301 (Class 5).
 - b. There is no substantial evidence demonstrating that an exception to a Categorical Exemption pursuant to CEQA Guidelines, Section 15300.2 applies (ENV-2020-3154-CE).
 - c. The Project was assessed in Negative Declaration (ENV-2018- 4660-ND), and there is no substantial evidence that the project will have a significant effect on the environment.
2. REQUEST the City Attorney, with the assistance of the Department of City Planning (DCP), to prepare and present an Ordinance to provide for:
 - a. Establishing 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.
 - b. Giving more flexibility in regard to the 30 percent outdoor dining cap as discretionary to the Councilmember of the Council District.
 - c. Giving more flexibility in regard to the 20 seat minimum as discretionary to the Councilmember of the Council District.
 - d. Changes to geographic boundaries via Council Resolution which will not require an Ordinance amendment.

- e. Allowing Council Offices to establish an alcohol sensitive use zone designation which will create additional provisions listed in the ordinance as provided below:
 - i. 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); and 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.
 - ii. 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 with the DCP to provide guidance on the requirements for the outreach plan.
 - f. Restrict eligibility for the program to Los Angeles County residents or businesses to ensure the program is benefiting local operators.
 - g. All approvals shall be provisional until after a one-year review period in which the applicant may be subject to a public hearing and review of conditions as determined by the DCP.
 - h. Businesses with more than five complaints in the complaint portal shall be subject to a hearing to review conditions and mitigate any issues.
 - i. Include the following provisions in the conditions of approval:
 - i. Gross annual sales of alcoholic beverages shall not exceed 40 percent of the total gross annual restaurant sales.
 - ii. Any change in owner and/or operator of the business shall require a new application for the RBP Program.
 - iii. Limit the RBP Program to beer and wine only during the first year of the program.
3. DIRECT the establishment of a portal for community members to file complaints and a method to validate the complaints.

Fiscal Impact Statement: The Los Angeles City Planning Commission (LACPC) reports that there is no General Fund impact as administrative costs are recovered through fees.

Community Impact Statement: Yes

For:

Harbor Gateway North Neighborhood Council

For if Amended:

Central Hollywood Neighborhood Council

Foothill Trails District Neighborhood Council

Greater Echo Park Elysian Neighborhood Council

Sunland-Tujunga Neighborhood Council

Against:

Arleta Neighborhood Council

Boyle Heights Neighborhood Council

Greater Valley Glen Neighborhood Council

Silver Lake Neighborhood Council

Summary:

At a regular meeting held on November 19, 2020, the Planning and Land Use Management Committee considered a Categorical Exemption, Negative Declaration (ENV-2018-4660-ND), July 14, 2020 LACPC report, and proposed Ordinance relative to the creation of the RBP. Representatives from the DCP presented an overview of the RBP and answered questions from the Committee members. After consideration and having provided an opportunity for public comment, the Committee moved to make a series of recommendations as detailed above. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

MEMBER	VOTE
HARRIS-DAWSON	YES

BLUMENFIELD	YES
PRICE	ABSENT
CEDILLO	YES
LEE	ABSENT

LC 11/19/20

-NOT OFFICIAL UNTIL COUNCIL ACTS-