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January 10, 2022

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attn: Planning and Land Use Management Committee

PROPOSED RESTAURANT BEVERAGE PROGRAM ORDINANCE EXISTING FEE ASSESSMENT; CF 17-0981

On May 25, 2021, the Economic Development and Jobs Committee requested the City Attorney's Office, with the assistance of the Department of City Planning (DCP), to prepare and present an ordinance which would amend Section 12.22 of the LAMC to create the Restaurant Beverage Program and Restaurant Beverage Program- Alcohol Sensitive Use Zone. These Programs would be exceptions to the Conditional Use Permit (CUP) requirement to sell and dispense alcoholic beverages for on-site consumption pursuant to Section 12.21 A.10 of the LAMC for eligible sit-down restaurants only. This proposed Ordinance would reduce the cost and time needed to obtain local approval to serve alcohol for both applicants and the City. The intention of the proposed Ordinance is to support local businesses and promote economic development, especially in light of the economic and public health impacts of the COVID-19 pandemic.

Also included in this proposed Ordinance is an application fee named "Administrative Clearance - Restaurant Beverage Program". This fee is identical in its amount to a fee currently existing in Section 19.04 of the LAMC, "Miscellaneous Sign off - ZA". This fee would be collected at the time of application for both the Restaurant Beverage Program and the Restaurant Beverage Program- Alcohol Sensitive Use Zone.

The Miscellaneous Sign off by a Zoning Administrator is the condition clearance review of Zoning Administrator cases, such as Conditional Use Permits (CUP). The existing fee, supported by Fee Studies, is based on the costs, labor, and average amount of time needed for the completion of necessary tasks, including application review, data entry, verification of conditions of approval, receiving fees, and sign off by Office of Zoning Administration staff. The underpinning of this fee, and the rate charged, was updated by the Comprehensive Fee Update (Ordinance 187237) adopted by the City Council in October 2021. The updated fee is effective December 27, 2021.

The tasks required to process an application for both versions of the RBP as described in the proposed Ordinance are similar to and overlap with many of the same tasks that are prescribed for a Miscellaneous Sign off. The differences are that RBP applications would be reviewed and authorized by the Development Services Center (DSC) staff instead of Office of Zoning Administration staff and DSC staff would verify RBP provisions in lieu of CUP conditions of approval. To that end, the proposed Ordinance reflects the additional applicability of the existing fee, "Miscellaneous Sign off - ZA", to both versions of the RBP through the creation of a new fee, "Administrative Clearance - Restaurant Beverage Program", which provides clarity and transparency as to which unit within the Department is performing the function, while the functions performed are equivalent and fees charged are identical.

The application fee was not previously included in the proposed Ordinance when it was approved by the Planning and Land Use Management and Economic Development and Jobs Committees. Upon further consideration of the time and staff resources needed to process applications, the Department recommends an application fee be applied to both versions of the RBP to recuperate these costs, making the program financially viable.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent P. Bertoni", with a large, stylized flourish at the end.

VINCENT P. BERTONI, AICP
Director of Planning

VB:AV:NM:HSC:LR:rl