

Communication from Public

Name: Casey Maddren

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Council File No: 17-0981

Comments for Public Posting: I am writing to voice my strong opposition to the proposed Restaurant Beverage Program. The City cannot make the findings required by the Charter for adoption. The scope of the program has not been clearly defined, so it is impossible to assess impacts, and therefore City Planning erred in concluding that it is exempt from CEQA. The program will likely have impacts related to public services/police and utilities/solid waste. Also, there does not appear to be any evidence that the City has made an effort to evaluate the RBP's potential health and safety harms, in spite of the fact that decades of research show health and safety impacts related to high alcohol density. Please see the attached letter for detailed comments.

January 17, 2022

Planning & Land Use Management Committee
Los Angeles City Hall
200 N. Spring St.
Los Angeles, CA 90012

Re: Restaurant Beverage Program, Council File 17-0981
PLUM Agenda, Tuesday, January 18, 2022, Item 9
STRONGLY OPPOSED

Members of the PLUM Committee,

I'm writing to urge you not to recommend approval of the proposed Restaurant Beverage Program (RBP) at your January 18 meeting. While the RBP would no doubt increase sales for restaurant owners and would also increase tax revenue, the City has made no effort to actually assess the negative impacts that the Program would have. The amendments that have been introduced are not sufficient to protect from alcohol-related harms.

The RBP should be rejected for the following reasons:

- *The City cannot make the findings required by the Charter for adoption of the RBP.*
- *The RBP is inconsistent with the Plan for a Healthy LA, and therefore with the General Plan.*
- *The RBP is not exempt from CEQA. The Initial Study fails to identify potentially significant impacts with regard to police services and solid waste.*
- *The Negative Declaration is not adequate and should not be adopted.*
- *In the process of preparing the RBP, the City has completely failed to include or even acknowledge the extensive research and abundant data showing that increasing alcohol density can result in serious harm to communities.*

More detailed comments are below.

Sincerely,
Casey Maddren
2141 Cahuenga Blvd., Apt. 17
Los Angeles, CA 90068

Restaurant Beverage Program Comments

Charter Findings Required

In order to adopt the RBP, the Charter requires the City Council to find that adoption of the proposed ordinance is in conformity with public necessity, convenience, general welfare, and

good zoning practice. First, there is no public necessity requiring an increase in the number of restaurants serving alcohol. Second, the RBP is likely to cause serious health and safety harms, and is not conducive to the general welfare of citizens. Third, handing out liquor permits over the counter is not good zoning practice in a City the size of LA, where many communities are already suffering from alcohol-related harms. Evidence supporting these statements can be found below.

The RBP also does not conform to the Health Element of the General Plan, the Plan for a Healthy LA. On page 109 of the Plan for a Healthy LA, under Safe & Just Neighborhoods, it states the following objective:

- *Reduce violent crime in the City with an emphasis on reducing crime rates in the most impacted communities so that no census tract has a violent crime rate greater than 5.8 (current citywide average).*

There is ample evidence, some of which is presented below, showing that high levels of alcohol density are associated with higher levels of violent crime.

The Plan for a Healthy LA also contains the following Guiding Principles on page 139:

- 2. Health in all policies: The City will incorporate health as a goal in all policies, programs, procedures, and actions by working across departments and agencies to ensure that city actions support healthy outcomes.*
- 3. Make the healthy choice the easiest choice: The City of Los Angeles will work to ensure that the choices available to residents result in positive health behaviors and reduce health impacts. Residents should be able to easily live a healthy lifestyle in their neighborhoods.*
- 4. Focus on prevention: A preventive and holistic approach to health and wellbeing is an efficient and cost-effective way to use taxpayer dollars to improve community health.*
- 8. Recognize the link between community design and health: Understanding the role that community design plays in creating health opportunities and obstacles, the City will make land use and design decisions that will promote short-term and long-term health improvements.*

Failure to Define RBP-Alcohol Sensitive Use Zones

On page 10, under Eligibility Criteria, the ordinance refers to a process whereby the City Council can create a Restaurant Beverage Program-Alcohol Sensitive Use Zone, but does not offer any details on the process, how communities will be involved or what criteria the Council will use to make a decision. The name Alcohol Sensitive Use Zone is also misleading, it seems to indicate that the maps would be imposed to restrict alcohol use, rather than increase it. The lack of details makes it impossible to assess the actual scope of the program.

The City Does Not Have Sufficient Information to Determine Whether the Project is Exempt from CEQA

The Justification for Exemption cites CEQA Guidelines Section 15301, which exempts projects that consist of operations or minor alterations of existing facilities involving negligible or no expansion of existing or former use. Please note: "The key consideration is whether the project involves negligible or no expansion of use." Given the lack of details about the scope of the RBP, how can the City assess whether or not it meets this standard? Will the Council choose to allow the RBP in every Council District? Will it be allowed only within select commercial districts? Will it be allowed in areas where alcohol density is high? It's difficult to understand how the Initial Study could accurately assess the RBP's impacts when there is no clarity on the scope of the project.

Also, how can the City determine whether an exception to a CE applies or not, given the lack of information about the scope of the program? If the RBP is implemented in many communities, it is likely that there would be significant cumulative impacts.

As stated above, the failure to actually define and map the areas where the RBP will allowed makes it impossible to assess the scope of the program or its impacts. The failure to define the criteria for the creation of the RBP-ASUZ makes it impossible to understand which communities will be affected, and how existing alcohol density in these communities would be weighed.

There Will Likely Be Significant Impacts with Regard to Police Service and Solid Waste

Public Services: Police

It's no secret that shootings and homicides have risen sharply in the City of LA over the past couple of years. While there is no doubt that the pandemic has played a large part in this increase, the rising numbers have put a strain on the resources of the LAPD. And before the onset of the pandemic, some LA communities, including Downtown and Hollywood, were suffering from crime rates well above the Citywide average. A large body of research shows a correlation between alcohol outlet density and violent crime. Here are just three reports which confirm this relationship, along with brief excerpts:

Alcohol Outlets as Attractors of Violence and Disorder, Urban Institute, 2008

<https://www.urban.org/research/publication/alcohol-outlets-attractors-violence-and-disorder>

"The results from the models examining aggravated assault reveal that the density of on premise outlets is a significant predictor of aggravated assault."

Changes in Density of On-Premises Alcohol Outlets and Impact on Violent Crime, Atlanta, Georgia, Preventing Chronic Disease, May 28, 2015

https://www.cdc.gov/pcd/issues/2015/14_0317.htm

“A modest reduction in alcohol outlet density can substantially reduce exposure to violent crime in neighborhoods with high density of alcohol outlets.”

The Risk of Assaultive Violence and Alcohol Availability in Los Angeles County, American Journal of Public Health, March 1995
<https://www.ncbi.nlm.nih.gov/pubmed/7892915>

“Conclusions: These findings indicate that higher levels of alcohol-outlet density are geographically associated with higher rates of assaultive violence.”

Without having sufficient information to understand the scope of the program, the authors of the Initial Study erred in concluding that impacts to police services would be less than significant.

Utilities: Solid Waste

City Hall’s claims to the contrary notwithstanding, the City of LA is nowhere near meeting the State requirement that it recycle 50% of its solid waste. The City has not publicly published detailed or accurate information on its rate of diversion to recycling, but available information indicates that the rate of diversion is somewhere around 20%. The RBP will no doubt bring about an increase in the number of glass and aluminum containers that are discarded, in addition to other waste materials, but again, the failure to actually define the scope of the program makes it impossible to assess impacts with regard to solid waste. The authors of the Initial Study erred in concluding that impacts to utilities/solid waste would be less than significant.

The City is already way out of compliance with State law. Whether or not there is sufficient landfill capacity to handle an increase in sold waste, landfills are a significant source of greenhouse gas emissions. The Initial Study is deficient because insufficient information is available to assess solid waste impacts and resulting greenhouse gas emissions.

The City Has Made No Effort to Assess Harms with Regard to Public Health and Safety

Decades of research show a positive association between alcohol density and threats to public health and safety, including increases in violent crime, driving under the influence, emergency room visits and hospitalizations. In addition to the research cited above, please see the following publication from the LA County Department of Public Health.

Alcohol Outlet Density and Alcohol-Related Consequences by City and Community in Los Angeles County, November 2016
<http://publichealth.lacounty.gov/sapc/MDU/SpecialReport/AODC2013.pdf>

The following quote, found on page 19, offers a disturbing summation:

Drinking among youth and adults is strongly influenced by environmental or structural factors, such as alcohol control policies, retailer marketing strategies, as well as alcohol

access and availability. The findings of this report are consistent with the research literature on the relationship between alcohol availability, measured by alcohol outlet density, and alcohol related adverse public health consequences. Communities and cities with higher alcohol outlet density were more likely to have higher rates of violent crimes, alcohol-related ED visits, and alcohol-related hospitalizations, even after accounting for economic hardship. High alcohol outlet density can increase alcohol consumption and its consequences by increasing local availability of alcohol, reducing alcohol prices due to retailer competition, and establishing and reinforcing drinking behavior norms. [Emphasis added.]

Please also look at Table 2A on page 16, Alcohol-related Consequences (rates per 10,000 population) by City and Community, Los Angeles County, 2013. It shows that most LA City council districts already have high rates of vehicle crashes, hospitalizations and deaths related to alcohol.

The most disturbing aspect of this process is that the City is considering an ordinance that could potentially have serious impacts on public health and safety, and yet none of the documents I have seen show any evidence that the City has weighed these issues.