

## Communication from Public

**Name:** Charles Porter

**Date Submitted:** 11/18/2020 01:47 PM

**Council File No:** 17-0981

**Comments for Public Posting:** On behalf of prevention advocates (SMRS/UCEPP & Coco) working in Skid Row, Boyle Heights, and South LA, and our membership, we submit the attached letter expressing our concerns about and opposition to the proposed Restaurant Beverage Program. We welcome edits to make this program more responsive to community need and protective against alcohol-related community harms in the context of the current pandemic and political climate. Thank you for your consideration of this matter. Charles Porter, Social Model Recovery Systems/United Coalition East



Date: November 10, 2020

To: Los Angeles City Council Members  
Paul Krekorian - District 2  
Marqueece Harris-Dawson - District 8  
Kevin de León - District 14

From: Social Model Recovery Systems and Community Coalition

Subject: Restaurant Beverage Program - Council File: 17-0981

Please see the enclosed community statement regarding the proposed Restaurant Beverage Program (RBP). This statement includes:

- A position statement from two (2) organizations representing South Los Angeles, Skid Row, and Boyle Heights, who have decades of experience addressing the negative impact of excessive alcohol availability (e.g., health effects, violence, car crashes).
- A summary of our concerns regarding the consequences of excessive alcohol availability and experience trying to work constructively with the city on these issues.
- A description of the severity of problems compounded by the pandemic, both with respect to health and the economy. The scarcity of living-wage jobs and health resources and the economic crisis (loss of jobs and looming evictions) exacerbate stress, fear, depression, and alcohol abuse.
- Statement of opposition
- A list of essential guidelines to be incorporated into the RBP, if adopted.

### **Position Statements**

Since 1996, Social Model Recovery Systems (SMRS) has provided services to the Skid Row area of downtown Los Angeles, a long-established recovery community. A primary tenet of SMRS is our commitment to change environments in order to discourage alcohol-related problems. Additionally, we have worked hard to promote an understanding of the link between the environment and health. One of the clearest manifestations of that link is the impact to health that occurs when a neighborhood is saturated with establishments serving alcohol. Addiction, auto crashes, violence, especially domestic violence, and public intoxication are just a few of the consequences likely to result. The RBP threatens the numerous existing practices centered on recovery, wellness, and treatment. Current community efforts in Skid Row are underway to give input to the downtown community plan and to restrict new alcohol licenses in our neighborhood.

Community Coalition (CoCo) is a community-based organization dedicated to transforming the social and economic conditions of South Los Angeles (South LA) that foster addiction, crime, violence, and poverty by organizing residents to influence and change public policy. In 1990, a group of community activists huddled together in a living room in South LA. Gathered by CoCo's founders, current Congressmember Karen Bass and Sylvia Castillo, the group was haunted by the raging public health crisis that had enveloped their community. The daily impacts of the crack cocaine epidemic were devastating, and the city's only response was to criminalize our community. The Black and Brown activists knew that criminalizing addiction would only make matters worse. They believed that South LA residents most impacted by the crisis should be included in creating real solutions for their community. It was from this vision that the idea of a community-driven organization was born. Since 1990, CoCo's focus has been on

addressing the community's most pressing needs and concerns such as minimizing the overconcentration of liquor stores that have fostered crime and addiction in South Los Angeles for decades. Community Coalition continues to be committed to people-driven change that mobilizes the Black and Latino community in South Los Angeles.

### **Summary of Concerns**

The City of Los Angeles is a mosaic of various districts and neighborhoods, all with unique needs and histories that continue to impact their residents today. While some districts are afforded with a high quality of life, the residents of neighborhoods like South LA, Boyle Heights, and Skid Row have historically been marginalized, underserved, and denied an equitable share of public services and resources. For example, per CA Alcoholic Beverage Control guidelines, two census tracts (2073.02 and 2062) in and adjacent to Skid Row both allow three (3) on-sale alcohol licenses, but currently have 55 and 79 active on-sale licenses, respectively. These communities have suffered from economic disinvestment, racially inequitable policies, high crime and violence rates, and poor mental health outcomes among other issues due in part to the overconcentration of alcohol outlets. For decades, residents of South LA, Boyle Heights, and Skid Row have endured high substance abuse rates with little to no access to treatment, supportive services, and development that supports wellness. At its core, the Restaurant Beverage Program runs counter to the historical public health, public safety, and mental health needs of residents and community members. In 2017, Community Coalition conducted a community-wide survey of over 4,000 residents, including youth, called the People's Poll. The results indicate that 73% of residents consider limiting the number of new alcohol outlets in South LA to be a high priority for the City of Los Angeles. Similarly, 80% of residents reported that developing city-owned vacant lots into community-friendly spaces such as gardens, youth centers, and wellness centers should be a high priority for the city. This survey highlights the community's need and desire for gathering spaces and healthy food options, not for additional alcohol outlets.

Our two organizations, SMRS and CoCo, have been working with community residents to contend with the negative impacts of excessive alcohol availability for more than 30 years. We have worked with local governments on multiple occasions to design methods to impose standards on alcohol outlets, which would protect and enhance our communities. Yet we have witnessed repeated failures by local governments to follow through. Additionally, the existing RBP does not delineate or fund an effective enforcement mechanism by which permit holders could be held accountable for violations. The burden of enforcement has been historically placed on individual residents who must take the initiative to monitor operations and report violations, which are rarely addressed by the city. It is unfair to issue permits for the economic benefit of operators and at the expense of residents who risk their safety and devote time and energy to monitoring compliance without compensation. Furthermore, when customer conduct of these alcohol outlets becomes dangerous, operators turn to police as a security force. As a result, taxpayers are not only bearing the brunt of those costs, but the presence of law enforcement increases in neighborhoods that are already over-policed. The city must implement and finance an effective enforcement mechanism to proactively monitor RBP permit holders to ensure compliance and prompt, timely action when violations occur.

### **Community Issues Compounded by COVID-19**

In the wake of pandemic, there is even more at stake, namely the livelihood and wellbeing of residents who are disproportionately impacted by the COVID-19 and continue to risk their lives as essential workers. In this context, the RBP has been framed as an opportunity to save struggling businesses, implying that to do so will benefit neighborhoods and the city overall. However, it is shortsighted to look to the sale of alcohol as an economic engine that will generate revenue for the city. Whatever revenue is produced by alcohol sales must be offset by the economic cost of excessive alcohol availability – including the increased cost of police, EMT/ambulance, and other medical services that will be covered by taxpayers, costs associated with domestic violence, mental health and loss of workplace productivity (<https://www.cdc.gov/features/costsofdrinking/index.html>). The objective of city policy must be to build a strong economy that works for a broad cross-section of residents, businesses, and stakeholders, not just one that prioritizes the profits of one specific sector such as operators of bars, clubs, and some restaurants.

Advancing the RBP in the context of COVID-19 is irresponsible, given that alcohol consumption rates have dramatically increased since the onset of the pandemic. The economic and social inequities that existed prior to the

pandemic are being exacerbated, creating additional stressors for residents. With little to no existing supports in their communities, many residents are turning to alcohol and substance use as a way to cope. Moreover, communities like South LA, Boyle Heights, and Skid Row are home to returning residents who were previously incarcerated and are being released due to COVID-19 health concerns. While we support the release efforts, the city also needs to act thoughtfully to expand supportive community resources for this vulnerable population, many of whom struggle with addiction.

COVID-19 has situated Los Angeles in a different political context, and we cannot return to a system that has failed communities of color and low-income neighborhoods for decades. Our community is seeking concrete measures that will result in equity. So now is the time for policies that prioritize jobs that pay fair wages and offer career growth and health benefits to residents who have been marginalized. Now is the time to address the need for healthy, fresh, affordable, high-quality food. Now is the time for programs and services that prevent alcohol abuse and address addiction. Now is the time to invest city resources in economic development strategies that will generate opportunities for entrepreneurs of color to open and expand small businesses that meet the needs of existing community residents. Now is the time to prevent further gentrification and displacement of current businesses and residents. Yet the RBP will not address any of these concerns and is instead yet another example of public policy that is contrary to the actual needs of communities of color. Only the owners and operators of alcohol-related businesses would benefit from the RBP – not their employees or neighbors. Encouraging even more alcohol outlets into areas that have been saturated with alcohol for decades will only create more addiction and crime. The RBP policy would perpetuate racial inequity during a time when the community is eager for social change and public policy that prioritizes the health and wellness of Black and Brown people over the profits of a cadre of alcohol business operators.

Furthermore, protests seeking racial justice have led to the creation of the City's Office of Racial Equity. The RBP is not consistent with racial equity. The city's focus must be on policies that have the capacity to address the needs of Black and Brown communities.

### **Statement of Opposition**

For the reasons stated above, we oppose the RBP. Instead of this program, the city should devote time to addressing the complex community issues mentioned above. Rather than expediting alcohol sales, the city should expedite increased access to healthy/fresh/affordable food (e.g. Good Food Zones), jobs that pay fair wages and benefits, affordable housing, and health care (including treatment for addiction, mental health and domestic violence services). Finally, although we oppose the RBP, if the proposed program is adopted, the additional essential guidelines must be incorporated.

### **Essential Guidelines**

#### **1. Allow council districts to opt-in/opt-out of the program**

- a. Considering that some council districts are heavily over-concentrated with alcohol outlets, it is only fair that council districts have the opportunity to opt-out if they feel this program will only serve as a detriment to the public health of their community.

#### **2. 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. Restaurants must abide by the following reporting standards and operational guidelines:**

- a. Gross annual sales of alcoholic beverages shall not exceed 40% of the total gross annual restaurant sales.
- b. Entertainment activities, such as live performance or recorded music, may be permitted so long as no less than 70% of the restaurant floor area is dedicated to food preparation, food service, and eating areas.
- c. There shall be a full-service kitchen and a full menu.
- d. No employee, while working, shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while on the premises. No employee, while working, shall be engaged for the specific purpose of sitting with or otherwise spending time with customers while on the premises.
- e. Report employee demographics (minority groups and residents should make up 65%)
- f. Transferability - The authorization must run with the land. In the event the property is to be sold, leased, rented, or occupied by any person or corporation other than the applicant, the new operator must apply for a new permit.

**4. Yearly public hearing to determine Alcohol Use Approval renewal**

- a. Restaurants must submit to two (2) public hearings (within the first year of receiving a permit) and include community members, neighborhood councils, etc. to determine alcohol license renewal.
- b. Within one year from the date that each Alcohol Use Approval is issued, the applicant must reapply and submit a compliance report to the Zoning Administrator's Office for a review of compliance with the above conditions. The Zoning Administrator shall review the operations of the establishment to verify it complies with the conditions. The Zoning Administrator may impose any modification to the conditions of approval, as necessary. The Zoning Administrator shall require a public hearing for this one-year review. Notice of the hearing shall be provided to the surrounding community within 700 ft radius.
- c. Impose a fee paid by restaurants under the RBP to defray the costs associated with implementing and enforcing the program.
- d. Assign a dedicated enforcement/monitoring staff to administer this policy and enforce its provisions.
- e. Establish an administrative mechanism by which action can be taken against restaurants that violate the RBP.

**5. Training Provisions**

All owners, operators, managers, and employees serving and/or selling alcohol to patrons shall enroll in and complete a certified, ABC-recognized training program for the responsible service of alcohol. This training shall be scheduled for new employees within 30 days of the opening of the establishment or within 30 days after the start of employment, whichever applies. This training shall be renewed each year by all employees who serve and/or sell alcoholic beverages. A record of the completion of this training program shall be maintained on the premises and shall be presented upon request of the Zoning Administrator.

**6. Covenant**

Within 60 days after the issuance of the certificate of occupancy for an establishment, the applicant shall execute a covenant acknowledging and agreeing to comply with all the terms and conditions established in this Specific Plan and record it in the County Recorder's Office. This agreement shall run with the land and be binding on any subsequent owners, heirs, or assigns. The Applicant shall submit this agreement to the Zoning Administrator for approval before being recorded. After recordation, the Applicant shall provide a copy bearing the Recorder's number and date to the Zoning Administrator.

**7. Happy Hours prohibited**

- a. Restaurants should be prohibited from selling alcoholic beverages during any special period of the day at prices that are lower than usually charged.

- b. Restaurants should be prohibited from giving away alcoholic beverages in conjunction with the sale of any other alcoholic beverages.
- c. Restaurants should be prohibited from selling two or more alcoholic beverages for the price of one.
- d. Restaurants should be prohibited from sponsoring or allowing contests or other promotional activities/events that primarily seek to increase alcohol consumption.
- e. Restaurants should be prohibited from selling alcoholic beverages in pitchers or in large containers for less than the normal retail price charged for the same volume of such beverage in a normal size glass.

**8. Pilot the program with limited types of alcohol**

- a. Hard alcohol often leads to overconsumption due to the small quantity of serving sizes. Hard alcohol is also often mixed with fruit juices or mixes that mask the harsh taste, which can lead to overconsumption. The program should be piloted with the sales of beer and wine, which can be less of a nuisance.

**9. Create a cap on the number of restaurants that can qualify for the program**

- a. A large portion of the City of Los Angeles already suffers from the overconcentration of alcohol outlets. Setting a cap on the number of restaurants allowed to qualify will protect vulnerable neighborhoods from undue concentration.

Sincerely,



Charles Porter  
Project Coordinator  
Social Model Recovery Systems/  
United Coalition East



Alberto Retana  
President & CEO  
Community Coalition

CC: LA City Councilmembers  
Gil Cedillo – District 1  
Bob Blumenfield – District 3  
David E. Ryu – District 4  
Paul Koretz – District 5  
Nury Martinez – District 6  
Monica Rodriguez – District 7  
Curren D. Price, Jr. – District 9  
Herb J. Wesson, Jr. – District 10  
Mike Bonin – District 11  
John Lee – District 12  
Mitch O' Farrell – District 13  
Joe Buscaino – District 15

## Communication from Public

**Name:** Brenda Villanueva

**Date Submitted:** 11/19/2020 10:34 AM

**Council File No:** 17-0981

**Comments for Public Posting:** Good morning/afternoon, my name is Brenda Villanueva. I am Co-Chair of the Los Angeles Drug and Alcohol Policy Alliance (LA DAPA). I'm here to ask the PLUM committee to reconsider moving forward Council File 17-0981, otherwise known as the Restaurant Beverage Program. As an alliance, we are concerned that with this program's accelerated process, it is taking away the much needed community input. Community input on where these alcohol licenses are placed is extremely important and taking that away allows for the communities to be overrun with alcohol licenses. This is why we are here to ask to include community input into the applicant process and allow them to have their voices heard throughout a restaurant seeking approval through this program. Also, I do not think that alcohol should be highlighted as essential while we are in the middle of a pandemic, which has only exacerbated the harms of alcohol in our communities.