

ORDINANCE NO. _____

An ordinance 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 sale or dispensing of on-site alcohol, subject to a set of standards and enforcement procedures.

THE PEOPLE OF THE CITY OF LOS ANGELES DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Subdivision 10 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

10. Notwithstanding any other provisions of this Code to the contrary, no building, structure or land shall be used for sale or dispensing for consideration of any alcoholic beverage, including beer and wine, for consumption on the premises except upon premises approved for that use in accordance with the provisions of Section 12.24, or if the establishment complies with all the requirements and standards under Section 12.22 A.34 (Restaurant Beverage Program).

The provisions of this subdivision shall not abrogate, however, any right to the continued use of premises for these purposes pursuant to Section 12.24L.

Sec. 2. A new Subdivision 34 is added to Subsection A of Section 12.22 of the Los Angeles Municipal Code to read as follows:

34. **Restaurant Beverage Program.** In the CR, C1, C1.5, C2, C4, C5, CM, M1, M2, and M3 Zones, the sale or dispensing of alcoholic beverages for consumption on the premises shall be allowed administratively without obtaining a conditional use approval as otherwise required by Section 12.21 A.10 of this Code if the below requirements are met.

(a) Eligibility. Only restaurants that comply with the following are eligible for the Restaurant Beverage Program:

(1) Establishments maintained as a bona fide eating place (restaurant) with an operational kitchen where food is prepared on-site and with a full menu containing an assortment of foods. Food service is available at all times during operating hours. The restaurant provides seating and dispenses food and refreshments for consumption on the premises and not solely for the purpose of food takeout or delivery.

(2) Restaurants or properties that are or have been the subject of nuisance abatement or revocation are eligible for the Restaurant Beverage Program upon conclusion of those proceedings only if the applicant can demonstrate that the proceeding(s) did not result in the revocation of any permit or require any corrective conditions.

(3) Restaurant having between a minimum of 20 patron seats and a maximum of 150 patron seats, including any outdoor seating.

(4) The establishment is not a drive-through fast food establishment, as defined in LAMC Section 12.03.

(5) The restaurant shall not be part of any multiple-tenant entitlement pursuant to Section 12.24 W.1 of the LAMC.

(6) Daily hours of operation are limited to the hours between 7:00 am and 11:00 pm for both indoor and outdoor areas. There is no after-hours use of the establishment, other than for routine clean-up and maintenance.

(7) All food and beverages are delivered to tables by employees, except for takeout or delivery orders.

(8) There are no pool tables or billiard tables.

(9) There is no dancing or Adult Entertainment pursuant to LAMC Section 12.70.

(10) There is no minimum drink purchase required of patrons.

(11) There is no charge for admission.

(12) The restaurant does not organize or participate in organized events where participants or customers pre-purchase tickets or tokens to be exchanged for alcoholic beverages at the restaurant.

(13) All service of alcoholic beverages is conducted by an employee.

(14) The restaurant does not sell distilled spirits by the bottle, or wine or champagne bottles that exceed 750 milliliters.

(15) No employee, while working, shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while on the premises.

(16) No employee, while working, shall be engaged for the specific purpose of sitting with or otherwise spending time with customers while on the premises.

(17) There is no age limitation restricting access to any portion of the restaurant.

(b) Development Standards and Operations.

(1) A maximum of 30 percent of the total number of patron seats may be located outdoors.

(2) There shall not be any shared seating between the restaurant and other restaurants.

(3) The restaurant shall only use fixed bars that are depicted on floor plans. Portable bars are prohibited.

(4) Where booth or group seating is provided, no walls or partitions separating the booth or seating area from the main dining room shall be installed

which exceed 48 inches in height above the surface on which occupants' feet are intended to rest. Where a private dining or banquet room is provided, a minimum of 50 percent of the vertical surface area of that portion, extending up to six feet above the floor, of any wall or partition separating the private dining or banquet room from the main dining room shall be fully transparent and ensure the occupants are visible to persons looking into the private dining or banquet room.

(5) For properties abutting or across an alley from an A or R zoned lot:

(i) outdoor seating associated with the restaurant shall be entirely buffered from the A or R zoned lot by a wholly enclosed building. This requirement shall not apply to outdoor dining permitted on a public sidewalk by a Revocable Permit; and

(ii) outdoor seating is limited to the ground floor only.

(6) Outdoor food and beverage service shall be limited to seated patrons.

(7) There shall be no live entertainment, karaoke, or disc jockeys on the premises.

(8) Television monitors or screens shall be prohibited in any outdoor areas.

(9) There shall be no music or speakers permitted in any outdoor areas.

(10) Entertainment in conjunction with the restaurant is limited to indoor ambient music to complement the dining experience, and shall be limited to background music at a low volume that is not audible outside of the building.

(11) Any music, sound or noise which is under control of the restaurant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (citywide noise regulations). At any time, a City official may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulations, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design, and implement noise control measures within the property, such as noise barriers, sound absorbers, or buffer zones.

(12) A City-issued identification shall be posted by the restaurant in an area clearly visible to the public, indicating that the restaurant is subject to the requirements and restrictions of the Restaurant Beverage Program.

(13) No more than 50% of the entire restaurant may be closed to the public for private events.

(14) Any portion of the restaurant used for private events shall be subject to all the same provisions and hours of operation stated herein.

(15) An up-to-date telephone number and email address shall be provided for complaints or concerns regarding the operation of the restaurant. The phone number and email address shall be provided on the restaurant's website or, if there is no website, on its social media pages. The phone number and email address also shall be posted on a sign at least 8.5 × 11 inches in size at the following locations:

- (i) Entry, visible to pedestrians
- (ii) Customer service desk, front desk or near the reception area

(16) Complaints shall be responded to within 24 hours by the restaurant. The restaurant shall maintain a log of all calls and emails, detailing the date the complaint was received, the nature of the complaint, and the manner in which the complaint was resolved. This log shall be made available to the Department of City Planning upon request.

(c) Security.

(1) Within the restaurant, the interior shall be adequately illuminated so as to make discernible all objects and persons, or have a minimum average surface illumination of 2.0 footcandles (21.5 lx).

(2) All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space, or have a minimum average surface illumination of 0.2 footcandles (2.15 lx). Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.

(3) A camera surveillance system shall be installed and in operation at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.

(d) Monitoring.

(1) The restaurant shall be responsible for maintaining the premises and adjoining rights-of-way free of debris and litter.

(2) The restaurant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under its control to prevent behavior that adversely affects or detracts from the quality of life for adjoining residents, property owners, and businesses.

(3) The restaurant shall take all reasonable steps to ensure the conditions and activities on the premises and within the parking areas under its control do not adversely affect or detract from the quality of life for the adjoining residents, property owners, and businesses. For purposes of this subparagraph (3), reasonable steps include, but are not limited to:

(i) Requesting that those persons engaging in conduct that constitutes a nuisance to cease such conduct, unless the owner or operator has reasonable cause to believe such request may jeopardize their personal safety;

(ii) Contacting the Police Department or other law enforcement agency if the owner or operator's attempts to abate the nuisance conduct have been unsuccessful, or if the owner or operator has reasonable cause to believe such attempts may jeopardize their personal safety;

(iii) Timely preventive actions to address conditions that facilitate loitering and other nuisance activity on the premises, such as removing furniture from areas adjacent to the entry of the restaurant, prohibiting persons from using any portion of the premises for the installation and/or operation of a temporary business or other use, and/or other preventive actions.

(4) Within 24 hours of its occurrence, all graffiti on the property under the restaurant's control shall be removed or painted over to match the color of the surface to which it is applied.

(5) All trash and recycling bins under control of the restaurant shall be kept closed and locked at all times when they are not in use, and shall be maintained such that they do not overflow.

(6) Loitering is prohibited on all areas under the control of the restaurant. A "No Loitering or Public Drinking" sign that is a minimum of 4 × 6 inches shall be posted outside next to every exit.

(7) An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.

(8) The restaurant shall comply with California Labor Code 6404.5 which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices or hookah pipes, within any enclosed place of employment.

(9) A minimum of one on-duty manager with authority over the activities within the restaurant shall be on the premises at all times that the restaurant is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC). The restaurant shall be responsible for discouraging illegal and criminal activity on the subject premises and any exterior area under its control.

(10) Within the first six months of operation or the administrative clearance, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR)

or Department of Alcoholic Beverage Control “Licensee Education on Alcohol and Drugs” (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the restaurant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. Said letter shall be maintained on the premises and shall be made available to the City upon request. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.

(e) Administration.

(1) A Revocable Permit from the Bureau of Engineering, Department of Public Works is required for any outdoor dining area located in the public right-of-way. A copy of the approved Revocable Permit, including a plot plan and any conditions thereto, shall be provided to the Department of City Planning prior to placing any seating in the public right-of-way as permitted by this administrative clearance.

(2) The owner or the operator shall reapply for the administrative clearance if there is:

- (i) a change in State alcohol license type;
- (ii) a modification to the floor plan, including, but not limited to, floor area or number of seats; or
- (iii) a change in the ownership or the operator of the restaurant.

(3) The City shall have the authority to conduct inspections to verify compliance with any and all of the requirements pursuant to Section 12.22 A.34 of this Code. Prior to the City’s administrative clearance, the applicant shall pay the fees required per LAMC Section 19.01 E.3 for Monitoring Restaurant Beverage Program Compliance and Inspection and Field Compliance Review of Operations. The applicant shall comply with the requirements of the City’s Monitoring, Verification, and Inspection Program (MViP). In complying with the MViP program, the restaurant is subject to the following:

- (i) Within the first 24 months of the administrative clearance, a MViP inspector will conduct a site visit to assess compliance with, or violations of, any of the operating standards. A second inspection shall take place after 36 months of the first inspection.
- (ii) The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective actions taken by the City.

(4) A copy of the Restaurant Beverage Program requirements, LAMC Section 12.22 A.34, shall be retained on the premises at all times and produced

upon request by the Police Department, the Department of Building and Safety, the Department of City Planning, or the California Department of Alcoholic Beverage Control.

(5) If three citations for violating the Restaurant Beverage Program, LAMC Section 12.22 A.34 (a) through (e), are issued to the restaurant in a two-year period, the restaurant shall not be eligible to use Section 12.22 A.34 as an exception to Section 12.21 A.10 or Section 12.24 W. of the LAMC for five years commencing on the date of the third citation.

(i) A citation shall include citations issued by the Police Department that have been filed with the Los Angeles County Superior Court or Orders to Comply issued by the Department of Building and Safety.

(ii) The California Department of Alcoholic Beverage Control may be notified by the Los Angeles Police Department or other enforcement agency of the issued citations, which may affect the State issued alcohol license.

(6) The City Council District Office, the Los Angeles Police Department, and the Certified Neighborhood Council within which the restaurant is located shall be notified at the time an application for the Restaurant Beverage Program, pursuant to LAMC Section 12.22 A.34, is filed. If the restaurant is not within the boundaries of a Neighborhood Council, then notification to only the applicable Council District Office shall be sufficient.

(7) The owner and operator shall provide a floor plan and site plan to the Department of City Planning that shows compliance with the applicable floor plan and site plan standards pursuant to Section 12.22 A.34 of the LAMC.

(8) Prior to the administrative clearance, the owner and operator shall execute and record a covenant and agreement satisfactory to the Director of Planning, acknowledging that the owner and operator shall agree to comply with each of the provisions set forth in this subdivision. A certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the requirements attached must be submitted to the Department of City Planning for approval before being recorded.

Sec. 3. Subdivision 2 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is hereby deleted.

Sec. 4. Subdivision 3 of Subsection E of Section 19.01 of the Los Angeles Municipal Code is amended to read as follows:

3. The following fees shall be charged pursuant to Sections 12.22 A.34, 12.24 F. and 12.24 Z.2 of this Code for costs associated with permit clearance, condition compliance monitoring and inspections conducted by the City, and revocation proceedings.

Type of Application	Fee
Miscellaneous Sign-Off - Zoning Administrator (moved to Section 19.04)	-
Miscellaneous Sign-Off - Zoning Administrator Single Family Dwellings with No Exceptions (moved to Section 19.04)	-
Monitoring of Conditional Use Permits (Sections 12.24 F., 12.24 M., 12.24 W., 12.24 X.)	\$952
Monitoring Restaurant Beverage Program Compliance (Section 12.22 A.34)	\$952
Field Verification Prior to Operations (Sections 12.24 F., 12.24 M., 12.24 W., 12.24 X.)	\$253
Inspection and Field Compliance Review of Operations (Sections 12.22 A.34, 12.24 F., 12.24 M., 12.24 W., 12.24 X.)	\$746
Revocation, Suspension or Restriction Proceedings for Non-Compliance of Conditions (Deposit) (Section 12.24 Z.)	\$5,000

The Planning Department shall calculate actual costs and the resultant fee in accordance with Section 5.121.9.2, Chapter 6 of Division 5 of the Los Angeles Administrative Code, and shall maintain appropriate accounting records of the actual costs. The Director of Planning shall resolve any dispute related to the fee. The Director shall exclude from consideration any cost incurred or attributed to the processing of appeals.

Sec. 5. The City Clerk shall certify that ...