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this matter, please refer to the
Council File No.: [17-0981](#)

OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

August 15, 2018

Council File No.: [17-0981](#)

Council Meeting Date: August 14, 2018

Agenda Item No.: 2

Agenda Description: CONTINUED CONSIDERATION OF COMMUNICATION FROM CHAIR, AD HOC ON COMPREHENSIVE JOB CREATION PLAN COMMITTEE and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the creation of an administrative process for issuing over-the-counter on-site alcohol Conditional Use Permits.

Council Action: Communication from Chair, Ad Hoc on Comprehensive Job Creation Plan Committee, Planning and Land Use Management Committee Report, Amending Motions 2C (Harris-Dawson - Huizar) and 2D (Krekorian - O'Farrell) - ADOPTED AS AMENDED

Council Vote:	YES	BOB BLUMENFIELD
	YES	MIKE BONIN
	YES	JOE BUSCAINO
	YES	GILBERT A. CEDILLO
	YES	MITCHELL ENGLANDER
	YES	MARQUEECE HARRIS-DAWSON
	YES	JOSE HUIZAR
	NO	PAUL KORETZ
	YES	PAUL KREKORIAN
	YES	NURY MARTINEZ
	YES	MITCH O'FARRELL
	YES	CURREN D. PRICE
	YES	MONICA RODRIGUEZ
	YES	DAVID RYU
	YES	HERB WESSON

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Adopted Report(s)

Title	Date
Amending Motions 2C and 2D	08/14/2018
Report from Planning and Land Use Management Committee	05/22/2018
Communication from Chair, Ad Hoc on Comprehensive Job Creation Plan Committee	04/18/2018


AMENDING MOTION

I MOVE that Item 2 on today's agenda (CF 17-0981 Krekorian – Blumenfield) be amended to instruct the Department of City Planning to:

1. Provide analysis on the ministerial granting of Conditional Use Permit (CUP) applications so that onsite consumption will not result in an undue concentration of establishments dispensing onsite sales. This analysis should include the number and proximity of such establishments within a one thousand foot radius of the site, the crime rate in the area (involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct) and whether revocation or nuisance proceedings have been initiated on the establishment applying for the CUP.


2. Provide analysis to ensure the streamline granting of ministerial approvals for CUP for onsite alcohol consumption will not detrimentally affect nearby residentially zoned communities in the area with attention to the distance of the proposed use from the following sensitive uses: churches, schools and daycare facilities, parks and other similar uses.

3. Provide language that would exclude any establishment that has minimal table service, limited menu, food cooked in bulk in advance and kept hot, finished and packaged to order from being ineligible for the streamlining the CUP process. This should also apply to any establishment that utilizes standardized ingredients and/or partially prepared foods and supplies to each restaurant through controlled supply channels.

PRESENTED BY: 

MARQUEECE HARRIS- DAWSON

Councilmember, 8th District

SECONDED BY: 

JOSE HUIZAR

Councilmember, 14th District

AUG 14 2018



ORIGINAL

I MOVE that in the matter of Ad Hoc on Comprehensive Job Creation Plan Committee relative to the creation of an administrative process for issuing over-the counter on-site alcohol Conditional Use Permits (CF: 17-0921), BE AMENDED to include the following analysis in the public hearings and City Planning Commission process:

1. To clarify that this process may only be used for on-site alcohol licenses.
2. Recommendations for a condition preventing locations that have been subject to previous nuisance abatement and/or revocation from using this process.
3. Provide notification to Council Offices, neighborhood councils and LAPD.
4. Recommendations on the feasibility of including an appeal process.
5. Recommendations on the feasibility of establishing term limits or a renewal process under the condition compliance unit.
6. Recommendations on including a condition preventing outdoor advertisement of alcohol.
7. Recommendations on including a condition prohibiting drive through establishments from participating in this process.

Presented by:



PAUL KREKORIAN

Councilmember, 2ND District

Seconded by:



AUG 14 2018

CHIEF



COMMUNICATION FROM CHAIR AND MEMBER, AD HOC COMMITTEE ON COMPREHENSIVE JOB CREATION PLAN relative to the creation of an administrative process for issuing over-the-counter on-site alcohol Conditional Use Permits.

Recommendations for Council action:

1. INSTRUCT the Department of City Planning (DCP), with the assistance of the City Attorney, to draft an Ordinance amending Zoning Code Sections 12.22 and 12.24 to create an administrative process for business that meet the Prospective Standard Limitations, and include:
 - a. Clarification that Prospective Standard Limitation No. 25 (of the Attachment to the DCP report dated March 21, 2018) will not prohibit outdoor dining if the project is abutting or across an alley from an agricultural or residential zoned lot, but would do so if the project's outdoor dining area is abutting or across an alley from such zones.
 - b. A requirement that the DCP provide notification to Neighborhood Councils of an application in their areas along with the Prospective Standard Limitations that the business would have to abide by.
 - c. A more detailed definition of what constitutes background music or ambient music.
2. INSTRUCT the DCP to hold staff-level public hearings on this matter and report to the Ad Hoc Committee on Comprehensive Job Creation Plan and Planning and Land Use Management Committee with the draft Ordinance.

Fiscal Impact Statement: None provided by the DCP. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: Yes.

Against:

Mid-Town North Hollywood Neighborhood Council

Against unless amended:

Northwest San Pedro Neighborhood Council

SUMMARY

At a special meeting held on April 18, 2018, the Chair and a Member of the Ad Hoc Committee on Job Creation Plan considered a DCP report dated March 21, 2018 relative to the creation of an administrative process for issuing over-the-counter on-site alcohol Conditional Use Permits.

Representatives of the DCP provided an overview of the DCP report on the matter and responded to related questions. During discussion of the matter, the Committee inquired about the Prospective Standard Limitation No. 21 relative to prohibiting live entertainment, but allowing background or ambient music. The DCP representatives explained that the purpose of the

Limitation was to prohibit live entertainment such as bands, performers, etc. that were intended to be the primary source of entertainment, as well as amplified music. DCP clarified that the proposed Standards would allow a person, such as a pianist, harpsichordist, etc., to provide ambient or background music as long as the music was not amplified. However, the Committee requested that the DCP provide a more detailed definition of what would constitute "background music or ambient music."

Additionally, the Committee Chair requested that DCP consider changes to the Prospective Standard Limitation No. 25 that prohibits outdoor dining or dining in the public right-of-way if the project is abutting or across an alley of "A" (Agricultural) or "R" (Residential) zoned lots. The Chair mentioned an example of the numerous establishments along Ventura Boulevard in his district that have outdoor dining in the front of the establishment while abutting a Residential zone at the rear of the business, and that the City would want to continue encouraging this. However, the DCP representatives noted instances where the outdoor dining might be located on the side of the project and continue to the rear of the project or is primarily located at the rear, and in such cases would be disruptive to the abutting Residential Zone. The Committee Chair requested that the DCP amend the Prospective Standard Limitation to allow outdoor dining for projects abutting or across an alley from the above-mentioned zones, but prohibit the outdoor dining if that dining area abuts or is across an alley from those zones.

Lastly, the Committee Chair requested that the DCP provide notification to Neighborhood Councils whenever there is an application by a business for an administrative or express alcohol consumption Conditional Use Permit for a project in their areas, and also notify them of the Standard Limitations with which the business must comply.

After further consideration, and after providing an opportunity for public comment, the Chair and Member of the Ad Hoc Committee on Job Creation Plan instructed the DCP, with the assistance of the City Attorney, to prepare a draft Ordinance amending the Zoning Code to create an administrative process for businesses that meet the Standard Limitations to obtain alcohol consumption Conditional Use permits (including the changes/clarifications to the Prospective Standard Limitations Nos. 21 and 25 as detailed in the Recommendations above), and report to the Ad Hoc Committee on Job Creation Plan and Planning and Land Use Management Committee with the draft Ordinance. This matter is now forwarded to the Council for its consideration.

Respectfully Submitted,

COUNCILMEMBER PAUL KREKORIAN, CHAIR
AD HOC COMMITTEE ON JOB CREATION PLAN

<u>MEMBER</u>	<u>VOTE</u>
KREKORIAN:	YES
WESSON:	ABSENT
ENGLANDER:	ABSENT
BLUMENFIELD:	YES

HARRIS-DAWSON: ABSENT

REW 4/25/18 FILE NO. 17-0981

-NOT OFFICIAL UNTIL COUNCIL ACTS-

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the on-site alcoholic consumption subject to standard set of operational standards.

Recommendations for Council action:

1. INSTRUCT the Department of City Planning (DCP), with the assistance of the City Attorney, to draft an Ordinance creating an administrative process for on-site alcoholic consumption subject to standard set of operational standards, as described in the DCP report dated March 21, 2018, attached to the Council file.
2. INSTRUCT the DCP to report on the following:
 - a. Provide notifications to the Council Offices.
 - b. Have an active letter of acknowledgement from the Council Office on the file.
 - c. Provide which recommendation would the DCP prefer.
 - d. Provide concentration of crime (mapping) statistics.
3. REFER the matter to the Los Angeles City Planning Commission.

Fiscal Impact Statement: None submitted by the DCP. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: Yes.

Against: Mid-Town North Hollywood Neighborhood Council

Against unless amended: Northwest San Pedro Neighborhood Council

Summary:

At a regular meeting held on May 22, 2018, the PLUM Committee considered a DCP report regarding on-site alcoholic consumption administrative process. Staff from the DCP provided the Committee an overview of the current process and how to incorporate changes. After an extension discussion and an opportunity for public comment, the Committee recommended for the DCP to prepare a draft Ordinance for the Los Angeles City Planning Commission consideration. This matter is now submitted to the Council for consideration.

Respectfully Submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

<u>MEMBER:</u>	<u>VOTE:</u>
HUIZAR	ABSENT
HARRIS-DAWSON	ABSENT
ENGLANDER	YES
BLUMENFIELD	YES
PRICE	YES

SD

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