

PLANNING & LAND USE MANAGEMENT
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AD HOC ON COMPREHENSIVE JOB
CREATION PLAN

MOTION

The restaurant and hospitality industry is a vitally important part of the City's economy, employing over 380,000 people and generating over \$200 million in tax revenues to the City. Many entrepreneurs who would like to create a new business in this industry, however, express frustration at the long delays in the permitting and approval process in Los Angeles. While Department of Building and Safety and the Planning Department have taken steps to improve the permitting process for the restaurant and hospitality industry, the process nevertheless remains a long and costly one. For small businesses in particular, this delay can be fatal to the chances of success.

The City's Conditional Use Permit (CUP) process for on-site alcohol sales is often time consuming and costly both for the applicant as well as for City staff and resources. The delay in this process does very little to improve public safety or quality of life, but it has a serious negative impact on small businesses and frustrates job creation and economic vitality.

The City should explore the feasibility of streamlining this process for restaurants, theaters, hotels, small beer manufacturers and for on-site tastings [License codes: 23, 41, 47, 64, 67, 69, 80 and 86]. One way of simplifying the CUP process is by creating the ability to issue over the counter on-site alcohol CUPs if the applicant agrees to a set of standard conditions that protect public safety and neighborhood quality of life, such as the proposed standard conditions attached to this Motion.

By simplifying and expediting the CUP process under uniformly acceptable conditions, the City has an opportunity to create jobs and opportunity without any adverse impacts on our neighborhoods.

I THEREFORE MOVE that the Planning Department, with the assistance of the City Attorney and the Police Department, be directed to report with recommendations for creating the ability to issue over the counter on-site alcohol Conditional Use Permits if the applicant agrees to a set of standard conditions, such as the proposed standard conditions attached to this Motion.

PRESENTED BY:

Paul Krekorian

PAUL KREKORIAN
Councilman, 2nd District

SECONDED BY:

Bob Blum

ORIGINAL

AUG 25 2017

[Signature]

DRAFT recommended conditions for
On-Menu Conditional Use Permit for Onsite Alcohol Sales

1. Within three months of the date of this determination and within three months of hire, all personnel acting in the capacity of a manager of the premise and all personnel who serve alcoholic beverages shall attend Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. Upon completion of the training, the applicant shall provide evidence to the Zoning Administrator that such training was provided.
2. Electronic age verifications device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products shall be installed on the premise at each point-of-sale location. This device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverage or tobacco product that appear to be under the age of 35.
3. The hours of operation shall start after 7 a.m. daily and not exceed Midnight each day of the week. After-hours use of the facility, other than for routine clean-up and maintenance, is not permitted.
4. The premises shall be maintained as a bona fide eating place (restaurant) with an operational kitchen and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service of the full menu shall be available at all times during all operating hours. All alcohol shall be sold in conjunction with food service.
5. The applicant shall not sublet the premises to outside "promoters" for nightclub or concert activity. The premises may be used for private parties in which the general public is excluded; however, the sale of tickets to such events is not permitted, unless shown to be solely a bone fide charitable cause or organization.
6. All tables and booths shall be furnished with cutlery, condiments and other eating utensils available where food may be comfortably consumed by patrons.
7. Only the front door shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times other than to permit temporary access for delivery of supplies and trash removal. These doors shall not consist solely of a screen or ventilated security door but shall be solid.
8. Partitions separating booth/dining areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to the booth/dining areas within the interior space for the facility that restrict, limit, or obstruct the clear observations of the occupants.
9. The exterior windows and glass doors of the store shall be maintained substantially free of signs and other materials from the ground to at least 8 feet in height above the ground so as to permit surveillance into the store by Police and private security.
10. All exterior portions of the site, including the rear alley way, shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site and no floodlighting shall be located as to be seen directly by persons on adjacent properties.
11. There shall be no pool table or billiards table, electronic games, coin-operated games, dart games, or video machines maintained upon the premises at any time.
12. Live entertainment and music are allowed with the requirement that any sound, or noise emitted that is under the control of the petitioner(s) shall not be audible beyond the location. Any outdoor music must be off by 9pm daily.
13. Petitioner(s) shall not require an admission charge or cover charge. Any advertisement of an admission charge or cover charge is prohibited.

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14. There shall be no Adult Entertainment of any type pursuant to L.A.M.C. Section 12.70.
15. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit, or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of and for the customer.
16. The owner/restaurant operator shall at all times maintain the abutting sidewalk and alley free of obstruction. Any sidewalk area patio or alley patio seating must be approved by a revocable permit from the Department of Public Works and any outdoor areas that will have alcohol services shall be enclosed in such a manner that a passerby cannot grab food or beverages off the tables.
17. All outdoor areas shall cease at 10 pm nightly.
18. Petitioner(s) shall install and maintain security cameras and a three-month video library that covers all common areas of the business, high-risk areas, sidewalk areas, and entrances or exits. The videotapes shall be made available to police upon request.
19. The Petitioner(s) shall be responsible for maintaining free of litter, the area and adjacent to the premises over which they have control. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Petitioner(s) shall be removed or painted over within 24 hours of being applied.
20. A copy of these conditions shall be maintained on site in the office. Additionally a copy shall be provided to all employees who shall sign an acknowledgement form stating that they have read and understood all of the ABC and conditional use permit conditions. Said form shall be maintained at the location by the owner and /or manager who shall present it to Police personnel, ABC investigators or any other City agency upon request. All licenses, permits and conditions shall be posted in a conspicuous location at the subject establishment.
21. Petitioner(s) shall maintain on the premises and present upon request to any law enforcement officer, a copy of the Business Permit, Insurance information and a valid emergency contact phone number for the Security Company service(s), Valet Company service(s), and the property owner.
22. The applicant shall provide the Zoning Administrator a copy of each license, suspension thereof, or citation issued by the State Department of Alcoholic Beverage Control or the Los Angeles Police Department upon such instance.
23. The facility shall not be leased or contracted out to third party promoters that will require a cover charge or prepayment for admission to the facility for uses such as or similar to rave parties, electronic music parties, or record release parties advertised and open to the general public. Use of the banquet facilities (other than retail use, tradeshow or filming) shall be limited to weddings, private parties, corporate and charity events, fashion shows and community events.
24. The applicant shall be responsible for obtaining and maintaining valid Police Commission permits for dancing and live entertainment.
25. Patrons shall not occupy the dance floor while in the possession of any alcoholic beverage.
26. There shall be no service, sales or possession of an alcoholic beverage on any sidewalk area or adjacent parking lot or alley way. There shall not be off-site sales of Alcohol beverages.

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27. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensee's business. Said records shall be kept no less frequently than a quarterly basis and shall be made available at the premises to the Police Department on demand.
28. There shall be no "Bottle Service" of distilled spirits, nor "Buckets" of Beer allowed. Portable bars are prohibited. There shall be no "Happy Hours" during which time beverages are sold at discounted prices. There shall be no "Minimum drink" required of patrons. In addition, there shall be NO sales of table(s) and/or seating where alcoholic beverages are in any way included in the sale cost of the seating.
29. A "Free Designated Driver Program" shall be implemented in which free non-alcoholic beverages such as water, coffee, tea and soft drinks will be offered to the designated driver of a group. The availability of this program shall be made known to restaurant patrons either via a two-sided card placed on all tables and/or a program description printed on the menu.
30. A hotline shall be established with the name and telephone number of the general manager, owner or there designees shall be publically posted inside and outside of the facility. A log of all complaints including actions taken to remedy the situation, shall be kept on the premises available to the Department of Planning or the Police department.
31. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, or if the facility is resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-I (Miscellaneous Plan Approval), the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.