

ORDINANCE NO. _____

An ordinance amending Sections 12.22 and 12.24 of the Los Angeles Municipal Code (LAMC) to create an administrative process for on-site alcohol consumption subject to a set of operational standards.

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

Section 1. A new Subdivision 32 is added to Subsection A of Section 12.22 of the Los Angeles Municipal Code to read as follows:

32. In the CR, C1, C1.5, C2, C4, C5, CM, MR1, MR2, M1, M2, and M3 Zones, the sale or dispensing of alcoholic beverages for consumption on the premises shall be allowed through an administrative review without obtaining a conditional use approval pursuant to Section 12.24 W.1. of this Code if the following operating standards are met:

- (a) Daily hours of operation shall start after 7:00 am and not extend beyond 11:00 pm. After-hours use of the establishment, other than for routine clean-up and maintenance, is not permitted.
- (b) The establishment 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 shall be available at all times during operating hours. The establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises and not solely for the purpose of food takeout or delivery.
- (c) The establishment shall be limited to only one operator and a single alcohol license holder.
- (d) The establishment shall be limited to a maximum of 200 patron seats, including outdoor seating, if any.
- (e) The owner or the operator shall apply for a new administrative clearance if there is:
 - (1) a change in alcohol license type;
 - (2) an expansion of floor area; or
 - (3) a change in the ownership or the operator of the business
- (f) For properties abutting or across an alley from an A or R zoned lot, any outdoor eating areas associated with the establishment shall:
 - (1) meet the definition of “Outdoor Eating Area” as defined in LAMC Section 12.03; and
 - (2) be entirely screened and buffered from the A or R zoned lot by a building.

- (g) Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (citywide noise regulations). At any time, a City inspector 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 property, such as noise barriers, sound absorbers, or buffer zones.
- (h) There shall be no live entertainment on the premises. There shall be no karaoke or disc jockeys.
- (i) Indoor music shall be limited to recorded, ambient music at a low volume such that it is not audible beyond the premises.
- (j) There shall be no outdoor music, amplified or live.
- (k) Television monitors or screens shall be prohibited in the outdoor eating area, if any.
- (l) The owner or the operator shall be responsible for maintaining the premises, adjoining sidewalk, and adjoining alley free of debris or litter.
- (m) The owner or the operator shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his or her control to ensure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
- (n) The owner or the operator 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.
- (o) All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
- (p) Loitering is prohibited on or around these premises or the area under the control of the applicant. A "No Loitering or Public Drinking" sign that is a minimum of four inches by six inches shall be posted outside next to every exit.
- (q) Pool tables shall be prohibited.
- (r) Adult Entertainment pursuant to LAMC Section 12.70 shall be prohibited.
- (s) Dancing shall be prohibited.
- (t) The establishment shall not be a drive-through fast food establishment, as defined in LAMC Section 12.03.

(u) The establishment shall not be leased or contracted out to third party promoters that will require a cover charge or prepayment for admission to the establishment for uses such as or similar to rave parties, electronic music parties, or record release parties advertised and open to the general public.

(v) Any use of the establishment for private events, including, but not limited to, corporate events, birthday parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.

(w) Parking shall be subject to the determination of the Department of Building and Safety. Any off-site parking shall be provided pursuant to the requirements of Los Angeles Municipal Code Sections 12.21 A.4(g) and 12.26 E.1(b).

(x) Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.

(y) A camera surveillance system shall be installed and operating 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.

(z) 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.

(aa) Complaint Log. A telephone number and an email address shall be provided for complaints or concerns regarding the operation of the establishment. The phone number and email address shall be posted on a sign at least four inches by six inches in size and at the following locations:

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

Complaints shall be responded to within 24 hours. The applicant shall maintain a log of all calls and emails trailing a period of three years, detailing: date complaint received; nature of complaint; and the manner in which the complaint was resolved. This log shall be presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning.

(bb) Within the first six months of operation or issuance of 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. Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training.

(cc) STAR or LEAD training shall be conducted for all new hires within three months of their employment.

(dd) A copy of these conditions 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.

(ee) A minimum of one on-duty manager with authority over the activities within the establishment shall be on the premises at all times that the establishment 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). Every effort shall be undertaken in managing the establishment to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, and vandalism occur.

(ff) MViP – Monitoring, Verification and Inspection Program. Prior to the effectuation and administrative clearance, fees required per LAMC section 19.01 E.3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.

(1) Within the first 24 months of issuance of administrative clearance, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the operating standards. Observations and results of said inspection will be documented. A second inspection shall take place after 36 months of the first inspection.

(2) 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.

(gg) Within 14 days of an establishment obtaining administrative clearance, the applicable City Council District Office and the applicable Certified Neighborhood Council shall be notified. If the establishment is not within the boundaries of a Neighborhood Council, then notification to only the applicable Council District Office shall be sufficient. The notification shall contain evidence of the administrative clearance, its covenanted operating standards, and contact information for the Department of Building and Safety to report code violations.

(hh) Prior to the issuance of an administrative clearance, the applicant shall execute and record a covenant and agreement in a form satisfactory to the Director of Planning, acknowledging that the owner shall implement 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 (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the operating standards attached must be submitted to the Department of City Planning for approval before being recorded. Fees required per L.A.M.C section 19.01 E.3 for Monitoring of Conditional Use

Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to obtaining administrative clearance.

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

Sec. 3. The City Clerk shall certify that ...

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