

14-0122

JAN 28 2014

MOTION

PLANNING & LAND USE MANAGEMENT

The Los Angeles Municipal Code contains multiple conditional uses which are only allowed by the Planning Department's Conditional Use Permit (CUP) process. Applications to operate these special uses are individually evaluated and specifically conditioned by the Zoning Administrator to mitigate potential environmental, transportation and noise impacts due to the operation of the proposed special use on the surrounding neighborhood. The conditions placed on these special uses maintain the community's quality of life, preserve the neighborhood character and ensure the approval is in conformance with the General Plan, while considering the importance of business growth and economic development. These conditions however, are only as effective as the resources devoted to their monitoring, periodic inspections and compliance efforts throughout the term of the CUP. Conditions related to number of patrons or enrollment caps, hours of operation, noise level, security plans, provisions to accommodate additional parking and traffic, can have a negative impact on the surrounding communities if not adhered to by the operators.

In a City as populous as it is expansive from the ranchos of the North Valley to the ports in San Pedro, from the eclectic beachfront community of Venice to the historic structures in Boyle Heights, it is a City that thrives on the diversity of its residents, small businesses, franchises, entertainment venues, quality education facilities and unique stores and services. The importance of their contribution to the social and economic fabric of Los Angeles cannot be underestimated and must be nourished. The City must provide the necessary services, guidance and programs to afford all businesses the opportunity to operate and thrive while maintaining the health, safety and welfare of the community, minimizing potential negative impacts of operations, and maximizing the enjoyment, services and economic vitality these business bring. Unfortunately, it is the vastness of the City and the maze of agencies which sometimes causes many operators to fall through the cracks. These operators may unintentionally not comply with required entitlements, or intentionally not follow the conditions of their approval, making it difficult for the neighbors who have their quality of life degraded.

Some of the most common types of CUPs which have day-to-day impacts on any one neighborhood are those establishment permitted to sell and dispense alcoholic beverages for on-site and off-site consumption, nightclubs or other establishments with dancing or live entertainment. Other common conditional use approvals which impact their surrounding community are charter schools and religious institutions within residential neighborhoods. With hundreds of charter schools, thousands of establishments serving alcohol including restaurants, nightclubs, adult entertainment establishments, pubs and wine bars, it is a crucial necessity that work programs are established and staffing is dedicated to manage and verify that the operators of these special uses comply with conditions of their approvals.

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In addition, there is a need to establish a central point of contact where complaints from the community related to CUP violations are investigated and handled as a priority by the Department which approved the conditional use. Currently, complaints and enforcement are handled by other agencies as non-life safety, low-level priority calls that lack dedicated staff and resources to handle these complaints effectively and timely. Frustrated complainants often turn to LAPD, taking valuable time and personnel from Vice Units which should incontestably be spent handling more serious criminal investigations, rather than investigating the restaurant or parking operations of a CUP. As a result, response may be slow, enforcement is inconsistent and compliance becomes a challenge, leaving communities without recourse, forced to live with bad operators.

The Condition Compliance Unit ("CCU") was created in February of 2013 in the Planning Department to track and monitor CUPs for alcohol and live entertainment/dancing to ensure that entitlements are properly and timely utilized, establishments have the appropriate life-safety and accessibility approvals from the City prior to beginning any conditionally approved use, and that their grants are renewed within the time period specified. In its first year, the Unit has been successful in handling these limited administrative tasks, however much more needs to be done in order to effect changes in the way operators use, abuse and neglect conditions imposed upon their establishments.

Presently, the Unit is not properly staffed or funded to respond to complaints or provide field investigations during operating hours which are necessary functions to establish a factual record of compliance or violations, should the City consider renewal or revocation of the grant. In addition, there are no programs or incentives to promote good operational compliance or penalties to deter violations. There are many establishments which are excellent models for operators, observing and abiding by their conditions and filing timely renewals. The City should create an "Operator Rating Program" which establishes a factual record of compliance or violations based periodic inspections conducted by an unbiased investigator.

As with other municipalities, compliance and enforcement functions are typically funded by the City's General Fund. However, there are many instances where fees collected up-front are used to provide pro-active inspections related to CUPs. There are other cities where a fee is collected for investigations conducted on CUPs due to a complaint (reactive). It is imperative that the City of Los Angeles recognize and prioritize finding ways to provide funding to support and provide excellent and responsive service related to CUPs, including assistance to operators through the CUP process, inspections to verify compliance with CUPs, responding to complaints and providing enforcement. This work program is an important component to deliver the promises made to the communities and hold operators accountable to its surrounding neighbors.

I THEREFORE MOVE that the Planning Department prepare a report which details the number of staff that would be required to supplement the existing program to expand its functions to include handling of complaints related to CUPs, including field investigations and inspections and the mechanisms necessary to effectively accomplish said functions, including programs to deter violators and incentives to promote compliance.

I FURTHER MOVE that the Department of City Planning with the assistance of the City Attorney's Office, draft an ordinance to accomplish the following:

1. Establish a cost-recovery, pro-active, field-inspection program to ascertain compliance related to CUPs throughout the term of the grant.
2. Establish a system whereby penalties are imposed on an operator based on the severity or recurrence of a violation or based the number of violations.
3. Establish Condition Compliance Fee to investigate complaints related to CUP operations.

I FURTHER MOVE that an ordinance and work programs be presented to the Budget and Finance Committee within 45 days of the adoption of this motion so that it can be considered during the City's 2014-15 Budget deliberations.

PRESENTED BY: _____

MIKE BONIN

Councilmember, 11th District

SECONDED BY: _____

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