

UNITEHERE! Local 11

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February 15th, 2019

City of Los Angeles, Department of City Planning
ATTN: Esther Ahn
200 N. Spring St
Los Angeles, CA 90012

Re: Streamlined CUB Ordinance (Council File #17-0981)

Dear Ms. Ahn,

On behalf of over 20,000 hospitality workers in Los Angeles, we submit these comments regarding the draft restaurant beverage ordinance. Our members work in bars, restaurants, hotels, and event centers throughout Los Angeles. They are the front-line workers who provide excellent service to neighborhood residents and tourists alike and the front line in dealing with and resolving community complaints.

While we respect the goal of simplifying the process, we also respect the concerns raised by Alcohol Justice, the LA Drug and Alcohol Policy Alliance, Westside Impact Project and several neighborhood councils and endorse their recommendations that at least one public hearing be held, regular monitoring of compliance with license conditions, and the institution of a relatively a relatively speedy-revocation process be instituted for establishments that violate their conditions. Our experience ensuring development conditions of approval are respected is that even conditions that should be relatively simple to enforce – for example, whether employees of a development are offered transit passes as required by conditions of approval – can take a long time even when the evidentiary proof required is rather obvious. This has been our experience even in smaller cities. Relying on the state department of Alcohol Beverage Control to enforce relatively more complicated conditions on a single establishment in a state as large as California will make it essentially impossible for communities to deal with nuisance establishments granted speedier approvals under the ordinance.

Thus we endorse the recommendation in the LA Drug and Alcohol Policy Alliance's letter that a review should be conducted within 12 months of receipt of the permit and then on a regular basis to ensure compliance with the conditions of the permit. Complaints should also be able to be made directly with the City's Monitoring Verification and Inspection Program. One possible model for addressing complaints is provided by the recently passed Homesharing Ordinance. The Homesharing Ordinance includes a speedy process for residents to rent out their homes for less than 30 days. However, under the ordinance, if three verified citations are issued, the host must go through a discretionary process to regain the right to rent out their properties short term. This could be a model for this ordinance. Alcohol serving businesses that have three verified citations should be required to go through the traditional CUB process where additional conditions can be placed on the license holder or based on the severity of the violations the application for continued service of alcohol denied.

Additionally, one other concern we have with the draft ordinance is the treatment of outside dining. Outside dining is a particularly sensitive issue because of noise and other community impacts. For that reason, neighboring West Hollywood, in addition to requiring a CUP for all alcohol uses, recently passed an ordinance requiring restaurants that wish to have outside dining apply for a permit, with required public hearing and an appeal process for all rooftop dining¹ near residential uses. The draft ordinance allows expedited alcohol permits outside (including rooftop) dining within 500 feet of a A or R zone only when it is blocked by a building. Many residents live in apartments and condos in commercial zones and the current restriction would only protect nearby. With rooftop deck uses, noise is often audible not just 500 feet but as much as 1000 feet away from the site. Accordingly, we urge that alcohol permits in connection with outside dining not be subjected to the ministerial alcohol process and that a CUP continue to be required for alcohol use in this context.

Furthermore, as stated by several other commenters including the Northwest San Pedro Neighborhood Councils, we believe hotels should be exempt from the ordinance. We appreciate that explicit mention of hotels was taken out of the draft ordinance and your clarification that if one hotel has several types of operations (for example, a restaurant and a separate event space) it would not qualify for the ministerial process. However, this is not totally clear in the draft ordinance and think the best approach is to exempt hotel restaurant alcohol permissions from the ministerial process. Our experience is that the line between hotel restaurants, hotel bars (which should not be covered by the draft ordinance) and event areas where hotels can host private events is rather thin. By dint of their operations, hotels also simply can attract many more guests as hotel guests, visitors to the restaurant or the private event all circle in and out of the space. Even if no live music is allowed, this poses significant noise (whether it is because guests congregate outside or because of a rooftop or other outside patio) and public safety concerns. Additionally, hotels already generally go through the master CUP process for minibar, any hotel restaurants or bars, and event space use of alcohol when they seek other discretionary entitlements. This allows the public to mitigate noise, health and public safety impacts while all the other entitlements are being considered. This ordinance would not provide any additional advantage in terms of expediting the process. However, it could raise piecemealing concerns if developers decide to omit any uses of alcohol from their initial entitlements and only later seek this ministerial alcohol license without a public process. Additionally, in many areas (subject to special Q conditions, specific plan exemptions or part of the Regional Center plan designation), hotels are a by-right use. The only place communities can get concerns about noise, and public safety (issues exacerbated by alcohol service which can attract larger events and more guests) addressed is through the CUB process. Accordingly, we urge that hotels be exempt from the provisions of the draft ordinance and required to use the traditional CUB process.

Thank you for the opportunity to comment. We look forward to continued engagement on this issue.

¹ Ordinance [18-1043](http://qcode.us/codes/westhollywood/revisions/18-1043.pdf). <<http://qcode.us/codes/westhollywood/revisions/18-1043.pdf>>

Regards,
Charlie Carnow
Research Analyst
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