

MOTION

In 2002, City Council approved an ordinance amending the Los Angeles Municipal Code to create two new Residential Accessory Services Zones (RAS) to allow multiple-family uses with limited ground-floor neighborhood service and retail uses (Ordinance 174,999). The purpose of these zones is to provide a mechanism to increase housing opportunities, enhance neighborhoods, and revitalize older commercial corridors. Restaurants and cafes are among the many neighborhood-serving uses permitted in the RAS zones.

The sale or dispensing of alcoholic beverages, including beer and wine, is permitted in the CR, C1, C1.5, C2, C4, C5, CM, MR1, MR2, M1, M2 and M3 Zones provided that an applicant is able secure a Conditional Use Permit (CUP) from the City by demonstrating that the the proposed use will not adversely affect the welfare of the pertinent community; result in an undue concentration of alcohol sales or detrimentally affect nearby residentially-zoned communities (Section 12.24.W.1).

Many of the restaurants and cafes in the RAS zones are run by small businesses that struggle to maintain an average-or-better profit margin year after year. In order for these businesses to secure a license to sell alcohol as part of a viable business plan, they must apply for a Variance, which requires them to demonstrate that they meet the hardship findings detailed in Sections 12.27 of the Zoning Code. This process is one of many challenges small businesses currently face because there is a higher burden of proof to meet to make the required findings and the process can result in higher fees and costly delays.

Restaurants, cafes and bona fide grocery stores should have the right to apply for alcohol permits using the same process currently available in commercial or industrial zones. This includes a robust public process involving notification of filing to the neighborhood council, posting and mailing notice of public hearing and the right to appeal the Zoning Administrator's decision to the Area Planning Commission.

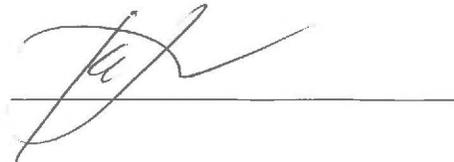
I THEREFORE MOVE that the Council instruct the Planning Department in consultation with the City Attorney, to prepare an ordinance that includes the Residential Accessory Service zones in Section of the Zoning Code that allows business owners in these zones to apply for Conditional Use Permits to sell alcohol using the existing public process in place for other commercial and industrial zones.

PRESENTED BY



MITCH O'FARRELL
Councilmember, 13th District

SECONDED BY



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