

CONDITIONAL USE APPROVAL FOR SALE OF ALCOHOLIC BEVERAGES

Specific Plan

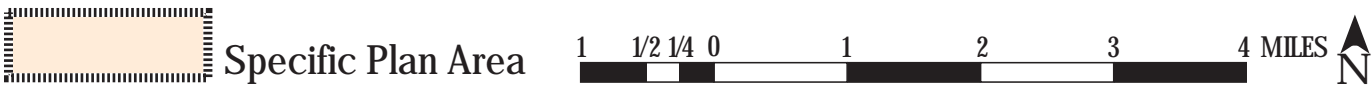
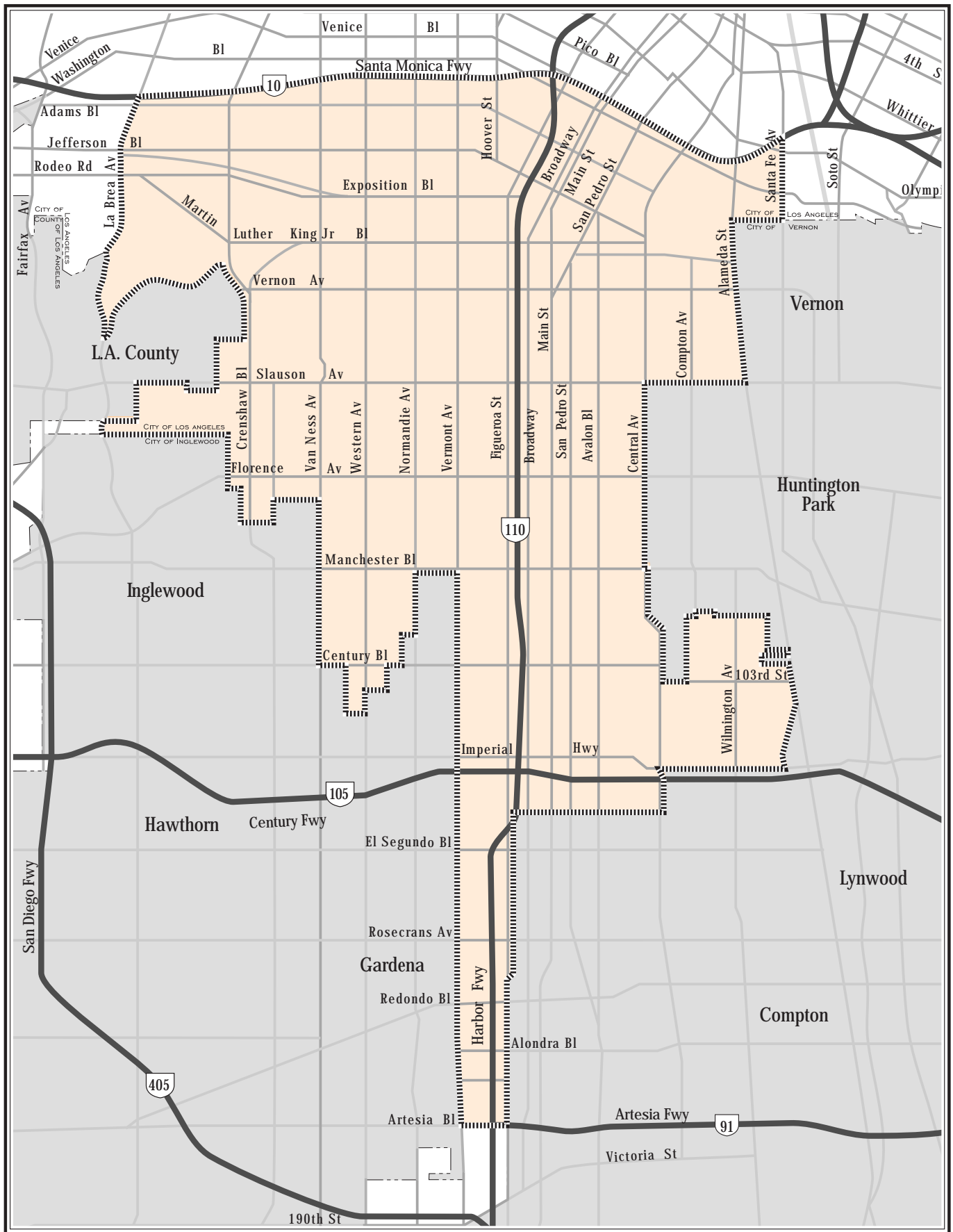
Ordinance No. 171,681
Effective September 13, 1997



Specific Plan Procedures
Amended by Ordinance No. 173,455

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South Central Alcoholic Sales Specific Plan

CONDITIONAL USE APPROVAL FOR SALE OF ALCOHOLIC BEVERAGES

An ordinance amending Ordinance No. 162,128, to revise the procedures for obtaining conditional uses for the sale of alcoholic beverages, including beer and wine, for off-site consumption in the South Central area of the City.

WHEREAS, there continues to be an unusually large number of establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine, for off-site consumption, generally located in the South Central Area of the City of Los Angeles, including portions of the South Central Los Angeles, Southeast Los Angeles and West Adams District Plan Areas (hereinafter "Area"); and

WHEREAS, the existence of this inordinate number of establishments appears to directly contribute to numerous peace, health, safety and general welfare problems in the Area, including loitering, littering, drug trafficking, prostitution, public drunkenness, defacement and damaging of structures, pedestrian obstructions, as well as traffic circulation, parking and noise problems on public streets and neighborhood lots; and

WHEREAS, the existence of such problems creates serious impacts on the health, safety and welfare of residents of nearby single- and multiple-family areas, including fear for the safety of their children and of visitors to the Area, as well as contributing to the deterioration of their neighborhoods, and concomitant devaluation of their property and destruction of their community values and quality of life; and

WHEREAS, the district plans for this Area provide for a commitment by "the City to the redirection of its energies toward the improvement and upgrading of declining areas of Los Angeles in general and the South Central Los Angeles District in particular" and an intent to "... encourage and contribute to the economic, social and physical health, safety, welfare and convenience of the people who live in the district ... contribute to a healthful and pleasant environment, balance growth with stability, ... and promote a socio-economic climate which will result in stable and desirable neighborhoods for the residents ...;" and

WHEREAS, on May 28, 1983, the City Council adopted a motion which requested the Police, Fire and Public Safety Committee to investigate the problems associated with liquor store outlets in the Area and, pursuant to such report, the Working Group on Liquor Store Outlets has held regular meetings and has focused attention on ways to eliminate these problems on and about the premises of liquor outlets in the Area and has prepared a draft report of recommendations for the review of the Police, Fire and Public Safety Committee of the City Council; and

WHEREAS, the Working Group on Liquor Outlets has compiled information which indicates serious problems in this Area and provides the substantive information for the imposition of a permanent control measure to prohibit the introduction of any additional establishments or any expansion or changes in

the mode or character of operation of such existing establishments within the Area unless new or expanded establishments have first been thoroughly reviewed by the City through a conditional use process; and

WHEREAS, on September 6, 1983, the City Council, being aware of the serious concerns raised by such establishments in the Area and desiring to prevent any worsening of such situation and any further such intrusions into such neighborhoods, requested the City Attorney, with the assistance of the Department of City Planning, "to prepare and present an appropriate ordinance establishing a conditional use process governing off-site liquor outlets, with the goal of inhibiting or reversing the proliferation of such outlets in heavily impacted areas of the City;" and

WHEREAS, the City Council, being aware of the serious concerns raised by the number of such establishments in the area and desiring to prevent any worsening of such neighborhood conditions, adopted a two-year interim Specific Plan Ordinance (Ordinance No. 158,820) on March 27, 1984, which established a process of conditional use approval for establishments seeking licensing for the sale of alcoholic beverages, including beer and wine, for off-site consumption in the South Central Area; and

WHEREAS, the operative period of the Interim Specific Plan was extended by resolution of the City Council on April 30, 1986 for one year, and expired on April 30, 1987; and

WHEREAS, it is desirous that existing alcoholic beverage (including beer and wine) outlets continue to be subject to regulatory control; and

WHEREAS, the City Council adopted the South Central Specific Plan for Conditional Use Approval for Sale of Alcoholic Beverages in March, 1987, and the specific plan went into effect on May 4, 1987 as Ordinance No. 162,128; and

WHEREAS, in the intervening period since May, 1987, it has become clear that the stated goal of inhibiting or reversing the proliferation of off-site alcoholic beverage, (including beer and wine) outlets in heavily impacted areas of the City has not been achieved; and

WHEREAS, in May, 1994, the Los Angeles Police Department released neighborhood crime statistics which documented the correlation between the presence of alcoholic beverage (including beer and wine) sales outlets and high levels of crime; and

WHEREAS, in March, 1994, the City Council instructed the City Planning Department, with the assistance of the City Attorney, to prepare and process amendments to the specific plan which would require additional findings of approval and bring more existing alcohol beverage (including beer and wine) sales outlets under regulatory control;

NOW THEREFORE,

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

Section 1. ESTABLISHMENT OF A SPECIFIC PLAN FOR CONDITIONAL USE APPROVAL FOR SALE OF ALCOHOLIC BEVERAGES, INCLUDING BEER AND WINE

The City Council hereby establishes a Specific Plan for conditional use approval for establishments dispensing for sale or other consideration alcoholic beverages, including beer and wine, for off-site consumption, which are located in that portion of the City as depicted on the map below (referenced as Exhibit A) within the dotted black lines (hereinafter the "Area"), generally bounded by the Santa Monica Freeway on the north and City boundaries on the east, south and west.

Section 2. CONDITIONAL USE APPROVAL REGULATION

Beginning on May 4, 1987, no person shall establish in the Area an establishment dispensing, for sale or other consideration, alcoholic beverages, including beer and wine, for off-site consumption, without first obtaining conditional use approval from the City of Los Angeles as set forth herein.

Section 3. APPLICABILITY OF THE ZONING CODE

- A. The regulations of the specific plan are in addition to those set forth in the planning and zoning provisions of Chapter 1 of the Los Angeles Municipal Code and any other ordinance and do not convey any rights not otherwise granted under the provisions and procedures contained in that chapter, except as specifically provided herein.
- B. Whenever this specific plan contains provisions which differ from provisions contained in Chapter 1 of the Los Angeles Municipal Code, this specific plan shall prevail and supersede the applicable provisions of that Code.

Section 4. APPLICABILITY OF INTERIM SPECIFIC PLAN ORDINANCE NO. 158,820

The conditional use regulations set forth in Section 2 of the Interim Specific Plan Ordinance (Ordinance No. 158,820) expired on April 30, 1987. However, all the provisions of the Interim Specific Plan Ordinance, including the conditional use regulations, shall be considered as remaining in full force and effect thereafter for the purpose of initiating, maintaining or defending any administrative, civil or criminal proceedings with respect to any right, liability or offense that may have arisen pursuant to the provisions of that ordinance.

Section 5. PROCEDURES

- A. The City Planning Commission, and the City Council on appeal, shall have authority to approve the use of a lot in the Area for an establishment dispensing, for sale or other consideration, alcoholic beverages, including beer and wine, for off-site consumption. In granting a conditional use

approval, the City Planning Commission, and the City Council on appeal, shall follow the procedures set forth in Section 12.24 of the Los Angeles Municipal Code.

- B. In addition to the findings required in Section 12.24 D of the Los Angeles Municipal Code, the City Planning Commission, or the City Council on appeal, shall also make all of the following findings:
1. that the proposed use will not adversely affect the welfare of area residents;
 2. that the granting of such application will not result in an undue concentration in the Area of establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of such establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the Area; and
 3. that the proposed use will not detrimentally affect nearby residentially zoned communities in the Area after giving consideration to the distance of the proposed use from the following:
 - a. residential buildings; and
 - b. churches, schools, hospitals, public playgrounds and other similar uses; and
 - c. other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.

The distance between any two establishments which dispense alcoholic beverages, including beer and wine, for sale or other consideration for off-site consumption shall be measured in a straight line without regard to intervening structures from the closest property line of each establishment. The distance between any such establishment and any religious institution, school or public park shall be measured in a straight line without regard to intervening structures from the closest property line of the establishment to the closest property line of the religious institution, school or public park.

- C. Whenever an application for a conditional use has been filed pursuant to this ordinance, the City Planning Commission shall give notice of this fact forthwith to the City Council members whose districts include portions of the Area.

- D. Each application or appeal filed in connection with a conditional use pursuant to this ordinance shall be accompanied by payment of the same fee as that set forth in Section 19.01 C of the Los Angeles Municipal Code.
- E. Whenever an application for a conditional use is approved pursuant to the provisions of this ordinance, the City Planning Commission shall review the operation of the establishment at least one year but not more than two years after the approval is granted; the purpose of this review will be to make a determination that the establishment is in compliance with all conditions imposed. The applicant shall file an application for a conditional use plan approval, which shall be accompanied by the payment of appropriate fees pursuant to Section 19.01 I of this Code and must be accepted as complete by the Planning Department public counter.
- F. **Covenant and Agreement.** Prior to the issuance of any permits relative to this matter, a covenant and agreement to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the City Planning Commission for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the City Planning Commission for attachment to the subject case file.

Section 6.

EXISTING USES

The use of a lot for an establishment dispensing, for sale or other consideration, alcoholic beverages, including beer and wine, for off-site consumption may not be continued or re-established without conditional use approval granted in accordance with the provisions of this ordinance, if any of the following occur after May 4, 1987:

- A. The establishment changes its type of retail alcoholic beverage license within a license classification; or
- B. The operation of the establishment is abandoned or discontinued, including the case where the alcoholic beverage license for such operation is suspended for a continuous period of one year; or
- C. There is a substantial change in the mode or character of operation of the establishment, including any expansion by more than ten percent of the floor area, seating or occupancy, whichever applies, existing as of May 4, 1987; except that construction for which a building permit is required in order to comply with an order issued by the Department of Building and Safety to repair or remedy an unsafe or substandard condition is exempt from this provision. Any expansion of less than ten percent of the floor area, seating or occupancy, whichever applies, requires the approval of plans pursuant to Section 12.24 G 1 of this Code.

Section 7.

ADDITIONAL AUTHORITY

For any conditional use, granted in accordance with the provisions of this ordinance or any existing use subject to this ordinance, and notwithstanding any provision of the Los Angeles Municipal Code to the contrary:

The Zoning Administrator may require the modification, discontinuance or revocation of any such conditional use or existing use in accordance with the procedures and standards set forth in Section 12.24 I and J of the Los Angeles Municipal Code.

Further, any conditional use approval granted pursuant to the Interim Specific Plan Ordinance (Ordinance No. 158,820) shall continue in full force and effect and shall be subject to the provisions of Section 12.24 I and J and this ordinance.

Section 8.

SEVERABILITY

If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provision, and, to this end, the provisions of this ordinance are declared to be severable.