



Restaurant Beverage Program – Alcohol Sensitive Use Zone

Section 12.22 A.35(e)(2) of Chapter 1 of the Los Angeles Municipal Code (LAMC) requires the following: Prior to the administrative clearance, a Covenant and Agreement, on a form provided by the Department of City Planning, acknowledging and agreeing to comply with all the terms established herein shall be recorded in the County Recorder's Office. The Covenant and Agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning.

Accordingly, the Covenant and Agreement incorporates the provisions of LAMC Section 12.22 A.35, restated here:

Section 12.22 A.35 of Chapter 1 of the Los Angeles Municipal Code (LAMC). Restaurant Beverage Program – Alcohol Sensitive Use Zone. In the CR, C1, C1.5, C2, C4, C5, CM, M1, M2, and M3 Zones, the sale or dispensing of alcoholic beverages for consumption on the premises shall be allowed administratively for one year without obtaining a conditional use approval as otherwise required by Section 12.21 A.10 of this Code if all of the requirements and standards below are met. Upon the completion of the one year provisional period, a review shall be completed and a determination shall be made pursuant to Section 12.22 A.35(e) if the sale or dispensing of alcoholic beverages for consumption on the premises shall be allowed to continue per the administrative clearance.

a. Eligibility Criteria.

1. The restaurant is located within an area mapped and adopted by City Council Resolution for the Restaurant Beverage Program- Alcohol Sensitive Use Zone. The City Council shall have the ability to establish and subsequently modify the area by the adoption of resolutions based on a finding that the establishment or modification is in conformity with public necessity, convenience, general welfare, and good zoning practice. The City Council may further determine, by resolution, if restaurants located in an Alcohol Sensitive Use Zone shall be limited to the sale of beer and wine only during the provisional one year period.
2. Prior to filing the application, the applicant shall conduct outreach by presenting information about the restaurant at one or more Certified Neighborhood Council meetings, Business Improvement District meetings, or other meetings of such established community organization if the restaurant is not within either a Certified Neighborhood Council or Business Improvement District boundary. Presentations shall include a flyer or other summary including the restaurant name, contact information, projected opening date, menu and alcohol to be sold (beer, wine, and/or distilled spirits).

3. The restaurant shall be maintained as a bona fide eating place with an operational kitchen where food is prepared on-site and with a full menu containing an assortment of foods. Food service is available at all times during operating hours. The restaurant provides seating and dispenses food and refreshments for consumption on the premises and not solely for the purpose of food takeout or delivery.
4. The restaurant shall operate under a Type 41 or Type 47 license as issued by the California Department of Alcoholic Beverage Control.
5. The restaurant shall operate with gross annual sales of alcohol not in excess of 45 percent of the restaurant's total sales.
6. If the restaurant or property has been the subject of nuisance abatement or revocation, it shall be eligible for the Restaurant Beverage Program-Alcohol Sensitive Use Zone upon conclusion of those proceedings only if the proceeding(s) did not result in the revocation of any permit or require any corrective conditions.
7. The restaurant shall have between a minimum of 10 patron seats and a maximum of 150 patron seats, including any outdoor seating.
8. The restaurant has obtained the necessary approvals to operate any outdoor seating, including but not limited to revocable permits issued by the Bureau of Engineering, Department of Public Works.
9. The restaurant is not a Drive-Through Fast Food Establishment, as defined in the LAMC.
10. The restaurant is not located in a Hotel, as defined in the LAMC.
11. The restaurant is not part of any multiple-tenant alcohol entitlement pursuant to Sections 12.24 W.1 and 12.24 W.18(a) of the LAMC.
12. Daily hours of operation shall be limited to the hours between 7:00 am and 11:00 pm for both indoor and outdoor areas. There shall be no after-hours use of the restaurant, other than for routine clean-up and maintenance.
13. All food and beverages, except for takeout or delivery orders, shall be delivered to tables by an employee.
14. Pool tables or billiard tables are prohibited.
15. Dancing and Adult Entertainment pursuant to LAMC Sections 12.24 W.18 and 12.70 are prohibited.
16. There shall be no minimum drink purchase required of patrons.
17. There shall be no charge for admission.

18. The restaurant shall not organize or participate in organized events where participants or customers pre-purchase tickets or tokens to be exchanged for alcoholic beverages at the restaurant.
19. All service of alcoholic beverages shall be conducted by an employee.
20. The restaurant shall not sell distilled spirits by the bottle, or wine or champagne bottles that exceed 750 milliliters.
21. No employee, while working, shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while on the premises.
22. No employee, while working, shall be engaged for the specific purpose of sitting with or otherwise spending time with customers while on the premises.
23. There shall be no age limitation restricting access to any portion of the restaurant.
24. The restaurant has a business tax registration certificate issued by the City of Los Angeles.

b. Development Standards and Operations.

1. There shall be no shared seating between the restaurant and other restaurants.
2. The restaurant shall only use fixed bars that are depicted on floor plans. Portable bars are prohibited.
3. Where booth or group seating is provided, no walls or partitions separating the booth or seating area from the main dining room shall be installed which exceed 48 inches in height above the surface on which occupants' feet are intended to rest. Where a private dining or banquet room is provided, a minimum of 50 percent of the vertical surface area of that portion, extending up to six feet above the floor, of any wall or partition separating the private dining or banquet room from the main dining room shall be fully transparent and ensure the occupants are visible to persons looking into the private dining or banquet room.
4. For properties abutting or across an alley from an A or R zoned lot:
 - i. a wholly enclosed building, at least eight feet in height above grade and extending at least the full length of the outdoor dining area, shall be located between the outdoor dining area and an A or R zoned lot that may or may not be separated by an alley. This requirement shall not apply to outdoor dining permitted on a public sidewalk by a revocable permit issued by the Bureau of Engineering, Department of Public Works; and
 - ii. outdoor seating shall be limited to the ground floor only.

5. Outdoor food and beverage service shall be limited to seated patrons.
6. Live entertainment, karaoke, or disc jockeys on the premises are prohibited.
7. Television monitors or screens are prohibited in all outdoor areas.
8. Music or speakers are prohibited in all outdoor areas.
9. Entertainment in conjunction with the restaurant shall be limited to indoor ambient music at a low volume that is not audible outside of the building.
10. Any music, sound or noise which is under the control of the restaurant shall comply with Sections 112.06 or 116.01 of the LAMC (citywide noise regulations). A City representative from a department authorized to inspect for compliance with noise regulations may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds the level allowed by the citywide noise regulations, the owner/operator shall be notified and shall 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 the property, such as noise barriers, sound absorbers, or buffer zones.
11. A City-issued placard pursuant to this section issued by the Department of City Planning shall be posted by the restaurant in an area clearly visible to the public, indicating that the restaurant is subject to the requirements and restrictions of the Restaurant Beverage Program-Alcohol Sensitive Use Zone.
12. A copy of this ordinance shall be retained on the premises at all times and produced upon request by the Los Angeles Police Department, the Department of Building and Safety, the Department of City Planning, or the California Department of Alcoholic Beverage Control.
13. No more than 50 percent of the entire restaurant may be closed to the public for private events at a given time.
14. Any portion of the restaurant used for private events shall be subject to all the same development standards and operations, including hours of operation, stated herein.
15. A telephone number and email address shall be provided for complaints or concerns regarding the operation of the restaurant. The phone number and email address shall be provided on the restaurant's website or, if there is no website, on its social media pages. The phone number and email address also shall be posted on a sign at least 8.5 × 11 inches in size, which shall be updated to reflect any changes, at the following locations:
 - i. Entry, visible to pedestrians; and
 - ii. Customer service desk, front desk or near the reception area.

16. The restaurant shall respond to complaints within 24 hours. The restaurant shall maintain a log of all calls and emails, detailing the date the complaint was received, the nature of the complaint, and the manner in which the complaint was resolved. This log shall be made available to the Department of Building and Safety upon request.

c. Security.

1. Within the restaurant, the interior shall be adequately illuminated so as to make discernible all objects and persons, or have a minimum average surface illumination of 2.0 footcandles (21.5 lx).
2. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space, or have a minimum average surface illumination of 0.2 footcandles (2.15 lx). Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
3. A camera surveillance system shall be installed and in operation 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.

d. Monitoring.

1. The restaurant shall maintain the premises and adjoining rights-of-way free of debris and litter.
2. The restaurant shall monitor both patron and employee conduct on the premises and within the parking areas under its control to prevent behavior that adversely affects or detracts from the quality of life for adjoining residents, property owners, and businesses.
3. The restaurant shall take all reasonable steps to ensure that the conditions and activities on the premises and within the parking areas under its control do not adversely affect or detract from the quality of life for the adjoining residents, property owners, and businesses. For purposes of this subparagraph, reasonable steps include, but are not limited to:
 - i. Requesting that those persons engaging in conduct that constitutes a nuisance cease such conduct, unless the owner or operator has reasonable cause to believe such request may jeopardize personal safety;
 - ii. Contacting the Los Angeles Police Department or other law enforcement agency if the owner or operator's attempts to abate the nuisance conduct have been unsuccessful, or if the owner or operator has reasonable cause to believe such attempts may jeopardize personal safety; and

- iii. Taking timely preventive actions to address conditions that facilitate loitering and other nuisance activity on the premises, such as removing furniture from areas adjacent to the entry of the restaurant, or prohibiting persons from using any portion of the premises for the installation or operation of a temporary business or other use.
- 4. Within 24 hours of its occurrence, all graffiti on the property under the restaurant's control shall be removed or painted over to match the color of the surface to which it is applied.
- 5. All trash and recycling bins under control of the restaurant shall be kept closed and locked at all times when they are not in use, and shall be maintained such that they do not overflow.
- 6. Loitering is prohibited in all areas under the control of the restaurant. A "No Loitering or Public Drinking" sign that is a minimum of 4 × 6 inches shall be posted outside next to every exit.
- 7. 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.
- 8. The restaurant 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.
- 9. A minimum of one on-duty manager with authority over the activities within the restaurant shall be on the premises at all times that the restaurant 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 California Department of Alcoholic Beverage Control. The restaurant shall be responsible for discouraging illegal and criminal activity on the subject premises and any exterior area under its control.
- 10. Within the first six months of the Restaurant Beverage Program-Alcohol Sensitive Use Zone administrative clearance, all employees involved with the sale of alcohol shall enroll in a training program as required by the California Department of Alcoholic Beverage Control and/or the Los Angeles Police Department, such as the California Department of Alcoholic Beverage Control "Responsible Beverage Service" (RBS) training program. Upon completion of such training, the restaurant shall request the Los Angeles Police Department or California Department of Alcoholic Beverage Control to issue a letter identifying which employees completed the training. Said letter shall be maintained on the premises and shall be made available to the City upon request. All required training shall be conducted for all new hires within three months of their employment.

e. Administration.

1. Upon submission of an application for the Restaurant Beverage Program-Alcohol Sensitive Use Zone administrative clearance, the applicant shall pay the fees required per LAMC Section 19.04 for: Administrative Clearance - Restaurant Beverage Program; Monitoring Restaurant Beverage Program Compliance; and Inspection and Field Compliance Review of Operations. The applicant must also submit the following with the application:
 - i. A floor plan and site plan to the Department of City Planning demonstrating compliance with the requirements and standards pursuant to Section 12.22 A.35 of the LAMC;
 - ii. The flyer or other summary including the restaurant name, contact information, projected opening date, menu and alcohol to be sold (beer, wine, and/or distilled spirits) prepared and presented for outreach purposes pursuant to LAMC Section 12.22 A.35(a)(2);
 - iii. Proof of outreach conducted pursuant to LAMC Section 12.22 A.35(a)(2) which shall include an official agenda listing the restaurant as intending to apply for the Restaurant Beverage Program- Alcohol Sensitive Use Zone or a letter on organization letterhead attesting to the appearance or presence of the applicant before the Board; and,
 - iv. A revocable permit from the Bureau of Engineering, Department of Public Works is required for any outdoor dining area located in the public right-of-way. A copy of the approved revocable permit, including a plan and any conditions thereto, shall be provided to the Department of City Planning prior to placing any seating in the public right-of-way as permitted by this provisional administrative clearance.
2. Prior to the administrative clearance, a Covenant and Agreement, on a form provided by the Department of City Planning, acknowledging and agreeing to comply with all the terms established herein shall be recorded in the County Recorder's Office. The Covenant and Agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning.
3. The City shall have the authority to conduct inspections to verify compliance with any and all of the requirements and standards pursuant to Section 12.22 A.35 of this Code. Upon payment of fees pursuant to Section 19.04, the applicant is subject to the following:
 - i. Within the first 24 months of the administrative clearance, an inspector will conduct a site visit to assess compliance with, or violations of, any of the provisions of Section 12.22 A.35. A second inspection shall take place within 36 months of the first inspection.

- ii. The owner and operator shall be notified in writing 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.
- 4. The City Council District office, the Los Angeles Police Department, and the Certified Neighborhood Council within which the restaurant is located shall be notified at the time an application for the Restaurant Beverage Program-Alcohol Sensitive Use Zone, pursuant to LAMC Section 12.22 A.35, is filed. If the restaurant is not within the boundaries of a Neighborhood Council, then notification to only the applicable Council District office shall be sufficient.
- 5. If three citations for violating the Restaurant Beverage Program-Alcohol Sensitive Use Zone, LAMC Section 12.22 A.35 (a) through (e), are issued to the restaurant in any two-year period, the existing administrative clearance shall terminate and the restaurant shall not be eligible to rely on the exception to Section 12.21 A.10 or Section 12.24 W.1 of the LAMC provided by Section 12.22 A.35 of the LAMC for five years commencing on the date of the third citation.
 - i. A citation shall include citations issued by the Los Angeles Police Department or Orders to Comply issued by the Department of Building and Safety.
 - ii. The California Department of Alcoholic Beverage Control shall be notified by the Los Angeles Police Department or other enforcement agency of the issued citations.
- 6. Upon completion of a one year provisional period, which begins the day following issuance of administrative clearance and ends 365 days thereafter, the restaurant's compliance with provisions for the sale and dispensing of alcoholic beverages, as authorized under Section 12.22 A.35, shall be subject to a review, by the Department of City Planning, of the number of validated complaints received by the City pertaining to Section 12.22 A.35. Validated complaints shall consist of complaints which result in any of the following City enforcement actions:
 - i. Orders to Comply issued by the Department of Building and Safety for violations of the provisions of Section 12.22 A.35; and
 - ii. Citations issued by the Los Angeles Police Department for violations of the provisions of Section 12.22 A.35; and
 - iii. Any other City enforcement-related action for violations of the provisions of Section 12.22 A.35:
 - a. In response to complaints submitted by the public through a City complaint portal or
 - b. As a result of City-initiated inspections

7. If a restaurant receives five or more valid complaints upon the completion of the one year provisional period, the existing administrative clearance shall terminate and the restaurant shall not be eligible to use Section 12.22 A.35 as an exception to Section 12.21 A.10 of the LAMC. Restaurants that are ineligible under Section 12.22 A.35 and wish to continue the sale or dispensing of alcoholic beverages shall only be permitted pursuant to Section 12.24 W1.
8. If a restaurant receives four or fewer valid complaints upon completion of the one year provisional period, the restaurant shall be allowed to continue in the Restaurant Beverage Program- Alcohol Sensitive Use Zone. The restaurant shall continue to be subject to the provisions set forth in Section 12.22 A.35.
9. The owner or the operator of the restaurant shall reapply for the provisional administrative clearance if there is:
 - i. a change in State alcohol license type;
 - ii. a modification to the floor plan, including, but not limited to, floor area or number of seats, or a modification to outdoor seating; or
 - iii. a change in the ownership or the operator of the restaurant.