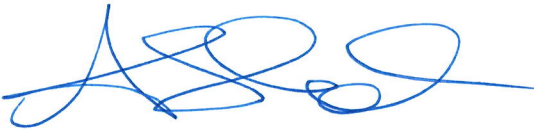


ANALYSIS

This ordinance amends Title 22 – Planning and Zoning of the Los Angeles County Code to revise alcoholic beverage sales regulations, add definitions, amend permitted uses in several zoning designations, and establish "deemed-approved" performance standards for legally-established businesses selling alcoholic beverages without a conditional use permit.

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County Counsel

By 

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Deputy County Counsel
Property Division

SC:ph

Requested: 05-17-17

Revised: 08-07-17

ORDINANCE NO. 2017-0038

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code to revise alcoholic beverage sales regulations, add definitions, amend permitted uses in several zoning designations, and establish "deemed-approved" performance standards for legally-established businesses selling alcoholic beverages without a conditional use permit.

SECTION 1. Section 22.08.020 is hereby amended to read as follows:

22.08.020 B.

...

— "Bar" means an establishment selling alcoholic beverages for on-site consumption as a principal use.

...

SECTION 2. Section 22.08.030 is hereby amended to read as follows:

22.08.030 C.

...

— ~~Cabaret.~~

A. ~~"Cabaret" means any bar, cocktail lounge or restaurant, wherein entertainment, as described in Sections 143.2, 143.3 and 143.4 of the Rules and Regulations, Chapter 1, Title 4, California Administrative Code (California State Department of Alcoholic Beverage Control) is provided, except that this subsection shall not be construed to authorize any entertainment, conduct or activity prohibited by said Rules and Regulations.~~

~~B. "Cabaret" shall also include any establishment which provides any entertainment and/or activity described in the aforesaid Rules and Regulations, whether or not alcoholic beverages are dispensed.~~

...

— "Cocktail lounge" means an establishment selling alcoholic beverages for on-site consumption as a principal use.

...

SECTION 3. Section 22.08.140 is hereby amended to read as follows:

22.08.140 N.

...

~~— "Nightclub" means any bar, cocktail lounge or restaurant, other than a cabaret, wherein live entertainment is provided and an occupant load of at least 200 people is established.~~

...

SECTION 4. Section 22.24.100 is hereby amended to read as follows:

22.24.100 Uses Subject to Permits.

Property in Zone A-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use or for off-site consumption as an accessory use to a campground or recreational trailer park, subject to Part 32 of Chapter 22.52.

...

— Recreation clubs, private, including tennis, polo and swimming; where specifically designated a part of an approved conditional use permit, such use may include a pro shop, and/or restaurant and bar as appurtenant accessory uses.

...

SECTION 5. Section 22.24.150 is hereby amended to read as follows:

22.24.150 Uses Subject to Permits.

Property in Zone A-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use or for off-site consumption as an accessory use to a campground or recreational trailer park, subject to Part 32 of Chapter 22.52.

...

— Recreation clubs, private, including tennis, polo and swimming; where specifically designated a part of an approved conditional use permit, such use may include a pro shop, and/or restaurant and bar as appurtenant accessory uses.

...

SECTION 6. Section 22.28.060 is hereby amended to read as follows:

22.28.060 Uses Subject to Permits.

Premises in Zone C-H may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use, subject to Part 32 of Chapter 22.52.

...

— Recreation clubs, private, including tennis, polo and swimming; where specifically designated a part of an approved conditional use permit, such use may include a pro shop, and/or restaurant ~~and bar~~ as appurtenant accessory uses.

...

SECTION 7. Section 22.28.110 is hereby amended to read as follows:

22.28.110 Uses Subject to Permits.

Premises in Zone C-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for either on-site and/or off-site consumption, including bars and cocktail lounges, subject to the requirements of ~~Section 22.56.195~~ Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges, but excluding cabarets.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 8. Section 22.28.160 is hereby amended to read as follows:

22.28.160 Uses Subject to Permits.

Premises in Zone C-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for either on-site and/or off-site consumption, including bars and cocktail lounges, subject to the requirements of ~~Section 22.56.195~~ Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 9. Section 22.28.210 is hereby amended to read as follows:

22.28.210 Uses Subject to Permits.

Premises in Zone C-3 may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for ~~either on-site~~ and/or off-site consumption, including bars and cocktail lounges, ~~subject to the requirements of Section 22.56.195~~ Part 32 of Chapter 22.52.

...

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 10. Section 22.28.260 is hereby amended to read as follows:

22.28.260 Uses Subject to Permits.

Premises in Zone C-M may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for either on-site and/or off-site consumption, including bars and cocktail lounges, subject to the requirements of ~~Section 22.56.195~~ Part 32 of Chapter 22.52.

...

— ~~Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 11. Section 22.28.320 is hereby amended to read as follows:

22.28.320 Uses Subject to Permits.

Premises in Zone C-R may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for either on-site and/or off-site consumption, including bars and cocktail lounges, subject to the requirements of ~~Section 22.56.195~~ Part 32 of Chapter 22.52.

...

— ~~Bars and cocktail lounges.~~

— ~~Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 12. Section 22.28.390 is hereby amended to read as follows:

22.28.390 Uses Subject to Permits.

A. Premises in Zone C-RU may be used for the following uses, provided that a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for ~~either on-site~~ and/or off-site consumption, including bars and cocktail lounges, subject to the requirements of ~~Section 22.56.195~~ Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges, but excluding cabarets.~~
~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 13. Section 22.28.450 is hereby amended to read as follows:

22.28.450 Uses Subject to Permits.

A. Premises in Zone C-MJ may be used for the following uses, provided that a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for either on-site and/or off-site consumption, including bars and cocktail lounges, subject to the requirements of ~~Section 22.56.195~~ Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges, excluding cabarets.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 14. Section 22.32.070 is hereby amended to read as follows:

22.32.070 Uses Subject to Permits.

A. Premises in Zone M-1 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for either on-site and/or off-site consumption, including bars and cocktail lounges, subject to the requirements of ~~Section 22.56.195~~ Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

— Tasting rooms, remote, subject to the applicable provisions of Part 23 of Chapter 22.52.

...

SECTION 15. Section 22.32.140 is hereby amended to read as follows:

22.32.140 Uses Subject to Permits.

A. Premises in Zone M-1.5 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for either on-site and/or off-site consumption, including bars and cocktail lounges, subject to the requirements of ~~Section 22.56.195~~ Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

— Tasting rooms, remote, subject to the applicable provisions of Part 23 of Chapter 22.52.

...

SECTION 16. Section 22.32.190 is hereby amended to read as follows:

22.32.190 Uses Subject to Permits.

A. Premises in Zone M-2 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for either on-site and/or off-site consumption, including bars and cocktail lounges, subject to the requirements of ~~Section 22.56.195~~ Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges.~~
~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

— Tasting rooms, remote, subject to the applicable provisions of Part 23 of Chapter 22.52.

...

SECTION 17. Section 22.40.220 is hereby amended to read as follows:

22.40.220 Uses Subject to Permits.

Premises in Zone R-R may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use or for off-site consumption as an accessory use to a campground or recreational trailer park, subject to Part 32 of Chapter 22.52.

...

— Recreation clubs, private, including tennis, polo and swimming; where specifically designated a part of an approved conditional use permit, such use may include a pro shop, and/or restaurant and bar as appurtenant accessory uses.

...

B. The following uses, provided such uses are on a lot or parcel of land having an area of not less than one acre and are within 600 feet of a recreational use permitted in the zone:

...

— Bars and cocktail lounges, subject to Part 32 of Chapter 22.52.

...

SECTION 18. Section 22.40.280 is hereby amended to read as follows:

22.40.280 Uses Subject to Permits.

Premises in Zone W may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use or for off-site consumption as an accessory use to a campground or recreational trailer park, subject to Part 32 of Chapter 22.52.

...

SECTION 19. Section 22.40.430 is hereby amended to read as follows:

22.40.430 Uses Subject to Permits.

Premises in Zone O-S may be used for the uses listed herein subject to any additional conditions which may be imposed pursuant to subsection C:

A. The following uses, provided that a conditional use permit has first been obtained, as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit for:

...

— Alcoholic beverages, the sale of, for on-site consumption as an accessory use or for off-site consumption as an accessory use to a campground or recreational trailer park, subject to Part 32 of Chapter 22.52.

...

SECTION 20. Section 22.40.475 is hereby amended to read as follows:

22.40.475 Uses Subject to Permits.

Premises in Zone MXD may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

A. The following uses may be in either a mixed use or a commercial-only development:

...

— Alcoholic beverages, the sale of, for either on-site and/or off-site consumption, including bars and cocktail lounges, subject to the requirements of ~~Section 22.56.195~~ Part 32 of Chapter 22.52.

~~— Bars and cocktail lounges.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 21. Section 22.40.820 is hereby amended to read as follows:

22.40.820 Uses Subject to Permits.

A. Premises in Zone MXD-RU may be used for the following uses, provided that a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

...

— Alcoholic beverages, the sale of, for either on-site and/or off-site consumption, including bars and cocktail lounges, subject to the requirements of ~~Section 22.56.195~~ Part 32 of Chapter 22.52.

...

~~— Bars and cocktail lounges, but excluding cabarets.~~

~~— Beer and wine, the concurrent sale of, with motor vehicle fuel, subject to the requirements of Sections 22.56.195 and 22.56.245.~~

...

SECTION 22. Section 22.52.2460 is hereby amended to read as follows:

22.52.2460 Tasting Rooms—Permit Requirements.

A. Applicable Use Permit. ~~An applicant may request that the Hearing Officer or the Commission consider a~~ A tasting room CUP application shall be considered in accordance with the minor CUP provisions of Section 22.56.085, unless:

1. The subject lot or parcel of land is located ~~in~~ within:

a. A national recreation area, or within one mile of a national recreation area;

b. ~~An area of undue concentration for alcoholic beverage sale establishments, as undue concentration is described in Section 22.56.195.B.3 of this Title 22A~~ 500-foot radius of any use selling alcoholic beverages for on-site and/or off-site consumption; or

c. A high crime reporting district, as described in the California Alcoholic Beverage Control Act and the regulations adopted under that Act; or

...

SECTION 23. Section 22.52.2480 is hereby amended to read as follows:

22.52.2480 Remote ~~T~~asting ~~R~~ooms—Operating ~~R~~egulations.

...

B. In zones C-1, C-2, C-3, C-M, and C-R, M-1, M-1.5, and M-2, remote tasting rooms shall comply with the operating regulations for tasting rooms set forth in Section 22.52.2450, except that they may hold a wine event, as defined in Section 22.52.2400.B.3, without a temporary use permit, provided that:

...

SECTION 24. Section 22.52.2490 is hereby amended to read as follows:

22.52.2490 Remote Tasting Rooms—Permit Requirements.

A. ~~Applicable Use Permit. An applicant may request that the Hearing Officer of the Commission consider a~~ A remote tasting room CUP application shall be considered in accordance with the minor CUP provisions of Section 22.56.085 unless:

1. The subject lot or parcel of land is located ~~in~~ within:

a. A national recreation area or within one mile of a national recreation area;

b. ~~An area of undue concentration for alcoholic beverage sale establishments, as undue concentration is described in Section 22.56.195.B.3 of this~~

~~Title 22A~~ 500-foot radius of any use selling alcoholic beverages for on-site and/or off-site consumption;

c. A high crime reporting district, as described in the California Alcoholic Beverage Control Act and/or the regulations promulgated thereunder adopted under that Act; or

...

SECTION 25. Part 32 of Chapter 22.52 is hereby added to read as follows:

PART 32

ALCOHOLIC BEVERAGE SALES

22.52.3600 Purpose.

22.52.3610 Definitions.

22.52.3620 Alcoholic Beverage Sales Within Specific Plans and

Supplemental Districts.

22.52.3630 Operating Regulations for Uses Subject to Conditional

Use Permit.

22.52.3640 Findings for Uses Subject to Conditional Use Permit.

22.52.3650 Conditions of Approval for Uses Subject to Conditional

Use Permit.

22.52.3660 Deemed-Approved Uses.

22.52.3670 Performance Standards for Deemed-Approved Uses.

22.52.3680 Revocation of Deemed-Approved Status.

22.52.3600 Purpose.

The purpose of this Part 32 is to provide comprehensive regulations for alcoholic beverage sales to protect and promote public health, safety, comfort, convenience, and general welfare. These regulations shall not apply to tasting rooms and remote tasting rooms, which are regulated by Part 23 of this Chapter.

22.52.3610 Definitions.

The following definitions apply to this Part 32:

- A. "Fresh produce" means any edible portion of a fresh fruit or vegetable, whether offered for sale whole or pre-sliced.

- B. "General purpose retailer" means a retail establishment, such as a big box store, supermarket, grocery store, drug store, or convenience store which sells alcoholic beverages and food products.

- C. "Whole grains" means any food from either:
 - 1. A single ingredient product of the seed or fruits of various food plants, such as brown rice, whole oats, quinoa, or barley; or

 - 2. A pre-packaged grain product, such as whole wheat bread or whole wheat crackers, in which the word "whole" appears first in the ingredients list of the product.

22.52.3620 Alcoholic Beverage Sales Within Specific Plans and

Supplemental Districts.

If a zone or land use category within a Specific Plan or Supplemental District is silent with respect to alcoholic beverage sales, the Director may accept a conditional use permit application for alcoholic beverage sales if the Director determines that such sales are accessory to another use permitted within such zone or land use category. The conditional use permit application shall be subject to the provisions of this Part 32 and Part 1 of Chapter 22.56.

22.52.3630 Operating Regulations for Uses Subject to Conditional

Use Permit.

The following operating regulations shall apply to any use selling alcoholic beverages for off-site consumption, which is the subject of a conditional use permit application filed on or after the effective date of the ordinance creating this Part 32:

A. If the use is located within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the shelf space devoted to alcoholic beverages shall be limited to five percent of the total shelf space, as depicted on the approved shelf plan.

B. The use shall offer a minimum of three varieties of fresh produce free from spoilage and a minimum of two whole grain items for sale on a continuous basis. These products shall be displayed in high-visibility areas meeting one or more of the following criteria, as depicted on the approved floor plan and/or shelf plan:

1. Within ten feet of the front door;

2. Within five feet of a cash register;
3. At eye-level on a shelf or within a cooler, refrigerator, or freezer case;
4. On an end cap of an aisle; or
5. Within a display area dedicated to produce that is easily accessible to customers.

C. All employees of the use who directly serve or are in the practice of selling alcoholic beverages, including managers and security personnel, shall participate in the License Education on Alcohol and Drugs Program provided by the California Department of Alcoholic Beverage Control or a similar program, such as Standardized Training for Alcohol Retailers. A certificate or plaque indicating participation in the training program shall be displayed in a publicly accessible area of the use, such as the lobby. Proof of employees' completion of the training program shall be available upon request.

D. The following operating regulations shall also apply if the use is an automobile service station that sells alcoholic beverages for off-site consumption:

1. Distilled spirits shall not be sold;
2. Alcoholic beverages shall not be displayed within five feet of the cash register or the front door, unless the alcoholic beverages are displayed in a permanently affixed cooler;
3. Alcoholic beverages shall not be displayed in an ice tub;
4. Alcoholic beverages shall not be sold from a drive-in window;

5. Alcoholic beverage advertising shall not be displayed on motor fuel islands, and self-illuminated alcoholic beverage advertising shall not be located on buildings or windows; and

6. If the conditional use permit authorizes alcoholic beverage sales between the hours of 10:00 p.m. and 2:00 a.m., employees on duty shall be at least 21 years of age in order to sell alcoholic beverages.

E. The regulations in subsections A and B, above, may be modified by the Commission or Hearing Officer subject to Section 22.52.3640.C.

22.52.3640 Findings for Uses Subject to Conditional Use Permit.

A. Additional Findings. In addition to the findings required by Section 22.56.090.A, the Commission or Hearing Officer shall approve an application for a conditional use permit for alcoholic beverage sales where the information submitted by the applicant, or presented at public hearing, substantiates the following findings:

1. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius;

2. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity, so as not to adversely affect said area;

3. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and

4. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood, so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

B. Public Convenience or Necessity.

1. In addition to the findings required by Section 22.56.090.A and subsection A, above, the Commission or Hearing Officer shall make a finding of public convenience or necessity when:

a. The requested use is located in a high crime reporting district or in an area of undue concentration, pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act; or

b. A use selling alcoholic beverages for off-site consumption is proposed within a 500-foot radius of another use selling alcoholic beverages for off-site consumption.

2. A finding of public convenience or necessity shall be based upon review and consideration of relevant factors, which shall include, but not be limited to, the following:

a. The extent to which the requested use would duplicate services and, therefore, contribute to an over-concentration of similar uses;

b. The extent to which alcoholic beverage sales are related to the function of the requested use, and the possibility of the use operating in a viable manner without alcohol sales;

- c. The extent to which the requested use will enhance the economic viability of the area;
 - d. The extent to which the requested use will enhance recreational or entertainment opportunities in the area;
 - e. The extent to which the requested use compliments the established or proposed businesses within a specific area;
 - f. The ability of the requested use to serve a portion of the market not served by other uses in the area;
 - g. The convenience of purchasing alcoholic beverages at the requested use in conjunction with other specialty food sales or services;
 - h. The aesthetic character and ambiance of the requested use;
- and
- i. The extent to which the requested use, location, and/or operator has a history of law enforcement problems.

C. Modifications.

1. When approving a modification to the alcoholic beverage shelf space limitation provided in Section 22.52.3630.A, the Commission or Hearing Officer shall make at least one of the following additional findings:

- a. The requested use is not located in a high crime reporting district, as described in the California Alcoholic Beverage Control Act and the regulations adopted under that Act;

b. The requested use is a specialty retailer with a unique product mix that requires a greater allocation of shelf space to alcoholic beverages than would be the case for a general purpose retailer; or

c. The requested use involves the relocation of a use that was not previously subject to the alcoholic beverage shelf space limitation provided in Section 22.52.3630.A, and the new location will allocate less shelf space to alcoholic beverages than was the case at the previous location.

2. When approving a modification to the fresh produce and whole grain sales requirement provided in Section 22.52.3630.B, the Commission or Hearing Officer shall make an additional finding that the requested use is not a general purpose retailer and is located in an area with sufficient access to fresh produce and whole grains.

22.52.3650 Conditions of Approval for Uses Subject to Conditional

Use Permit.

A. In addition to the conditions allowed by Section 22.56.100, the Commission or Hearing Officer may impose additional conditions to ensure that the requested use will be in accord with the findings required by Section 22.52.3640. Such conditions may involve pertinent factors affecting the establishment, operation and maintenance of the requested use including, but not limited to:

1. Limitations on the days of the week and times of day during which alcoholic beverages may be sold;

2. Requirements to purchase existing liquor license(s) issued by the California Department of Alcoholic Beverage Control within a specified area to ensure that the number of such liquor licenses within such specified area is not increased or is reduced;

3. Restrictions on live music, live entertainment, dancing, or other similar activities;

4. Restrictions on "happy hour" specials, "two for one" alcoholic beverage specials, or other similar specials or promotions;

5. Restrictions and regulations related to exterior lighting to ensure proper illumination during operating hours, while preventing impacts to neighboring uses;

6. Restrictions on the size of alcoholic beverage containers that may be sold on the premises; and

7. Restrictions on packaging related to the number of alcoholic beverage containers in a package.

B. The conditions of approval shall be retained on the premises at all times and shall be immediately produced upon request by agents of the Department of Regional Planning, the Sheriff's Department, or the California Department of Alcoholic Beverage Control. The manager and all employees shall be knowledgeable of the conditions of approval.

C. Any use which operates in violation of the conditions of approval may be subject to the modifications and revocations provisions in Part 13 of Chapter 22.56.

22.52.3660 Deemed-Approved Uses.

A. As of the effective date of the ordinance creating this Part 32, any legally-established use that sells alcoholic beverages without a conditional use permit, and which did not require a conditional use permit to sell alcoholic beverages, pursuant to Title 22, at the time it was established, shall be considered a deemed-approved alcohol sales use for the purposes of this Part 32.

B. Each deemed-approved alcohol sales use shall retain its deemed-approved status and shall not require a conditional use permit, as long as it complies with the performance standards provided in Section 22.52.3670 and does not have its deemed-approved status revoked pursuant to Section 22.52.3680.

C. Notwithstanding subsection B, above, a deemed-approved alcohol sales use shall require a conditional use permit when:

1. The use proposes to change the type of alcoholic beverages to be sold by changing the type of retail liquor license within a license classification;

2. The use substantially changes its mode or character of operation, which includes, but is not limited to:

a. A 10-percent increase in the floor area devoted to alcoholic beverage sales or inventory; or

b. A 25-percent increase in facing used for the display of alcoholic beverages.

3. The use has been abandoned, has discontinued operation, or has ceased selling alcoholic beverages for at least three consecutive months.

22.52.3670 Performance Standards for Deemed-Approved Uses.

Each deemed-approved alcohol sales use shall comply with the following performance standards:

A. The use shall be operated and maintained in accordance with Title 22 and all other applicable local, State, or federal codes, laws, rules, regulations and statutes, including those of the California Department of Alcoholic Beverage Control.

B. The premises shall be maintained free of garbage, trash, debris, or junk and salvage in exterior areas, except in designated trash collection containers and enclosures.

C. All portions of the premises visible to public view including, but not limited to, any structure, wall, fence, sidewalk, curb, ground surface, vehicle, rock, or other surface, shall be maintained free of graffiti. In the event of graffiti occurring, the operator shall remove such graffiti within 24 hours of such occurrence, weather permitting. Paint utilized in covering such graffiti shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

D. The premises shall be maintained with all signage required by Title 22, or other applicable State and local law including, but not limited to, signs prohibiting loitering, public drinking, and/or the presence of open alcoholic beverage containers on the premises.

E. Temporary window signs shall comply with Title 22, and the view into the interior of the use from any parking lot, public street, or other right-of-way shall not be

otherwise obstructed by refrigerator cases, promotional displays, equipment, or any other items.

F. The operator shall maintain a current and valid County business license and shall conduct business in full accordance with any and all conditions imposed therein.

G. The operator shall not cause, allow, or permit nuisance and other unlawful activities on the premises including, but not limited to:

1. Loitering;
2. Drinking alcoholic beverages and/or possessing open alcoholic beverage containers in exterior portions of the premises, other than in a designated patio or other area approved for on-site consumption by the California Department of Alcoholic Beverage Control and/or the Department of Regional Planning;
3. Littering;
4. Creating excessive noise that does not comply with Title 12 to the satisfaction of the Department of Public Health, especially in the late night or early morning hours;
5. Disturbing the peace;
6. Engaging in illegal tobacco sales, drug activity, gambling or prostitution;
7. Trafficking in stolen goods;
8. Harassing of passerby or business patrons;
9. Panhandling;

10. Engaging in acts of vandalism; and
11. Otherwise engaging in conduct that is unlawful and/or constitutes a

nuisance.

H. The operator shall take all reasonable steps to ensure that the conditions and activities on the lot or parcel of land on which the use is located do not constitute a public nuisance. For purposes of this performance standard, reasonable steps include, but are not limited to, the following:

1. Requesting that those persons engaging in conduct that constitutes a nuisance to cease such conduct, unless the operator has reasonable cause to believe such request may jeopardize his or her personal safety;

2. Calling the Sheriff's Department if the operator's attempts to abate the nuisance conduct have been unsuccessful, or if the operator has reasonable cause to believe such attempts may jeopardize his or her personal safety; and

3. 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 establishment, prohibiting persons from using any portion of the premises for the installation and/or operation of a temporary business or other use, and/or other preventive actions.

22.52.3680 Revocation of Deemed-Approved Status.

A. After a public hearing, as provided in subsection B, below, the Commission may revoke the deemed-approved status of a deemed-approved alcohol sales use due to non-compliance with the performance standards in Section 22.52.3670

and require a conditional use permit for any subsequent sale of alcoholic beverages on the subject premises.

B. Public Hearing.

1. A public hearing may be initiated by the Board of Supervisors, the Commission, or the Director.

2. At least 30 days before the public hearing, the Director shall provide written notice to the operator and the property owner, if different than the operator. Notice shall also be posted on the premises in accordance with Section 22.60.175, provided to all property owners within a 500-foot radius of the use, or a larger radius if determined necessary by the Director, and published once in a newspaper of general circulation in the County of Los Angeles, available in the community in which the use is located.

3. After consultation with the Sheriff's Department and the California Department of Alcoholic Beverage Control, the Director shall prepare a report regarding the use's compliance with the performance standards in Section 22.52.3670 for consideration by the Commission at the public hearing.

4. At the public hearing, the Commission shall determine whether the use is in compliance with the performance standards in Section 22.52.3670. In making its determination, the Commission may consider the following:

a. The length of time that the use has been out of compliance with the performance standards in Section 22.52.3670;

b. The impact of the violation of the applicable performance standards in Section 22.52.3670 on the community; and

c. Any information regarding the operator's efforts to remedy the violation of the applicable performance standards in Section 22.52.3670.

5. The public hearing may be continued, as provided in Section 22.60.178. The public hearing shall not be suspended if there is a subsequent change of operator or a subsequent change of property owner, if different than the operator.

6. At the close of the public hearing, the Commission may allow the use to retain its deemed-approved status, or may revoke the deemed-approved status when the information in the Director's report, or presented at public hearing, substantiates the following findings:

a. Due to non-compliance with the performance standards in Section 22.52.3670, the use results in adverse effects to the health, welfare, peace, or safety of persons visiting, residing, working, or conducting business in the surrounding area; and

b. Due to non-compliance with the performance standards in Section 22.52.3670, the use jeopardizes or endangers the public health, welfare, or safety of persons visiting, residing, working, or conducting business in the surrounding area.

7. At the close of the public hearing, the Commission shall publicly announce the appeal period for filing an appeal of its action. In addition, the

Commission shall serve notice of its action upon the operator and the property owner, if different than the operator, and any persons testifying or speaking at the public hearing.

8. The Commission's action may be appealed to the Board of Supervisors, or called up for review by the Board of Supervisors, in accordance with Part 5 of Chapter 22.60.

C. If a use continues to sell alcoholic beverages without a conditional use permit after its deemed-approved status is revoked, the operator and property owner, if different than the operator, shall be subject to the enforcement procedures of Part 6 of Chapter 22.60. In addition, the operator and property owner, if different than the operator, shall be subject to any civil and criminal remedies necessary to ensure compliance with the County Code. Enforcement procedures and pursuit of civil and criminal remedies shall not be suspended if there is a subsequent change of operator or a subsequent change of property owner, if different than the operator.

SECTION 26. Section 22.56.195 is hereby deleted in its entirety.

SECTION 27. Section 22.56.245 is hereby deleted in its entirety.

SECTION 28. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Mark Ridley-Thomas
Chairman

ATTEST:

Lori Glasgow

Lori Glasgow
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of September 19, 2017 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

<u>Ayes</u>		<u>Noes</u>	
Supervisors	<u>Hilda Solis</u>	Supervisors	<u>None</u>
	<u>Mark Ridley-Thomas</u>		
	<u>Sheila Kuehl</u>		
	<u>Janice Hahn</u>		
	<u>Kathryn Barger</u>		

Effective Date: October 19, 2017

Operative Date: _____

Lori Glasgow

Lori Glasgow
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

LORI GLASGOW
Executive Officer
Clerk of the Board of Supervisors

By [Signature]
Deputy



APPROVED AS TO FORM:
MARY C. WICKHAM
County Counsel

By [Signature]
Lester J. Tolnai
Chief Deputy County Counsel