

# Land Use Planning as a Tool to Reduce Alcohol-Related Harms in our Community

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# Get to know the Planning System of the City of Los Angeles

## 5 Key Players:

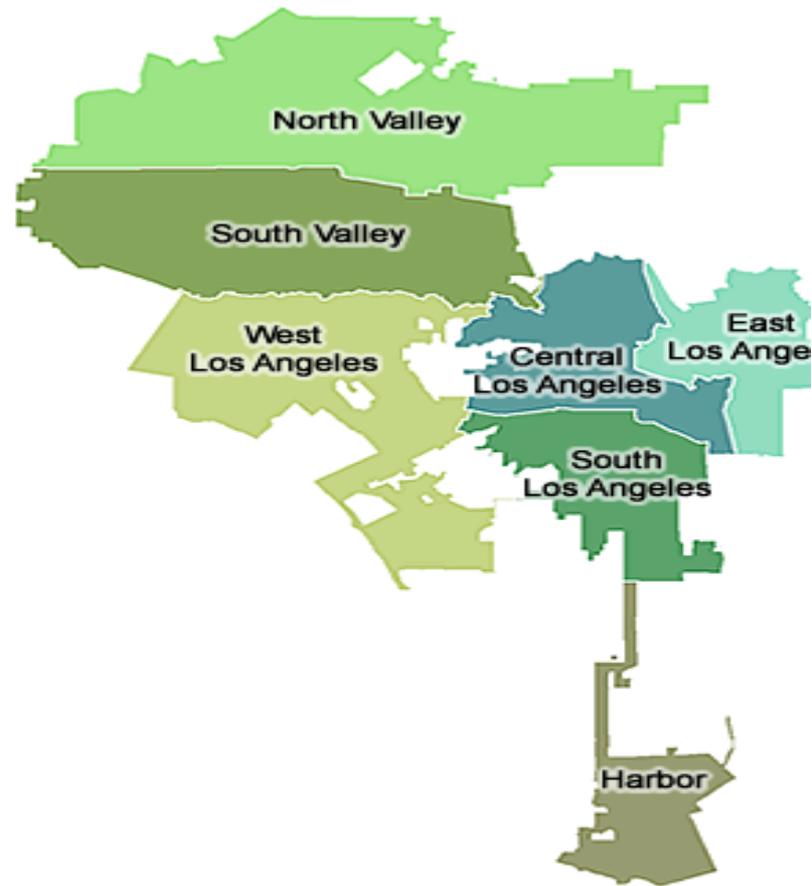
1. Mayor
2. City Planning Commission (CPC)
3. Area Planning Commissions (APCs)
4. Planning and Land Use Management Committee of the City Council (PLUM)
5. Planning Department

# City Planning Commission and Area Planning Commission

- CPC makes decisions on individual planning matters and makes recommendations regarding such broad rules as the general plan. It doesn't manage the planning department. Much of the commission's role is to render advice on the general plan and other planning matters. There are nine members who are appointed by the Mayor.
- The 7 APCs are an innovation created in the 2000 City Charter. As quasi-judicial bodies, APCs have the responsibility to hear appeals on local land use matters and may exercise other powers granted to them by ordinance. Members are appointed by the Mayor and confirmed by the city council and may be removed by the Mayor alone. Each commission has 5 members all of whom must live within the region served by the APC.

# Seven APCs

- Central
- East Los Angeles
- Harbor
- North Valley
- South Los Angeles
- South Valley
- West Los Angeles



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# The Planning System

- Most important task is creation of the general plan which guides development throughout the city that includes such elements as land use, open space, housing, seismic safety, and public safety.
- Specific Plans are a means of implementing the general plan.
- Community Plans cover 35 community planning areas and local zoning must be consistent with local land use plans.

# Rules for Granting Variances

- The Office of Zoning Administration within the Planning Department is a quasi-judicial agency.
- The ZAs , who are civil servants, are to recommend approval or rejection of applications for variances from zoning regulations.

# Appealing Land Use Decisions

- Variances granted may be appealed to the APC and from there to either the CPC, city council, or both.
- No appeal is possible if a variance is denied by the APC.
- However, all planning decisions made by city commissions are subject to review and amendment by the city council under Charter Section 245.

# Powers of the APCs

- Hearing appeals of land use decisions made by city planning staff, such as variances from zoning regulations.
- Advocates of self-governing entities hope APCs become the template for a decentralized system of land use governance.
- Decisions should be based on the best interest of the public or how it benefits the public – that is the mandate – not based on self imposed economic hardships of applicants.
- Have discretion to impose more/modify conditions.

# Limiting Alcohol Outlet Density

- The State of CA Alcoholic Beverage Control (ABC) has the authority to license and regulate the sale of alcoholic beverages and is required to inform local government of applications.
- Local government can use land use powers to influence the process by limiting the number of new alcohol outlets allowed by the city general plans or impose operating restrictions on new or existing outlets.

# Overturning ZA's Findings

- Applicant must make the opposite findings

# Existing Alcohol Outlets

- ZAs and/or APCs can implement ordinances that require
  1. off-premises outlets to comply with performance standards

*Ex: properly maintained premises that do not adversely affect the surrounding community*

2. owners/employees do not permit or facilitate unlawful behavior

*Ex: sales to minors, public consumption on the property or surrounding sidewalk*

# New Alcohol Outlets

- ZAs and/or APCs can implement zoning ordinances requiring applicants to obtain a “conditional use permit” (CUP) prior to ABC license approval that includes restrictions on:
  - location/density
  - hours of sale
  - types of beverages sold
  - licensee conduct

# Role of Community Members

- Can participate in public hearings for new outlets – highlighting areas where on-premises or off-premises outlets are oversaturated.
- Can inform or collaborate with ABC in identifying problem outlets.
- Can ask for revocation of a license for continued violations.
- Work with LAPD who will usually testify against CUP for sale of alcohol.
- Bring out residents, youths, church leaders, parents, school administrators, seniors, CBOs, substance abuse prevention groups who are concerned about alcohol to testify at hearings.

# Compliance Checks

- ZAs and APCs can require regular retailer/vendor education to deter sales of underage youth (e.g. Responsible Beverage Sales and Service Training, ID Checks) in combination with compliance checks.
- Though Responsible Beverage Sales and Service Training is voluntary, it can be required locally through CUPs.
- The LAPD STAR (Standardized Training for Alcohol Retailers) is a no-cost option for those employed in the alcoholic beverage service industry.