

**Motion re CUB/Alcohol Conditions  
(Recommended by WRAC, as modified by PPCC)**

Whereas, the City of Los Angeles has imposed land use conditions in Conditional Use Beverage (CUB) permits for decades to protect public health, safety and welfare by mitigating potential impacts due to the sale or service of alcohol, as recommended by the LAPD, Council Offices, neighborhood councils, community councils, and local residents; and

Whereas, the Department of City Planning suddenly reversed this decades-long practice in 2012, on the advice of the City Attorney's Office, with no public notice, no public process, no public hearings, and no direction from the City Council, which is charged with policy- making authority; and

Whereas, Zoning Administrators are currently using the Plan Approval Process to remove previously-imposed conditions designed to avoid or mitigate actual or potential land use impacts adverse to public health, safety and welfare; and

Whereas, municipalities throughout the State of California have and continue to impose land use conditions to mitigate adverse impacts that may otherwise arise from the sale or service of alcohol, including local jurisdictions such as West Hollywood and the County of Los Angeles, among others; and

Whereas, the City's current practice undermines the ability of the City and local communities to protect against potential land use impacts that are adverse to public health, safety and welfare, including but not limited to potential nuisances, by restricting the imposition of conditions on, among other things, hours of sale of alcohol, happy hours, container sizes, types of alcohol sold, and other similar rules and regulations; and

Whereas, California courts have repeatedly affirmed that municipalities have broad police powers to impose land use conditions that protect against potentially adverse impacts on public health, safety and welfare arising from the sale or service of alcohol; and

Whereas, the California Department of Alcoholic Beverage Control (ABC) has not advised the City that the imposition of such land use conditions interferes with ABC's enforcement of State law; and

Whereas, implementation of this new policy not only impairs the ability of the LAPD, Council Offices, and communities to protect public health, safety and welfare, but also interferes with the ability of CUB applicants to garner support for their projects by negotiating for the imposition of mutually agreed-upon conditions, as had been done for decades before the current practice was imposed, which forces communities to oppose projects they could otherwise support with proper conditions:

Now, therefore, be it Resolved that Pacific Palisades Community Council calls upon the City Council to adopt a policy to:

- (1.) Consistent with the practice of other jurisdictions state-wide and the City's decades-long practice prior to 2012, authorize the imposition of land use conditions

- that protect public health, safety and welfare by mitigating potential adverse impacts from the sale or service of alcohol;
- (2.) Maintain and enforce previously-imposed in effect CUB conditions on the sale or service of alcohol; and
  - (3.) Prohibit the future removal of previously-imposed conditions outside the Plan Approval Process mandated under the City Charter and Zoning Code.

*Adopted by PPCC Board 4/14/16*  
*Submitted to City Council 4/17/16*