

BOARD REPORT

NO. 23-085

DATE April 20, 2023

C.D. ALL

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: REVISION OF THE DEPARTMENT OF RECREATION AND PARKS ALCOHOLIC BEVERAGE POLICY

B. Aguirre	_____	M. Rudnick	_____
*B. Jackson	<u>Bj</u>	C. Santo Domingo	_____
		N. Williams	_____



 General Manager

Approved _____ Disapproved _____ Withdrawn X

If Approved: Board President _____ Board Secretary _____

RECOMMENDATIONS

1. Approve the revised Department of Recreation and Parks (RAP) Alcoholic Beverage Policy as set forth in Attachment 1 to this Report and as described in the Summary of this Report, effective immediately upon approval of this Report by the Board of Recreation and Park Commissioners (Board); and
2. Authorize RAP staff to make technical corrections, as may be necessary to carry out the intent of this Report.

SUMMARY

The Department of Recreation and Parks' Alcoholic Beverage Policy (Policy) was last revised in 1986. At the request of the Board, RAP staff has prepared proposed revisions to the Policy in an effort to streamline approval procedures and align with RAP's current liability policies. The revised Policy would lift the current limits on events that serve alcoholic beverages, which may provide more opportunities for festivals, events, or other gatherings for the community.

The proposed revised Policy, which was reviewed by RAP's Risk Manager for insurance and liability requirements and the Chief Park Ranger for security requirements, is set forth in Attachment 1 to this Report. It is marked to show the changes from the current Policy, with strikethroughs being the language proposed to be removed and bold print are the words proposed to be added. Some notable changes are as follows:

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- Introduction
 - Remove the limitation of alcoholic beverages being beer and wine only.
 - Give RAP's General Manager (GM) the authority to grant special waivers to the Alcohol Beverage Policy.
- Department Authority for Approval
 - Remove the limitation of the number of events approved annually or per region to sell or serve alcoholic beverages.
 - The sale or serving of alcoholic beverages at all RAP facilities with the exception of special event venues named in the Policy, must be approved by the GM or RAP staff designated by the GM, at the level of a Superintendent or above.
- Location
 - Added RAP Staff designated by the GM, at the level of a Superintendent or above, in addition to GM, as the approver of the serving or sale of alcoholic beverages at events held within RAP buildings or open areas of parks and recreation centers.
- Control
 - Stipulated that there can be no less than two security officers at the event.
 - Emphasized that individuals under the age of 21 are not allowed within an alcohol containment area at an event.
- Licenses and Permits
 - Give the RAP Superintendent or equivalent, rather than RAP's GM, the authority to accept and approve the permittee's plot plan, proposed number of security guards, security contract, and proposed method for verification of alcohol sales.
 - Permittee must submit to the LAPD Area Division Commander a "Request for LAPD Consideration of Alcohol Dispensing Permit" (Form attached to this Report as Attachment 2), rather than a "Beer or Wine" Dispensing Permit.
- Insurance
 - Instructions updated to comply with RAP's current liability policies and procedures and adding the requirement for broad form liquor liability coverage.
 - The permittee must have their insurance broker upload the necessary insurance coverage to KwikComply, the City's insurance compliance management system, and provide the Superintendent or equivalent with the approval number at least two weeks prior to the event.
- Department Permit Fees
 - Increase the refundable deposit from \$150 to \$500 for each day alcoholic beverages are to be sold.

Staff recommends approval of the revised Policy.

FISCAL IMPACT STATEMENT

The approval of the revised Alcoholic Beverage Policy will have no fiscal impact on RAP's General Fund.

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STRATEGIC PLAN INITIATIVES AND GOALS

Approval of this Board Report advances RAP's Strategic Plan by supporting:

Goal No. 6: Build Financial Strength and Innovative Partnerships

Outcome No. 2: Improve management of Department rental facilities and concessions
Enhance the quality of services offered to the public

This Report was prepared by Jennifer Sapone, Senior Management Analyst I, Recreation Services Branch, Program Grants Section.

LIST OF ATTACHMENTS

1. Proposed Revised Alcohol Beverage Policy
2. Request for LAPD Consideration of Alcohol Dispensing Permit Form

DEPARTMENT OF RECREATION AND PARKS
ALCOHOLIC BEVERAGE POLICY
 SALE, SERVING AND CONSUMPTION OF ALCOHOLIC BEVERAGES
 (~~BEER & WINE ONLY~~) ~~REVISED APRIL 1986~~ **Revised April 2023**

The provisions set forth within this policy govern the sale, service and /or consumption of alcoholic beverages in all Department **of Recreation and Parks (Department)** operated parks and recreation facilities with the exception of those facilities where ongoing alcoholic beverage sales have been authorized by the Board **of Recreation and Park Commissioners (Board)** pursuant to a written concession agreement or separate board policy. The major factors to be considered in determining approval of alcoholic beverage sales on Department property are patron safety, property protection, and prevention of minors' consumption of alcoholic beverages. ~~For the purposes of this policy the term "alcoholic beverages" refers only to beer and wine. The sale, serving and / or consumption of any other type of liquor is not permitted on Recreation and Parks Department property except at specific locations where permission is granted by contract or separate Board Policy (i.e. Friendship Auditorium).~~

All persons and/or agencies wishing to sell, serve or consume alcoholic beverages on Department property must either comply with the provisions listed herein or apply for and obtain a special waiver of provision(s) from the ~~Board of Recreation and Park Commissioners~~ **General Manager of the Department**. Department staff shall notify the Los Angeles Police Chief's Office **when the sale, serving and/or consumption of alcoholic beverages is associated with a City sponsored event. When the sale, serving and/or consumption of alcoholic beverages is associated with a private or permitted event, the permittee is responsible for notification to the Los Angeles Police Chief's office.** ~~of the date of Board consideration of any request to waive this policy or any of its provisions.~~

1. Department Authority for Approval

The General Manager **of the Department** is responsible for approving or disapproving requests for alcohol consumption in Department parks and recreation facilities within the parameters of this policy, and to issue instructions to Department employees in connection with the enforcement of this policy.

The criteria to be considered in the General Manager's determination for approval includes but are not limited to, the following: applicant's past performance under similar conditions; expected community involvement in proposed event and/or community sensitivity or resistance to alcohol consumption in proposed area; capability and availability of City resources to support event; proposed utilization of revenues generated by sales; applicant's experience, resources, and ability to appropriately conduct alcoholic beverages sales or service; possible interruption of Department sponsored programs or previously scheduled events; Department experience with similar events; general interference with or disruption of the public's normal enjoyment of Department facilities; etc.

If the General Manager determines that a permit should not be issued because the conditions of this policy have not or cannot be complied with, the General Manager shall ~~so~~ inform the applicant by delivering a brief written statement explaining the reason(s) for denial.

~~The General Manager may not approve the sale or serving of alcoholic beverages at more than five public open-area events per region per year, or more than one event for any one park per year. However, this limitation does not pertain to events conducted exclusively within Department buildings~~

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~~provided that the number of persons in attendance shall not exceed the occupancy load established by the Fire Department and the Department of Building and Safety; or to small private gatherings which are conducted during weekdays in remote areas away from the general public and are not open to the public.~~

~~Pursuant to the General Manager's approval, considerations listed herein above, the five allowable alcoholic beverage events per year shall be determined on a first-come, first-served basis, but cannot be requested or approved prior to January 1, of the year of the proposed event.~~

~~In order to obtain permission for additional events in any region after the limit of five events has been approved, the applicant must obtain written certification from the Chief's Office of the Los Angeles Police Department that adequate police resources can be made available for the event, and approval from the Board of Recreation and Park Commissioners.~~

All requests for the sale or service of alcoholic beverages at Department facilities with the exceptions of special event venues, which include Brand Park Community Center, Orcutt Ranch Horticultural Center, Grace E. Simons Lodge, Friendship Auditorium, Griffith Park Visitor's Center Auditorium, Wattles Mansion, Pershing Square, Monticillo De Leo Politti, Cabrillo Beach Bathhouse, Ramona Hall, Exposition Park and Rose Garden, and the Greek Theatre, must be approved by the General Manager or RAP staff designated by the General Manager, at the level of a Superintendent or above.

2. Location

In accordance with the provisions set forth herein the General Manager **or RAP staff designated by the General Manager, at the level of a Superintendent or above**, shall approve or disapprove the serving or sale of alcoholic beverages at events held exclusively within Department buildings where the number of persons in attendance does not exceed the building's occupancy load established by the Fire Department and the Department of Building and Safety, ~~and/or to~~ **which are** small private gatherings which are conducted during week days in remote areas away from the general public and **which** are not open to the public; provided that in either case, such alcoholic dispensing and consumption does not interfere with or disrupt the public's normal use or enjoyment of Department facilities.

In addition, the General Manager **or RAP staff designated by the General Manager, at the level of a Superintendent or above**, may approve the sale and/or serving of alcoholic beverages at special events which are conducted in open areas of parks and recreation centers where no permanent containment facilities exist **ONLY** if the permittee provides temporary containment of the area in which the alcoholic beverages are to be sold and consumed by using temporary physical barriers, and complies with all other provisions set forth in this policy. The required barriers may be constructed by a variety of methods and materials (i.e., picket fencing, flame proofed hay bales, stanchions and cable, etc.)

However, the barriers must be connecting and completely surround the area where alcoholic beverages are to be sold and consumed, except for one opening to allow ingress and egress. The barricaded area must be of a sufficient size to allow patrons adequate space within the confined area, and must ~~be located as close as possible to an available telephone.~~ **have access to a telephone and/or cell phone coverage.** The barriers must not be so restrictive that rapid and safe egress from the area is prevented if emergency evacuation becomes necessary. The permittee shall provide ample seating within the area to accommodate the patrons and post a sign at the entrance prohibiting patrons within the area from carrying the alcoholic beverages out of the contained area. Such sign shall be **clearly** visible to patrons

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inside the area. ~~The p~~Permittee shall provide ample trash containers within the area to accommodate all trash generated by the concession. **Alcohol sales must end one hour prior to the conclusion of the event.**

3. Control

When alcoholic beverages are to be served, a Department employee ~~shall~~ **must** be on duty and immediately available for the duration of the event. In addition, for every 100 participants expected the permittee shall employ the services of one uniformed security officer, but not less than two officers per event. The uniforms worn by security employees shall be worn for identification purposes and need not be limited to police-type or security-type uniforms. ~~However, the General Manager shall approve the selected uniform prior to the event.~~ **The Department staff person in charge of the facility shall approve the appropriate uniform. For outdoor events with an anticipated attendance of more than 250, the p**permittee shall pay the security officer(s) directly and independently of any fees required to be paid to the Department. **For indoor events, hall rentals, or outdoor events with an anticipated attendance of 250 or less, the Department may collect the security fees for the service and pay the contracted security vendor as determined by the identified Department liaison per the permit.**

Where alcoholic beverages are to be sold within a temporarily contained area, at least one uniformed security officer shall remain inside the contained area at all times during the event. ~~If available, the Department prefers that permittee employ off-duty Department Park Rangers and/or Police Officers from neighboring cities and counties, in sufficient number to coordinate and supervise civilian security personnel as required by this policy. If Park Rangers and Police Officers are not available and If~~ Permittee wishes to employ a ~~private~~ **non-contracted** security agency, such agency must be registered and approved by ~~with~~ the Los Angeles Police Commission. **The security agency is responsible for ensuring each security guard assigned to the event possesses a State of California guard card and, if armed, must have the training credentials to be an armed security guard within the City of Los Angeles.** Permittee shall employ such registered security officers in sufficient numbers **but no less than two.** ~~to coordinate and supervise civilian security personnel as required by this policy.~~

Permittee shall instruct security officers to maintain order within the area, ~~prevent ingress and egress of minors unattended by adults,~~ **do not allow individuals under the age of 21 in the alcohol containment area**, prevent patrons from carrying drinks out of the area, and prevent over-consumption of alcoholic beverages. If the required security officers fail to report to duty and/or are unable to remain on duty for the duration of the event, the **permittee must immediately cease the operation of serving alcohol or the Department has the option to close down the event if a security guard is not present.** ~~Department shall enlist its own security officer(s) and assess the permittee for reimbursement of their salaries. Two weeks prior to the scheduled date of the event, the permittee shall present to the General Manager~~ **Superintendent or equivalent**, a signed security contract or equivalent verification of adequate proposed security for the event.

4. Licenses and Permits

The permittee must submit in writing to the ~~General Manager~~ **Superintendent or equivalent**, a plot plan of the ~~containment~~ **contended** area, the proposed number of security guards, the security contract, and the proposed method of accounting for and verification of **alcohol** sales; and obtain the ~~General Manager's~~ **Superintendent or equivalent's** written approval of ~~the~~ same. ~~The p~~Permittee shall also obtain the necessary licenses and permits from the California State Alcoholic Beverage Control Board, City Clerk,

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Fire Department, Police Department and County Health Department; and shall meet all other requirements and restrictions applicable to the special use of Department Facilities. Permittee shall present copies of all permits and required documents at least two weeks in advance of the scheduled event. The approved Department permit, ABC License, and plot plan shall remain at the sales or serving site during all hours of operation and be available for inspection upon request by a Department representative or law enforcement official.

At least thirty (30) days prior to the scheduled event, Permittee must complete and submit to the LAPD Area Division Commander, a "Request for ~~Beer or Wine~~ **Alcohol** Dispensing Permit" and receive written recommendation of the Division Area Commander. (See Attached Form "Request for LAPD Consideration of ~~Beer or Wine~~ **Alcohol** Dispensing Permit." ~~Form No. RP 0029.~~)

5. Insurance

~~The~~ Permittee must meet the Department's regular insurance requirements for special events. Additionally, the permittee's required **general liability** insurance policy **must include broad form liquor liability coverage and must include the City as an additional insured** ~~of public liability and property damage which additionally insures the Department must also include liquor liability coverage.~~ The limits of liability must be at least \$1,000,000. The permittee's paid employees must also be covered by worker's compensation and **the** permittee must provide the Department proof of such coverage **with a waiver of subrogation**. All necessary insurance documents must be submitted to the Department Insurance Coordinator **on KwikComply (<https://kwikcomply.org/>), and upon successful submission by a licensed insurance broker, a Certificate Approval Number will be received. This approval number must be provided to the Superintendent or equivalent** at least two weeks prior to the event.

6. Department Permit Fees

For the privilege of selling alcoholic beverages on Department owned and/or operated facilities, the permittee shall remit to the Department an agreed upon percentage of gross receipts from all alcoholic beverage sales (which percentage shall not be less than 20%).

The Department shall designate a Department employee to be on duty at the alcohol sale or serving site at all times during the event. Permittee shall reimburse the Department for the full cost of any overtime worked by the employee during the scheduled event. Scheduling of said employee shall be at the sole discretion of the ~~General Manager~~ **Superintendent or equivalent**.

The permittee must also remit to the Department in advance of the event, a refundable deposit of ~~\$150~~ **\$500** for each day alcoholic beverages are to be sold. The deposit shall be refunded to the permittee if all provisions of the policy have been complied with and no additional expenses have been incurred as a result of the permitted beverage sales. Permittee shall pay to the Department all fees and charges listed herein in addition to any other fees assessed by the Department for the event, such as Building Use Fee, Facility Use Fee, etc.

7. Collection and Verification of Proceeds

The permittee must utilize an accounting system that accurately records and provides verification of the gross **alcohol sales** receipts. The permittee, together with a Department representative, shall account for all proceeds from the sale of alcoholic beverages at the end of each operating day. The permittee

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shall remit the agreed upon percentage of gross **alcohol sales** receipts (but not less than 20% of gross receipts on alcohol beverage sales) to the Department before leaving the Department facility at the close of the event.

The Department will return the ~~\$150~~**\$500**/day permit deposit to the permittee after the Department's verification that all provisions were complied with and no additional costs were incurred as a result of the permitted alcoholic beverage sales. If the amount of any additional costs incurred by the Department exceeds the amount of the deposit, the permittee shall remit to the Department the total difference; and the Department shall retain the total deposit for reimbursement of its costs. If the additional costs incurred by the Department are less than the amount of the deposit, the Department shall refund the difference to the permittee.

CITY OF LOS ANGELES
DEPARTMENT OF RECREATION AND PARKS
REQUEST FOR LAPD CONSIDERATION OF ~~BEER OR WINE DISPENSING~~ **ALCOHOL
DISPENSING PERMIT**

Region: _____ ~~Region Manager~~ **Superintendent**: _____

Facility: _____ Address: _____

Director In Charge: _____ Telephone No. _____

Special Event: _____ Date: _____

Estimated Attendance: _____ Number of Security Officers: _____

Sponsoring Organization: _____

Address: _____ Telephone No. _____

Authorized Representative: _____

Address: _____ Telephone No. _____

Name of Person(s) in charge and available on site during the event: _____

Designated Area – Prepare plot plan on back of sheet (Indicate closest telephone to designated area).

Approved By: _____
Region ~~Manager~~ **Superintendent** Signature

I understand that those persons consuming alcoholic beverages outside the designated area indicated herein are subject to arrest.

Applicant Signature

Recommendation by Area Captain:

Approval ()

Disapproval () Reason for disapproval: _____