

APPROVED

REPORT OF GENERAL MANAGER

NO. 14-023

DATE February 5, 2014

FEB 05 2014

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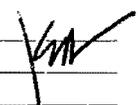
**BOARD OF RECREATION
& PARK COMMISSIONERS**

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: PERSHING SQUARE – ST. PATRICK’S DAY EVENT 2014 – SIXTH
EVENT TO SERVE ALCOHOLIC BEVERAGES

R. Adams _____
R. Barajas _____
H. Fujita _____

V. Israel _____
*K. Regan _____
N. Williams _____


General Manager

Approved

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board approve a sixth outdoor community event for 2014, with alcohol, in the Metro Region. This request is being made for the St. Patrick’s Day event to be held at Pershing Square on March 17, 2014, in accordance with the Board’s Alcoholic Beverage Policy (Attached).

SUMMARY:

For the past 14 years, Pershing Square has held a St. Patrick’s Day celebration, which attracts approximately 4,000 patrons each year for about a three (3) hour time period. The event is scheduled to take place on March 17, 2014, and will include a Celtic rock band and Irish dancers. As part of the event, pending Board approval, it is intended that beer and wine be made available for those who wish to purchase it. The serving of beer and wine will be allowed only in a “beer garden” area, and will meet all State and local regulations, as well as the Board’s approved policy regarding alcohol. Previous St. Patrick’s Day events at Pershing Square have been very well organized and without incident.

The Board’s Alcohol Beverage Policy requires that an outdoor community event where alcoholic beverages are sold, beyond the five (5) events allowed per region, per calendar year, must obtain additional approval from the Board. Metro Region receives a large volume of permit requests each year for outdoor community events and festivals. This is due to the number of large venues available within the region.

The number of requests for alcohol-related special events in the Metro Region for this year, will exceed the Board pre-approved established policy limit of five (5). The five (5) events already scheduled for the year are: the Seoul International Korean Festival; the Pershing Square Summer Concert Series; the Audubon Society event at Debs Park; the Lotus Festival at Echo Park; and the Lummis Days Festival at the Arroyo Seco.

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The Assistant General Manager of the Operations Branch as well as the Pershing Square Park Advisory Board support both this event and the request to serve alcohol.

FISCAL IMPACT STATEMENT:

There is no negative impact to the Department's General Fund. However, twenty percent (20%) of the sales from the alcoholic beverages will help to cover the event's expenses.

This report was prepared by Bertha Calderon, Management Analyst, Metro Region

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

The provisions set forth within this policy govern the sale, service and/or consumption of alcoholic beverages in all Department operated parks and recreation facilities with the exception of those facilities where ongoing alcoholic beverage sales have been authorized by the 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 provisions(s) from the Board of Recreation and Park Commissioners. Department staff shall notify 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 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 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.

ALCOHOLIC BEVERAGE POLICY - (continued)

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.

2. Location

In accordance with the provisions set forth herein the General Manager 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 small private gatherings which are conducted during week days in remote areas away from the general public and 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 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. 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 visible to patrons inside the area. The permittee shall provide ample trash containers within the area to accommodate all trash generated by the concession.

3. Control

When alcoholic beverages are to be served, a Department employee shall 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. Permittee shall pay the security officer(s) directly and independently of any fees required to be paid to the Department.

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 Permittee wishes to employ a private security agency, such agency must be registered and approved by the Los Angeles Police Commission. Permittee shall employ such registered security officers in sufficient number to coordinate and supervise civilian security personnel as required by this policy.

ALCOHOLIC BEVERAGE POLICY - (continued)

Permittee shall instruct security officers to maintain order within the area, prevent ingress and egress of minors unattended by adults, 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 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 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 a plot plan of the controlled area, the proposed number of security guards, the security contract, and the proposed method of accounting for and verification of sales; and obtain the General Manager's written approval of same. The permittee shall also obtain the necessary licenses and permits from the California State Alcoholic Beverage Control Board, City Clerk, 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 consideration of Beer or Wine Dispensing Permit" and receive written recommendation of the Division Area Commander. (See Attached Form "Request for LAPD Consideration of Beer or Wine 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 insurance policy 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 permittee must provide the Department proof of such coverage. All necessary insurance documents must be submitted to the Department Insurance Coordinator 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.

The permittee must also remit to the Department in advance of the event, a refundable deposit of \$150 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

ALCOHOLIC BEVERAGE POLICY - (continued)

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

The Department will return the \$150/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.