

# REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: June 4, 2025

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso  
Chief Legislative Analyst

Council File No. 25-0002-S47  
Assignment No. 25-05-0457

SUBJECT: Resolution (Rodriguez – Lee) relative to support for Assembly Bill 592 (Gabriel)

CLA RECOMMENDATION: Adopt Resolution (Rodriguez – Lee) to include in the City's 2025-2026 State Legislative Program SUPPORT for Assembly Bill 592 (Gabriel), which would allow for permanent outdoor, patio, and al fresco dining at restaurants, among other changes.

## SUMMARY

Resolution (Rodriguez – Lee), introduced on May 23, 2025, states that the City has historically supported the restaurant and food services industries through financial incentives and business support programs, including during the COVID-19 pandemic when the City relaxed outdoor dining restrictions to keep restaurants open. Additionally, the Resolution notes that the promotion of outdoor dining and related measures supports restaurants by providing flexibility to adapt to changing circumstances and customer desires, ensuring restaurants remain competitive and profitable.

On February 12, 2025, State Assemblymember Jesse Gabriel introduced Assembly Bill (AB) 592 which would allow for permanent outdoor, patio, and al fresco dining at restaurants, including the following:

- Extend relief from parking requirements to outdoor dining, on a permanent basis;
- Extend provisions to authorize a permitted food facility to prepare and serve food as a temporary satellite food service, on a permanent basis;
- Authorize a permitted food facility to use open windows, folding doors, or nonfixed store fronts during hours of operation, on a permanent basis;
- Extend alcohol sales provision relief measures through January 1, 2029; and
- Provide that no reimbursement to local agencies and school districts is required by this act for the application of statutory provisions.

The Resolution states that enacting AB 592 would allow restaurants to serve customers in open-air environments without the fear of sudden regulatory change, and enable restaurants to fully operate their businesses with open sections to take advantage of the City's famous climate, providing options for restaurants to attract potential customers. This Resolution seeks to support AB 592.

### BACKGROUND

The Resolution states that over 90,000 restaurants have closed down around the country since the onset of the COVID-19 pandemic.

Existing law, the Alcoholic Beverage Control Act, is administered by the Department of Alcoholic Beverage Control (DABC) and regulates the granting of licenses for the manufacture, distribution, and sale of alcoholic beverages within the state, including the power to prescribe rules to carry out the purposes and intent of existing law, and to enable the department to exercise the powers and perform the duties conferred upon it.

In 2020, DABC, in response to the COVID-19 virus, established prescribed temporary relief measures to suspend certain legal restrictions relating to, among other things, the expansion of a licensed footprint, sales of alcoholic beverages to-go, and delivery privileges. Existing law authorized the department, for a period of 365 days following the end of the state of emergency proclaimed by the Governor on March 4, 2020, in response to the COVID-19 pandemic, to permit licensees to exercise license privileges in an expanded area authorized pursuant to a COVID-19 Temporary Catering Authorization that was approved in accordance with the Fourth Notice of Regulatory Relief issued by the department. As a result of the expiration of the Emergency Order, existing law makes these provisions effective only until July 1, 2026, and repeals them as of that date. This bill, instead, would make those provisions operative until January 1, 2029, repeal those provisions on that date, and make conforming changes.

### Existing State Regulations

Existing law, to the extent that an outdoor expansion of a business to mitigate COVID-19 pandemic restrictions on indoor dining interferes with, reduces, eliminates, or impacts required parking for existing uses, requires a local jurisdiction that has not adopted an ordinance that provides relief from parking restrictions for expanded outdoor dining areas to reduce the number of required parking spaces for existing uses by the number of spaces that the local jurisdiction determines are needed to accommodate an expanded outdoor dining area. Existing law makes these provisions operative only until July 1, 2026, and repeals them on that date. This bill, instead, would make those provisions operative indefinitely. Because the bill would require local officials to perform additional duties for an extended period, the bill would impose a state-mandated local program.

Existing law in the California Retail Food Code establishes uniform health and sanitation standards for, and provides for regulation by the State Department of Public Health of, retail food facilities. Existing law restricts satellite food service to limited food preparation in a fully enclosed permanent food facility that meets specified requirements. Existing law requires a permanent food facility, before conducting satellite food service, to submit to the enforcement agency written operating standards. Existing law, until July 1, 2026, authorizes a permitted food

facility within any local jurisdiction that is subject to retail food operation restrictions related to a COVID-19 public health response to prepare and serve food as a temporary satellite food service without obtaining a separate satellite food service permit or submitting written operating procedures. With regard to those provisions that authorize a permitted food facility to prepare and serve food as a temporary satellite food service, this bill, instead, would make those provisions operative indefinitely.

Existing law requires permanent food facilities to be fully enclosed in a building consisting of permanent floors, walls, and an overhead structure that meet prescribed minimum standards. This bill would, instead, require a permanent food facility to be in a building that consists of permanent floors, walls, and overhead structure, as prescribed, and fully enclosed during hours of nonoperation, and would authorize the facility to use open windows, folding doors, or nonfixed store fronts during hours of operation.

#### Existing City Regulations

At present, regulation for these matters is handled by the Department of Building and Safety's Code Enforcement Bureau.

On December 15, 2023, City Council adopted the Ordinance No. 188073, the Al Fresco Ordinance, that amends provisions of Los Angeles's Zoning Code to facilitate outdoor dining on private property for restaurant owners who wish to offer outdoor dining in private property areas including, but not limited to, parking lots, patios, and plazas. Specifically, the ordinance makes the temporary zoning relief measures for private property introduced during the pandemic that allowed restaurant operators to utilize their parking spaces to facilitate outdoor dining a permanent policy.

#### AB 592

AB 592 would allow restaurants in the City to serve customers in expanded footprints on a permanent basis. Temporary relief from existing requirements provided restaurants with a lifeline during the COVID-19 pandemic, helping to stave off business closures, lost jobs, and minimized tax impact. In a non-emergency environment, permanent removal of these regulations would support restaurants by allowing them to attract customers with open-air dining opportunities and provide for additional capacity for guests, maximizing profitability.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.

#### DEPARTMENTS NOTIFIED

DEPARTMENT OF BUILDING AND SAFETY

ECONOMIC AND WORKFORCE DEVELOPMENT DEPARTMENT

BILL STATUS

2/12/25 - Introduced

3/3/25 - Amended and re-referred to Assembly Committee (AC) on Government Operations (ACGO)

4/7/25 - Amended and approved by ACGO; re-referred to AC on Health (ACH)

4/23/25 - Approved by ACH; re-referred to AC on Appropriations (ACA)

4/30/25 - Approved by ACA

5/8/25 - Amended by Assembly

5/15/25 - Approved by Assembly; ordered to the Senate

5/28/25 - Referred to Senate Committees on Government Operations and Health

  
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Alex Whitehead  
Analyst

Attachments: Resolution (Rodriguez – Lee)

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**RESOLUTION** RULES, ELECTIONS, INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, State, or federal governmental body or agency must first have been adopted in the form of a Resolution by the City Council; and

WHEREAS, the City has historically supported the restaurant and food services industries through financial incentives and business support programs, including during the COVID-19 pandemic when the City relaxed outdoor dining restrictions to keep restaurants open; and

WHEREAS, since the onset of the COVID-19 pandemic in early 2020, over 90,000 restaurants have closed down around the country, in part due to economic hardship; and

WHEREAS, the promotion of outdoor dining and related measures supports restaurants by providing flexibility to adapt to changing circumstances and customer desires, ensuring restaurants remain competitive and profitable; and

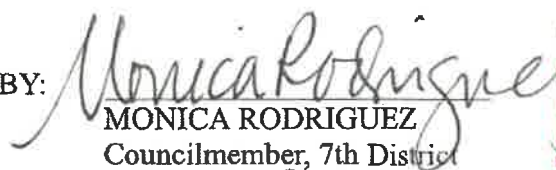
WHEREAS, Assembly Bill (AB) 592 (Gabriel), introduced on February 12, 2025, and currently before the California State Assembly Standing Committee on Health, seeks to enact legislation to allow for permanent outdoor, patio, and al fresco dining at restaurants, among other changes; and

WHEREAS, enacting AB 592 would allow restaurants to serve customers in open-air environments without the fear of sudden regulatory change, and enable restaurants to fully operate their businesses with open sections to take advantage of the City's famous climate, providing options for restaurants to attract potential customers; and

WHEREAS, support for AB 592 would be consistent with the City's historical encouragement and support of the restaurant industry in Los Angeles.

NOW, THEREFORE, BE IT RESOLVED, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2025-2026 State Legislative Program SUPPORT for AB 592 (Gabriel), which would allow for permanent outdoor, patio, and al fresco dining at restaurants, among other changes.

PRESENTED BY:

  
MONICA RODRIGUEZ  
Councilmember, 7th District

SECONDED BY:



ORIGINAL