



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: MAY 9, 2023

Case No. CPC-2022-8179-CA
CEQA: ENV-2022-8180-CE
Plan Area: Citywide

Council District: Citywide

Project Site: Citywide

Applicant: City of Los Angeles

At its meeting of **April 27, 2023**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Code Amendment:

An ordinance amending Sections 12.03, 12.10.5, 12.11.5, 12.12.2, 12.13, 12.13.5, 12.14, 12.21, 12.21.1, 12.22, 12.24, and 16.02.1 of the Los Angeles Municipal Code (LAMC) to clarify and streamline Zoning Code regulations regarding outdoor dining on private property. Outdoor dining that complies with the applicable standards would be permitted as a by-right use in any zones where restaurants are currently permitted. Any outdoor alcohol service would continue to require compliance with all applicable zoning regulations as stated in an existing or new discretionary approval or in compliance with the proposed new ministerial approval.

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Sections 15303 and 15311, and California Public Resources Code Section 21080.25, and there is no substantial evidence demonstrating that an exception to a Categorical Exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved** and **Recommended** that the City Council **adopt** the attached Proposed Ordinance;
3. **Recommended** that the City Council **instruct** that the Proposed Ordinance be incorporated into the New Zoning Code (future Chapter 1A of the Los Angeles Municipal Code), subject to changes to conform to the format and style of the New Zoning Code;
4. **Instructed** the Department of City Planning Staff to report to City Council with recommendations on allowing ambient music in an Outdoor Dining Area;
5. **Adopted** the Staff Recommendation Report as the Commission's Report on the subject; and
6. **Adopted** the attached Amended Findings.

The vote proceeded as follows:

Moved: Millman
Second: Choe
Ayes: Cabildo, Lawshe, Zamora
Absent: Leung, Mack, Perlman

Vote: 5 – 0



Cecilia Lamas, Commission Executive Assistant II
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission is final and not appealable.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Proposed Ordinance, Amended Findings

- c: Arthi Varma, Deputy Director
- Hagu Solomon-Cary, Principal City Planner
- Bonnie Kim, City Planner
- Mary Richardson, City Planning Associate
- Regina Joy Alcazar, Planning Assistant

ORDINANCE NO.

An ordinance amending Sections 12.03, 12.10.5, 12.11.5, 12.12.2, 12.13, 12.13.5, 12.14, 12.21, 12.21.1, 12.22, 12.24, and 16.02.1 of the Los Angeles Municipal Code (LAMC) in order to streamline outdoor dining provisions throughout the Zoning Code.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Sec. 1. Section 12.03 of Article 2 of Chapter 1 of the LAMC shall be amended to read as follows:

FLOOR AREA. (Amended by Ord. No. 182,386, Eff. 3/13/13.) The area in square feet confined within the exterior walls of a Building, but not including the area of the following: exterior walls, stairways, shafts, rooms housing Building-operating equipment or machinery, parking areas with associated driveways and ramps, space dedicated to bicycle parking, space for the landing and storage of helicopters, Outdoor Dining Areas, and Basement storage areas. Buildings on properties zoned RA, RE, RS, and R1, except properties in the Coastal Zone which are not designated as Hillside Area, are subject to the definition of Residential Floor Area.

OUTDOOR DINING AREA. A covered or uncovered, but not fully enclosed portion of a restaurant, with no more than one structural wall (not inclusive of movable delineators or fencing) which is located in a space that is outside of a wholly enclosed building or structure, including but not limited to an open to sky parking area, patio, courtyard, or plaza, and is used for the service and consumption of food and drinks by the patrons of the restaurant.

~~OUTDOOR EATING AREA.~~ ~~When used in Sections [12.12.2](#), [12.13](#), [12.14](#), [12.21.1](#) and [12.24](#), this term shall refer to a covered or uncovered portion of a ground floor restaurant which is not completely enclosed within the building; is used primarily for the consumption of food and/or drinks by the patrons of the restaurant; and is not larger than 50 percent of the dining area of the ground floor restaurant. A “ground floor” restaurant refers to any restaurant with an average finished floor elevation either below or not more than three feet above natural grade as measured from any point along the exterior building wall closest to the restaurant. (Amended by Ord. No. 165,403, Eff. 2/17/90.)~~

Sec. 2. (RAS3) Subdivision 2 of Subsection B of Section 12.10.5 of Article 2 of Chapter 1 of the LAMC shall be amended to read as follows:

2. All activities are conducted wholly within an enclosed building, except that restaurants may have ~~outdoor eating areas~~ Outdoor Dining Areas.

Sec. 3. (RAS4) Subdivision 2 of Subsection B of Section 12.11.5 of Article 2 of Chapter 1 of the LAMC shall be amended to read as follows:

2. All activities are conducted wholly within an enclosed building, except that restaurants may have ~~outdoor eating areas~~ Outdoor Dining Areas.

Sec. 4. (CR Limited) Subdivision 13 of Subsection A of Section 12.12.2 of Article 2 of Chapter 1 of the LAMC shall be amended to read as follows:

13. Restaurant, when conducted within a permitted office building, provided: that entrances to the restaurant are located inside of the building; that no sign or other form of advertising is visible from outside the office building; that no sign or other form of advertising is utilized in any manner whatsoever outside of the building as a means of advertising the restaurant; that the restaurant remains open for business only between the hours of 7 a.m. to 8 p.m., Monday through Saturday; and that no entertainment or dancing is conducted or permitted. Outdoor Dining Areas are permitted pursuant to 12.21 A.24. ~~An outdoor eating area for a ground floor restaurants may be located anywhere between the building and its required front yard, or between the building and any required side or rear yard which side or rear yard abuts a public street. (Amended by Ord. No. 165,403, Eff. 2/17/90.)~~

Sec. 5. (C1) Subparagraph 2 of Paragraph b of Subdivision 2 of Subsection B of Section 12.13 of Article 2 of Chapter 1 of the LAMC shall be amended to read as follows:

(2) All activities are conducted wholly within an enclosed building, except that ~~ground floor restaurants may have~~ Outdoor Dining Areas. ~~outdoor eating areas. An outdoor eating area for a ground floor restaurants may be located anywhere between the building and its required front yard, or between the building and any required side or rear yard which side or rear yard abuts a public street. (Amended by Ord. No. 165,403, Eff. 2/17/90.)~~

Sec. 6. (C1.5) Subparagraph 3 of Paragraph b of Subdivision 2 of Subsection A of Section 12.13.5 of Article 2 of Chapter 1 of the LAMC shall be amended to read as follows:

- (3) All activities, including storage, with the exception of Outdoor Dining Areas, shall be conducted wholly within an enclosed building.

Sec. 7. (C2) Subdivision 10 of Subsection A of Section 12.14 of Article 2 of Chapter 1 of the LAMC shall be amended to read as follows:

- (10) Restaurant, tea room or cafe (including entertainment other than dancing) or a ground floor restaurant with an Outdoor Dining Area ~~outdoor eating area~~. ~~An outdoor eating area for ground floor restaurants may be located anywhere between the building and any required side or rear yard.~~ **(Amended by Ord. No. 165,403, Eff. 2/17/90.)**

Sec. 8. A new Subdivision 24 shall be added to Subsection A of Section 12.21 of Article 2 of Chapter 1 of the LAMC to read as follows:

A. Use

24. Outdoor Dining Area Regulations for Restaurants

(a) Purpose. The purpose of this section is to establish development, operational, and maintenance standards to facilitate outdoor dining areas to support public health, safety, and welfare.

(b) Applicability. Outdoor Dining Areas on private property in all RAS, C, and M zones, and/or wherever restaurants are allowed, shall be permitted pursuant to the regulations in this Subsection. This ordinance and the Outdoor Dining Area standards expressed herein may, at the applicant's request, supersede conditions associated with outdoor dining which were previously applied under a discretionary approval.

(c) Eligibility. A restaurant which currently provides and/or proposes to offer Outdoor Dining Areas shall have all necessary permits to operate a restaurant. A restaurant, however, that has been the subject of a wage claim under either the California Labor Code or Article 8 (Los Angeles Office Of Wage Standards Ordinance) of Chapter 18 of the LAMC that resulted in an adverse order, decision or award shall not be eligible.

(d) Outdoor Dining Area Standards

(1) Operations

(i) Music, television monitors, screens and speakers are prohibited in Outdoor Dining Areas.

(ii) Live entertainment, dancing, pool tables, billiard tables, and adult entertainment uses are prohibited in Outdoor Dining Areas.

(iii) An Outdoor Dining Area shall operate no later than 11 p.m. if within 250 feet of a residential zone, not including the RAS zone.

a. Notwithstanding the above, an Outdoor Dining Area in a CR zone shall comply with the limitations of Sec. 12.12.2 A 13.

(iv) Outdoor Dining Areas shall be cleaned nightly and adjoining sidewalk areas shall be kept free of debris, litter and graffiti.

(v) A City-issued identification shall be posted in the Outdoor Dining Area and made clearly visible to the public, indicating that the area is subject to the standards of the Al Fresco Ordinance. This shall include a telephone number and an email address shall be provided for complaints or concerns regarding the operation of the Outdoor Dining Area.

(2) Parking Relief. When an Outdoor Dining Area is located in a building's parking area, automobile parking spaces may be replaced by Outdoor Dining Area.

(3) Alcohol Service

(i) In addition to the standards listed above in Sec. 12.21 A.24(d)(1) and (2), the following standards apply when alcohol service is provided in an Outdoor Dining Area on private property:

- a. All alcohol that is served shall be delivered to and served at tables by employees.
- b. All patrons shall be seated.
- c. Only fixed or portable bars not used as a point of sale are permitted in an Outdoor Dining Area.

(ii) When a revocable permit is issued for outdoor dining in the public right-of-way and alcohol service is proposed, the following standards apply and shall be enforced by the Department of Building and Safety:

- a. All alcohol that is served shall be delivered to and served at tables by employees.
- b. All patrons shall be seated.
- c. Only fixed or portable bars not used as a point of sale are permitted in an Outdoor Dining Area.

(e) Administration

(1) Alcohol Authorizations. Notwithstanding the provisions of 12.24 W.1, modifications or expansions of alcohol service for an Outdoor Dining Area shall be authorized pursuant to this Subsection through an administrative verification process.

(i) Restaurants shall be considered deemed to be approved and authorized to continue operations in compliance with the standards listed above in Sec. 12.21 A.24(d) if they meet the eligibility criteria listed below. No fee shall be charged for administrative

verification of AI Fresco deemed to be approved status. Deemed to be approved status must be obtained within six months of the expiration of the LA AI Fresco Authorization.

- a. Have a valid LA AI Fresco Authorization issued or renewed as of the effective date of this ordinance;
- b. Have a valid approval for alcohol service from the Department of City Planning or have existing alcohol sales with no conditional use approval prior to March 1, 1977; and
- c. Have a license to sell alcohol from the California Department of Alcoholic Beverage Control.

(ii) Restaurants that did not receive the above-stated deemed to be approved status shall be authorized to serve alcohol in Outdoor Dining Areas pursuant to an Expanded Outdoor Dining Area Clearance in compliance with the standards listed above in Sec. 12.21 A.24(d) if they meet the eligibility criteria listed below. The “Building Permit Clearance - Minor” fee pursuant to Sec. 19.04 of this Code shall be charged for an Expanded Outdoor Dining Area Clearance.

- a. Have a valid approval for alcohol service from the Department of City Planning or have existing alcohol sales with no conditional use approval prior to March 1, 1977; and
- b. Have a license to sell alcohol from the California Department of Alcoholic Beverage Control.

- (2) **Deviation.** Deviation from the Outdoor Dining Area standards in Sec. 12.21 A.24(d) may be requested through the approval of plans on the original discretionary entitlement pursuant to Sec. 12.24 M.
- (3) **Enforcement.** Non-compliance with the Outdoor Dining Area standards may result in enforcement actions pursuant to Sec. 12.27.1.
- (4) **Hazardous Site Assessment.** If the Outdoor Dining Area involves soil disturbance on land that is a known hazardous materials release site listed on the Hazardous Waste and

Substances Sites (Cortese) List, the applicant shall prepare a Phase I Environmental Site Assessment (ESA) and if needed, a Phase II ESA and comply with any necessary remediation(s). A No Further Action letter, or some other comparable documentation, issued by the appropriate regulatory agency shall be required.

(f) Relationship to Other Zoning Provisions. An Outdoor Dining Area shall not be considered a project nor require any design review procedures under any Specific Plan, Supplemental Use District, or other overlay, except for Historic Preservation Overlay Zones (HPOZs) pursuant to LAMC Section 12.20.3, including but not limited to the Ordinance Nos. listed below. Furthermore, the Outdoor Dining Area Standards in Section 12.21 A.24(d) shall prevail and supersede any conflicting provisions found in such Specific Plans, Supplemental Use Districts, or other overlays, except HPOZs, or Chapter I of this Code.

- (1) 171,139 (Alameda District Specific Plan)
- (2) 174,663 (Avenue 57 Transit Oriented District)
- (3) 182,576 (Bunker Hill Specific Plan)
- (4) 156,122 (Century City North Specific Plan)
- (5) 186,370 (Century City West Specific Plan)
- (6) 168,862 (Century City South Specific Plan)
- (7) 170,046 (Coastal Bluffs Specific Plan)
- (8) 186,105 (Coastal Transportation Corridor Specific Plan)
- (9) 185,042 (Coliseum District Specific Plan)
- (10) 178,098 (Colorado Boulevard Specific Plan)
- (11) 182,617 (Cornfield Arroyo Seco Specific Plan)
- (12) 184,795 (Crenshaw Corridor Specific Plan)
- (13) 168,937 (Devonshire/Topanga Corridor Specific Plan)
- (14) 186,402 (Exposition Corridor Transit Neighborhood
Plan)
- (15) 170,694 (Foothill Boulevard Corridor Specific Plan)
- (16) 171,946 (Glencoe/Maxella Specific Plan)
- (17) 184,296 (Granada Hills Specific Plan)
- (18) 168,121 (Hollywoodland Specific Plan)
- (19) 184,346 (Jordan Downs Urban Village Specific Plan)
- (20) 167,940 (Los Angeles Airport/El Segundo Dunes
Specific Plan)
- (21) 185,164 (Los Angeles International Airport (LAX)
Specific Plan)

- (22) 181,334 (Los Angeles Sports and Entertainment District Specific Plan)
- (23) 181,605 (Loyola Marymount University Specific Plan)
- (24) 167,943 (Mulholland Scenic Parkway Specific Plan)
- (25) 171,128 (North University Park Hills Specific Plan)
- (26) 163,202 (North Westwood Village Specific Plan)
- (27) 170,155 (Oxford Triangle Specific Plan)
- (28) 184,371 (Pacific Palisades Commercial Village and Neighborhood Specific Plan)
- (29) 184,539 (Paramount Pictures Specific Plan)
- (30) 162,530 (Park Mile Specific Plan)
- (31) 165,638 (Playa Vista Area B Specific Plan)
- (32) 165,639 (Playa Vista Area C Specific Plan)
- (33) 176,235 (Playa Vista Area D Specific Plan)
- (34) 180,083 (Porter Ranch Land Use/Transportation Specific Plan)
- (35) 175,736 (San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan)
- (36) 166,352 (San Pedro Specific Plan)
- (37) 173,381 (San Vicente Scenic Corridor Specific Plan)
- (38) 182,343 (University of Southern California University Park Campus Specific Plan)
- (39) 168,613 (Valley Village Specific Plan)
- (40) 175,693 (Venice Coastal Zone Specific Plan)
- (41) 174,052 (Ventura-Cahuenga Boulevard Corridor Specific Plan)
- (42) 173,749 (Vermont/Western Transit Oriented District Specific Plan (Station Neighborhood Area Plan))
- (43) 182,766 (Warner Center 2035 Plan)
- (44) 186,108 (West Los Angeles Transportation Improvement and Mitigation Specific Plan)
- (45) 187,644 (Westwood Village Specific Plan, Westwood Community Design Review Board Specific Plan)
- (46) 155,044 (Wilshire - Westwood Scenic Corridor Specific Plan)
- (47) 185,539 (San Pedro CPIO District)
- (48) 185,927 (South Los Angeles CPIO District)
- (49) 185,925 (Southeast Los Angeles CPIO District)
- (50) 184,268 (Sylmar CPIO District)

- (51) 184,794 (West Adams-Baldwin Hills-Leimert CPIO District)
- (52) 187,155 (Westchester - Playa del Rey CPIO District)
- (53) 180,871 (Broadway Theater and Entertainment District Design Guide)
- (54) 174,519 (Canoga Park-Commercial Corridor CDO District)
- (55) 108,561 (Cypress Park & Glassell Park CDO)
- (56) 173,508 (Downtown Canoga Park CDO District)
- (57) 179,907 (Downtown Westchester CDO District)
- (58) 180,880 (Echo Park CDO District)
- (59) 178,157 (Fletcher Square CDO District)
- (60) 179,906 (Lincoln Boulevard CDO District)
- (61) 176,658 (Lincoln Heights CDO District)
- (62) 183,011 (Little Tokyo CDO District)
- (63) 180,797 (Loyola Village CDO District)
- (64) 176,331 (Miracle Mile CDO District)
- (65) 175,545 (Pacoima CDO District)
- (66) 175,549 (Panorama City CDO)
- (67) 176,557 (Reseda Central Business District CDO District)
- (68) 174,398 (Sun Valley CDO District)
- (69) 184,366 (Toluca Lake Village CDO)
- (70) 174,420 (Van Nuys Central Business District CDO District)
- (71) 174,161 (West Wilshire Boulevard CDO District)
- (72) 173,676 (Atwater Village POD)
- (73) 171,859 (Westwood/Pico NOD)
- (74) 174,260 (Westwood Boulevard POD)

Sec. 9. (*Height of Buildings or Structures*) Subdivision 5 of Subsection A of Section 12.21.1 of Article 2 of Chapter 1 of the LAMC shall be amended to read as follows:

5. In computing the total floor area within a building, the gross area confined within the exterior walls within a building shall be considered as the floor area of that building, except for the space devoted to bicycle parking, stairways, elevator shafts, light courts, rooms housing mechanical equipment incidental to the operation of buildings, and ~~outdoor eating areas of ground floor restaurants.~~ Outdoor Dining Areas. (Amended by Ord. No. 182,386, Eff. 3/13/13.)

Sec. 10. Subparagraph (5) of Paragraph (a) of Subdivision 34 of Subsection A of Section 12.22 of Article 2 of Chapter 1 of the LAMC shall be amended to read as follows:

(b) **Eligibility Criteria.**

(5) The restaurant shall have between a minimum of 10 patron seats and a maximum of 150 patron seats, including any outdoor seating.

Exemption. Outdoor Dining Areas pursuant to 12.21 A.24 shall be exempt from the above outdoor seating limitation.

Sec. 11. Subparagraph (4) of Paragraph (b) of Subdivision 34 of Subsection A of Section 12.22 of Article 2 of Chapter 1 of the LAMC shall be amended to read as follows:

(b) **Development Standards and Operations.**

(4) For properties abutting or across an alley from an A or R zoned lot:

(i) a wholly enclosed building, at least 8 feet in height above grade and extending at least the full length of the outdoor dining area, shall be located between the outdoor dining area and an A or R zoned lot that may or may not be separated by an alley. This requirement shall not apply to outdoor dining permitted on a public sidewalk by a revocable permit issued by the Bureau of Engineering, Department of Public Works; and

(ii) outdoor seating shall be limited to the ground floor only.

Exemption. Outdoor Dining Areas pursuant to 12.21 A.24 shall be exempt from the above standards.

Sec. 12. Sub-subparagraph (ii) of Subparagraph (6) of Paragraph (e) of Subdivision 34 of Subsection A of Section 12.22 of Article 2 of Chapter 1 of the LAMC shall be amended to read as follows:

(e) **Administration.**

(6) The owner or the operator of the restaurant shall reapply for the administrative clearance if there is:

(ii) a modification to the floor plan, including, but not limited to, floor area or number of seats, or a modification to outdoor seating.

Exception. Modification to the number of seats or outdoor seating for the purposes of Outdoor Dining Areas pursuant to 12.21 A.24 shall not require reapplication.

Sec. 13. (CUB) A new Paragraph (e) shall be added to Subdivision 1 of Subsection W of Section 12.24 of Article 2 of Chapter 1 of the LAMC as follows:

(e) **Exceptions.** Notwithstanding Paragraph (d) above, conditional use approval or a plan approval shall not be required solely for the purposes of providing an Outdoor Dining Area pursuant to Sec 12.21 A.24.

Sec. 14. Subdivision 32 of Subsection W of Section 12.24 of Article 2 of Chapter 1 of the LAMC shall be deleted:

32. ~~Outdoor eating areas for ground floor restaurants in the GR zone, C1, and C1.5 Zones and/or wherever restaurants are allowed, if not permitted by right.~~

Sec. 15. Subdivision 2 of Subsection D of Section 16.02.1 of Article 6 of Chapter 1 of the LAMC shall be amended to read as follows:

2. Outdoor ~~Eating~~Dining Areas. Notwithstanding any provisions of this Code or any Zoning Administrator interpretations of this Code to the contrary, any new or expanded Outdoor ~~Eating~~Dining Areas shall not require any automobile parking, and the maintenance of existing automobile parking shall not be required for any portion of the parking lot utilized for an approved Outdoor ~~Eating~~Dining Area during the period that these provisions are invoked, pursuant to this section, if the following requirements are met:
- (a) **Eligibility.** Only permitted establishments with verifiable indoor seating for on-premise dining are eligible for the relief provided within this subdivision.
 - (b) **Consistency.** The relief provided in this subdivision is limited to the automobile parking provisions enumerated herein, and the project shall otherwise be consistent with this Code and the General Plan.
 - (c) **Termination.** Whenever the provisions of this section cease to apply, the automobile parking requirements that existed prior to the declaration of the local emergency shall be met, and any Outdoor ~~Eating~~Dining Areas shall comply with this Code and any applicable Specific Plan, notwithstanding this Section.

Sec. 16. The City Clerk shall certify that.....

FINDINGS

(As Amended by the City Planning Commission at its meeting on April 27, 2023)

Land Use Findings

Charter Finding 556 (General Plan). In accordance with City Charter Section 556, the proposed Ordinance is in substantial conformance with the purposes, intent, and provisions of the General Plan.

The City established the temporary L.A. Al Fresco program in May 2020 during the COVID-19 pandemic and local state of emergency to allow restaurants to operate outdoor dining areas through a free streamlined application process, bypassing many of the regulations of the Zoning Code. Following the success of L.A. Al Fresco, the City drafted a proposed Ordinance that would create a permanent administrative “by-right” approval process for outdoor dining areas on private property and ensure that existing participants are able to continue operations with their current approvals.

Both participating and new restaurants will be able to expand outdoor dining areas by-right if they comply with the proposed Ordinance’s standards for eligibility, operations, and, if applicable, alcohol service. These standards replace certain Zoning Code restrictions on outdoor dining on private property while taking into consideration impacts outdoor dining may have on neighbors and residential areas. By facilitating the expansion of outdoor dining, the proposed Ordinance aims to beautify, expand street use, and improve governmental services as prioritized in various elements of the General Plan.

This proposed Ordinance furthers the following objectives and policies of the General Plan:

Land Use (Chapter 3)
<p>Policy 3.4.3 Establish incentives for the attraction of growth and development in the districts, centers, and mixed-use boulevards targeted for growth that may include:</p> <ul style="list-style-type: none"> d. Streamlined development review processes f. Modified parking requirements in areas in proximity to transit or other standards that reduce the cost of development
Economic Development (Chapter 7)

Objective 7.4 Improve the provision of governmental services, expedite the administrative processing of development applications, and minimize public and private development application costs.

Policy 7.4.1 Develop and maintain a streamlined development review process to assure the City's competitiveness within the Southern California region.

Policy 7.4.2 Maximize opportunities for "by-right" development.

Policy 7.4.3 Maintain development fee structures that do not unreasonably burden specific industry groups, are financially competitive with other cities in the region, and reduce uncertainty to the development community.

Mobility Element ([Mobility Plan 2035](#))

Policy 1.7 Regularly Maintained Streets: Enhance roadway safety by maintaining the street, alley, tunnel, and bridge system in good to excellent condition.

Policy 2.1 Adaptive Reuse of Streets: Design, plan, and operate streets to serve multiple purposes and provide flexibility in design to adapt to future demands.

Policy 4.13 Parking and Land Use Management: Balance on-street and off-street parking supply with other transportation and land use objectives.

Health Element ([Plan for a Healthy Los Angeles](#))

Policy 1.1 Leadership Position: Los Angeles as a regional leader by collaborating across departments, agencies, sectors, and jurisdictions to incorporate health, equity, and sustainability considerations into policies, programs, and procedures.

Policy 2.9 Community Beautification: Proactively work with residents and public, private, and nonprofit partners to develop, execute, and maintain civic stewardship over community beautification efforts to promote neighborhoods that are clean, healthy, and safe.

The General Plan establishes growth and development policies by providing a comprehensive long-range view of the City as a whole. The proposed Ordinance contributes to the land use diversity and economic development of the City, while also carrying out policies in both the Mobility (Mobility Plan 2035) and Health (Plan for a Healthy Los Angeles) Elements.

The proposed Ordinance furthers Land Use Policy 3.4.4, namely by (d) creating a streamlined review process and (f) modifying parking requirements. The proposed

Ordinance expands on the temporary LA Al Fresco program, creating a permanent “by-right” review process for outdoor dining areas on private property. The streamlined and “by-right” nature of the new approval process will allow current Al Fresco participants as well as new participants to continue or begin their outdoor dining operations at little to no cost, subject to the submission of the appropriate documentation to the Department of City Planning and Department of Building and Safety. Lastly, the proposed Ordinance will allow the replacement of automobile parking spaces by outdoor dining areas, which is vital for restaurants as it decreases development costs and allows for the maximum utilization of private property for outdoor dining.

The proposed Ordinance’s new streamlined “by-right” process for outdoor dining on private property also aligns with Economic Development Objective 7.4 and Policies 7.4.1, 7.4.2, and 7.4.3. Clear standards and requirements are established for current L.A. Al Fresco participants to transition into a permanent program, as well as new applicants to begin outdoor dining operations. The proposed Ordinance creates no new additional fees that would be required for applications for outdoor dining on private property. This is imperative to reduce costs for restaurants and allow them to continue their economic recovery from the COVID-19 pandemic and emergency. Additionally, the streamlining of outdoor dining applications will also allow the City to compete with cities throughout the Southern California region and statewide, as other cities and counties have already adopted permanent outdoor dining programs or are preparing a permanent program, such as the Cities of San Diego, Santa Monica, Beverly Hills, and San Francisco. Each jurisdiction has or is considering different application requirements and standards pertaining to outdoor dining, such as location, design, and hours of operation.

The proposed Ordinance further encourages “by-right” development as specified in Economic Development Policy 7.4.2 by establishing a streamlined pathway for current participants of the temporary LA Al Fresco program to transition to the permanent program. As part of this streamlining, the proposed Ordinance’s standards pertaining to outdoor dining areas may supersede project-specific conditions of approval (such as those associated with a Conditional Use Permit) that would preclude or conflict with outdoor dining, at the applicant’s request. The substitution of any conflicting conditions will promote the “by-right” character of the LA Al Fresco Program and greatly decrease the processing time for Al Fresco applications to allow small and local restaurants to continue their outdoor operations with little to no disruption in service and continue their economic recovery from the COVID-19 pandemic and emergency. Furthermore, the proposed Ordinance contains robust outdoor dining standards to protect the public health, welfare, and safety of communities and residential areas by addressing common issues that may be associated with outdoor dining, such as noise and operations. Music, television monitors, and live entertainment would be prohibited in outdoor dining areas and they must be properly maintained at all times. If within 250 feet of a residential zone, the outdoor dining area must close at 11pm. The “by-right” nature of the permanent Al Fresco Program will promote livability and convenience for residents and employees,

promote a variety of uses, and strengthen the employment and amenity base of communities.

The streamlining of outdoor dining approvals as outlined in the proposed Ordinance also aligns with Policies 1.7, 2.1, 2.14, and 4.13 of the Mobility Element (Mobility Plan 2035). First, as part of the outdoor dining standards, restaurants will be required to clean outdoor dining areas nightly and maintain adjoining sidewalk areas free of debris, litter, and graffiti. Furthermore, the proposed Ordinance will facilitate the conversion of off-street parking to outdoor dining areas. This will help de-emphasize land used for parking, such as surface parking lots, in favor of outdoor dining areas, promoting safety for patrons, residents, and the community. More importantly, automobile parking spaces used for outdoor dining will not need to be replaced.

Lastly, the proposed Ordinance aims to promote public health, namely Policies 1.1 and 2.9 of the Health Element (Plan for a Healthy Los Angeles). The temporary LA Al Fresco program was started to provide opportunities for patrons and residents to enjoy restaurant dining at locations where the risk of exposure to COVID-19 was minimized. Safety issues associated with the COVID-19 pandemic remain, and as such, the permanent outdoor dining program will prove vital in ensuring patrons and residents, especially those that are immunocompromised or have other health concerns, continue to have equitable access to outdoor dining. The proposed outdoor dining standards will ensure that outdoor dining areas approved through the new process do not cause adverse effects to the public health, safety, and welfare of neighbors and surrounding communities, such as limiting noise and requiring proper maintenance of outdoor dining areas.

For the reasons stated above, the proposed Ordinance is in substantial conformance with the purposes, intent, and provisions of the General Plan.

City Charter Finding 558 and LAMC Section 12.32 (Public Necessity, Convenience, General Welfare, Good Zoning Practice). In accordance with City Charter Section 558 (b)(2) and LAMC Section 12.32 C.2 and C.7, the proposed Ordinance is in substantial conformance with public necessity, convenience, general welfare, and good zoning practice by promoting economic development, public safety, and community vibrancy.

The City established the temporary L.A. Al Fresco program in May 2020 during the COVID-19 pandemic and emergency to allow restaurants to operate outdoor dining areas through a streamlined process with minimal fees and application process, bypassing many of the regulations of the Zoning Code. This temporary program created a lifeline for many restaurants to resume operations and stay financially viable during the pandemic and emergency when indoor dining was limited due to local emergency orders. At the same time, the program promoted public health by providing opportunities for patrons and residents to enjoy restaurant dining at locations where the risk of exposure to COVID-19 was minimized. More than 2,500 restaurants citywide participated in the temporary L.A. Al Fresco program.

The proposed Ordinance expands on the temporary L.A. Al Fresco program by creating a new streamlined process in the Zoning Code to allow outdoor dining areas on private property, such as parking lots, with minimal requirements. The proposed Ordinance will allow restaurant owners to continue or begin outdoor dining operations at little to no cost, allowing them to fulfill the demand for safe dining spaces and an amenity that will serve patrons, residents, and visitors. Many of the benefits pertaining to economic development and public health brought forth by the temporary program will continue under the permanent program. Additionally, a permanent program will bring greater certainty to restaurants as it relates to outdoor dining regulations, which is vital for them to continue recovering economically from the COVID-19 pandemic and emergency. By streamlining outdoor dining in restaurants, the proposed Ordinance will help create more vibrant neighborhoods that will benefit local communities and commercial areas while leading to the growth of restaurants throughout the City.

Environmental Findings

Approval of the proposed Ordinance (Project) is supported by the **Categorical Exemption (ENV-2022-8180-CE)** prepared for this Project. In accordance with the California Environmental Quality Act (CEQA), the proposed Project is exempt from CEQA pursuant to California Public Resource Code Section 21080.25 and meets the criteria of a Categorical Exemption pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) and Section 15311 (Accessory Structures). Furthermore, there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies.

On the basis of the whole of the record before the Lead Agency including any comments received, the Lead Agency finds that there is no substantial evidence that the proposed Project will have a significant effect on the environment. The Project will not change zoning or General Plan designation or introduce any new land uses. It does not directly authorize new restaurants to be built and is only available where restaurants are an existing allowed use. The Project contains measures to avoid environmental impacts, such as noise and adverse behavior, and there is not a reasonable possibility that the Project may have a significant adverse effect on the environment given the existing physical conditions baseline and allowed use. As detailed in the Categorical Exception document (Environmental Case No. ENV-2022-8180-CE) prepared by the Lead Agency, and attached to the subject case file, the Project would not result in a cumulative impact or significant effect on the environment.

Chapter 2.6, Section 21080.25 of the State's Public Resources Code provides a statutory exemption from CEQA for a "project carried out by a City or County to reduce minimum parking requirements." A central component of this Project pertains to eliminating automobile parking requirements and provisions. The Project provides regulatory relief from automobile parking requirements needed for the placement of outdoor dining structures on private property that are ancillary to a restaurant's by-right use. The relief provided exempts existing and/or new outdoor dining areas from parking requirements

and further allows for restaurants to convert existing required automobile parking spaces to outdoor dining areas without needing to replace those spaces. This provision is permanent for eligible businesses and in some instances will result in an overall reduction of required parking below current LAMC parking requirements for the life of that use and/or structure. The utilization of a restaurant's parking spaces on private property would allow for the creation or modification of outdoor dining areas and would reduce minimum parking requirements. As such, the Project qualifies for the statutory exemption pursuant to Section 21080.25 of the State's Public Resources Code.