



TRACI PARK

LOS ANGELES COUNCILWOMAN ★ 11TH DISTRICT

November 7th, 2023

City of Los Angeles
Planning and Land Use Management Committee
John Ferraro Council Chamber
Room 340, City Hall
200 North Spring Street, Los Angeles, CA 90012

RE: CD11 Letter Regarding the Draft Permanent Al Fresco Program Ordinance - Item 9 (20-1074-S4)

Honorable Chair Harris-Dawson and Members of the Committee,

In June, I wrote to this committee regarding the importance of the Al Fresco Program to our City's economic vitality and social fabric.

As I shared then, I was encouraged to see that the successive drafts of the Permanent Al Fresco Ordinance have not only addressed a number of concerns brought up by business owners and constituents from within my district, but also included many of the policy recommendations that arose from our own CD11 Advisory Group working sessions.

That said, I want to transmit comments on two aspects of the draft ordinance(s) at PLUM today, and on one aspect not included in this ordinance: (1) the Outdoor Dining Area Standards; (2) the Background Music Allowance; and, finally (3) a statement regarding the concept of easing the regulatory burden of the Coastal Development Permit regulations that impact my District.

Outdoor Dining Area Standards

The ordinance(s) before you reinstate several Development and Site Design requirements that leave restaurant operators with less flexibility in terms of the design and form of their Outdoor Dining Areas.

Of particular note is a prohibition on complete roof coverage pending a greater-than-permitted enclosure delineation. It seems that this is more restrictive than it needs to be, hampering the ability of individual restaurant owners to design their Outdoor Dining Areas to suit their own unique vision or to be responsive to environmental issues such as direct sunlight or inclement weather.

As an additional point, the definition of an Outdoor Dining Area has gotten more restrictive in the proposed draft ordinance(s) before you than it was in the previous iterations. Whereas in both the November 2022 and April 2023 language, it was not specified, in the draft ordinance(s) before you a clause was inserted that would limit Outdoor Dining Areas to “the same lot as the restaurant to which it serves as an accessory use.” This unintentionally creates issues for some businesses in my District whose Outdoor Dining Areas occupy multiple lots, and may result in undue bureaucratic burden through the lot tie process.

Similarly, the curfews proposed from iteration to iteration deserve attention, as the operation of Outdoor Dining Areas that abut or are across an alley from residential uses figure heavily in the concerns regarding a permanent Al Fresco program.

It appears that, because Outdoor Dining Areas that are not adjacent to a residential use are subject to “any applicable hours limitation imposed by law, discretionary action, or previously-issued permit,” that restaurant owners are once again prohibited from a sensible and flexible option in that they cannot necessarily operate their Outdoor Dining Areas concurrently to the kitchen facilities of the accompanying restaurant if their pre-existing site conditions do not give them that choice.

Ultimately, restaurant owners who want to responsibly operate their Outdoor Dining Areas later in parts of the City with commercial uses without adjacent residential uses should be allowed to do so, while restaurant owners who want to operate Outdoor Dining Areas in parts of the City adjacent to or within areas with residential uses can reasonably be expected to limit their operations. A tailored approach to this issue will yield a more vibrant Los Angeles.

Background Music Allowance

Related to the discussion of Outdoor Dining Area Standards is the conversation surrounding Background (or Ambient) Music. The draft ordinance(s) before you today vary singularly with regard to the inclusion or exclusion of Background Music, with the primary draft ordinance including numerous requirements and prohibitions on Background Music.

In the temporary Al Fresco program and in both previous iterations of the draft ordinances, music was prohibited in Outdoor Dining Areas. In the primary draft ordinance, a section of the Outdoor Dining Area Regulations delineates the standards, requirements, and prohibitions within the proposed ordinance.

There remain some concerns about the Background Music Allowance section of the primary draft ordinance. While I appreciate that the primary draft ordinance includes a process to include Background Music within the framework of the permanent Al Fresco program, I find that the standards, requirements, and prohibitions thereof present an undue burden on many businesses. Unfortunately, the Alternative Ordinance excludes Background Music as a by-right use, meaning that those business owners who wish to responsibly operate Outdoor Dining Areas and include Background Music must do so through a separate, discretionary process by way of a conditional use permit. The cost of such an option, which can be thousands of dollars and require the retainer of consultants, is burdensome to business owners and not the spirit of the temporary Al Fresco program that kept so many businesses alive.

Coastal Development Permit

Finally, more than one hundred outdoor dining areas in the Coastal Zone are at risk of losing their Al Fresco outdoor dining permits if the City fails to secure a Programmatic CDP or at least create a streamlined temporary permits solution to ease the burden for these coastal restaurants. While a motion I recently introduced seeks to address this issue, the ordinances under consideration today fail to resolve this matter, putting the livelihood of these businesses at risk.

We know that DCP is still collaborating with LADOT and BOE on the report back on the programmatic CDP but are waiting to get confirmation from the Coastal Commission that they would issue another temporary waiver due to the passage of AB 1217. Therefore, while we appreciate that the work is ongoing, this ordinance should not move forward and leave our coastal restaurants behind.

If enacted, the permanent Al Fresco program would bring about a comprehensive process for restaurant operators to continue their existing outdoor dining operations and for those who do not currently have outdoor dining alike. Therefore, it is critical that the program enacted is the very best it can be. I thank the many City staff from DCP, the CA, LADBS, LADOT, LAPD, and LAFD for their efforts in drafting the successive iterations of ordinance proposals. I also want to thank Committee Chair Harris-Dawson and the members of the PLUM Committee for their diligence in taking

on this work. With your invaluable efforts, we are very close to a program that works for all, but I request that these issues be fully resolved before the draft permanent Al Fresco Ordinance moves forward to council.

Very truly yours,

A handwritten signature in black ink that reads "Traci Park" with a stylized flourish at the end.

TRACI PARK

Councilwoman, 11th District

City of Los Angeles