

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.....