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July 28, 2023

Honorable Hydee Feldstein Soto
City Attorney

Vince Bertoni
Director of Planning

Osama Younan
General Manager, Los Angeles
Department of Building and Safety

Ted Allen
City Engineer, Department of Public
Works, Bureau of Engineering

Connie Llanos
Interim General Manager, Los Angeles
Department of Transportation

At its meeting held on June 6, 2023, the Planning and Land Use Management (PLUM) Committee considered a proposed 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.

The Committee took the following actions:

1. Determined, based on the whole of the administrative record, that Project No. ENV-2022-8180-CE is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Sections 15303 and 15311, and there is no substantial evidence demonstrating that an exception to a Categorical Exemption pursuant to CEQA Guidelines, Section 15300.2 applies; the Project qualifies for the statutory exemption pursuant to Public Resources Code Section 21080.25.
2. Found pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Negative Declaration No. ENV-2023-3278-ND, and all comments received, there is no substantial evidence that the project will have a significant effect on the environment; Found, the Negative Declaration reflects the independent judgment and analysis of the City; and, adopt the Negative Declaration.

3. Adopted the Amended Findings of the Los Angeles City Planning Commission (LACPC), as the Findings of Council.
4. Instructed the Department of City Planning (DCP) that the ordinance be incorporated into the New Zoning Code (future Chapter 1A of the LAMC) subject to changes to conform to the format and style of the new Zoning Code.
5. Instructed the DCP to amend the proposed ordinance to limit the application of the curfew (hours provided below) to restaurants abutting and across from an alley to a residential zone, not including the Residential/Accessory (RAS) Zone. Amend the proposed curfew hours from 11:00 p.m. across the board to 10:30 p.m. (Sunday – Thursday); and 11:00 p.m. (Friday/Saturday).
6. Instructed the DCP to include reasonable enforcement provisions in the final draft of the ordinance with regard to ambient music.
7. Instructed the DCP in collaboration with the Los Angeles Department of Transportation (LADOT), Los Angeles Department of Building and Safety (LADBS), Bureau of Engineering (BOE), and the City Attorney to report back in 60 days with a work program to establish a programmatic Coastal Development Permit (CDP) for outdoor dining in the Coastal Zone. The CDP shall cover Al Fresco dining occurring on private property as well as the public right-of-way. The report shall also address any concerns raised by Coastal Commission staff.
8. Instructed the LADBS as follows:
 - a. 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.
 - b. A hotline phone number and contact information of the LADBS Code Enforcement shall be provided for complaints or concerns regarding the operation of the outdoor dining area.
9. Requested the City Attorney to prepare and present the draft Al Fresco Ordinance approved as to form and legality to clarify and streamline LAMC regulations regarding outdoor dining on private property, as recommended in the May 11, 2023 LACPC report, and the May 26, 2023 DCP report which recommends that the proposed Al Fresco Ordinance be modified to allow ambient music in outdoor dining areas in compliance with LAMC Section 112.01 (Noise Regulation).

Please transmit the ordinance and reports requested by the PLUM Committee to the City Clerk's Office. In addition, please reference Council file No. 20-1074-S4. If you have questions, feel free to contact me at (213) 978-1078.

Sincerely,

Candy Rosales, Committee Clerk
Planning and Land Use Management Committee
(213) 978-1078