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July 30, 2009

Honorable Bill Rosendahl, Chair  
Public Works Committee  
Los Angeles City Council

c/o Adam Lid  
City Clerk  
City Hall, Room 1060

Dear Councilmember Rosendahl and Honorable Members:

**Subject: Issues in Connection with Outdoor (Sidewalk) Dining and Related Off-Street Parking – Council File No. 08-3167 (Old Council File No. 05-2034)**

RECOMMENDATION

That the City Council:

NOTE and FILE this report on the issues in connection with outdoor dining and related off-street parking as discussed with the Department of Public Works, Department of Transportation (DOT) and Department of City Planning.

DISCUSSION

This report is in response to Recommendation No. 3 of CF No. 05-2034 (Transmittal No. 1), directing the Department of Public Works to work with DOT and the Department of City Planning to report on issues in connection with outdoor dining and related off-street parking.

A "Working Group" was created to discuss the parking issues related to outdoor dining, which included the Bureau of Engineering, Department of City Planning, Department of Building and Safety, DOT, Bureau of Street Services and Council District No. 5. The main issues discussed by the Working Group were focused on:

- Current parking requirements (for sidewalk dining permits)



- Issues relative to sidewalk dining and related off-street parking (including concerns received from the community)
- Parking requirements of other municipalities (allowing outdoor dining)

#### *CURRENT PARKING REQUIREMENTS*

In general, parking requirements fall under the Los Angeles Municipal Code (LAMC) and are under the jurisdiction of the Departments of Planning and Building and Safety. The parking requirements fall under LAMC Section 12.03 or a Zoning Administrator's Interpretation (ZAI) 1808, which are described below. The current approved Sidewalk Dining Policy does not require additional parking requirements for the issuance of a revocable permit for sidewalk dining within the public right-of-way beyond compliance with LAMC Section 12.03 and ZAI 1808, as follows:

- LAMC Section 12.03: Defines an Outdoor Eating Area as a "...covered or uncovered portion of a ground floor restaurant that is not larger than 50 percent of the dining area of the ground floor restaurant..." There is no parking requirements associated with this code section (Transmittal No. 2).
- ZAI 1808: Permits outdoor dining in the C2, C4, CM and M zones as an incidental activity to a restaurant or food establishment. ZAI 1808 has no limitations regarding the dining area and has no parking requirements if the dining area is within an unroofed location (Transmittal No. 3).

#### *ISSUES RELATIVE TO SIDEWALK DINING AND RELATED OFF-STREET PARKING*

The following issues relating to sidewalk dining and off-street parking were discussed:

- There are only certain areas within the City that currently experience a lack of both on-street and off-street public parking. Concerns raised by the community on this issue involve certain areas where parking and traffic issues have been an existing and ongoing problem. There are areas that deal with an existing lack of parking and the community is concerned that adding sidewalk dining without any parking requirements will worsen the problem. Several restaurants now use a valet parking system to serve their restaurant patrons. The valet company staff sometimes parks the cars on the adjacent neighborhood streets. A more comprehensive traffic study would be required to identify these problem areas and recommend mitigation measures, which is not within the scope of this report.
- Because only certain areas within the City may require parking restrictions or requirements, it may not be necessary to place such restrictions on all restaurants Citywide. The idea of zones or street segments identified to be a problem area for parking was raised. The issuance of sidewalk dining permits for restaurants within these zones would be subject to additional conditions, including parking requirements that will be determined at a later date. The identification of these zones or street segments, if required, would also involve a more comprehensive study by the appropriate departments.

- To satisfy their original off-street parking requirements, most, if not all existing restaurants already utilize the maximum number of off-street parking spaces as required by the current codes. Therefore, requiring additional parking in conjunction with outdoor dining would make it difficult for restaurants to comply.

#### *PARKING REQUIREMENTS OF OTHER MUNICIPALITIES*

Several nearby cities were contacted to ascertain their requirements and policies with regard to outdoor dining. The agencies that responded were surveyed and results are summarized as follows:

- City of Burbank  
Per Resolution No. 24,927, the City of Burbank allows tables and chairs for sidewalk dining in the public right-of-way, based on the number of existing parking spaces provided by the building. For example, if the building provides 5 parking spaces, or less, per 1,000 sf, up to 8 chairs are allowed. If the building provides at least 5 parking spaces, but, less than 10 parking spaces per 1,000 sf, up to 16 chairs are allowed. Restaurants located within the Downtown Burbank Village Parking District are exempt from these parking requirements since this area provides public parking structures with free parking to the public.
- City of Santa Monica  
The City of Santa Monica allows sidewalk dining without restrictions for restaurants that request an outdoor dining area of less than 200 square feet. Restaurants requesting a sidewalk dining area of more than 200 square feet must abide by performance standards under Santa Monica Municipal Code Section 9.04.10.08.040, that may include parking requirements. The City of Santa Monica website indicates that several parking structures exist within the downtown area that provides public parking for a fee.
- City of Fullerton  
In the City of Fullerton, restaurants requesting sidewalk dining within the Restaurant Overlay District in the downtown area are exempt from any parking requirements. According to the City of Fullerton's Outdoor Dining Guidelines, the City provides several parking structures and surface lots with free parking in the downtown area. Parking requirements for restaurants outside of the downtown area are considered on a case-by-case basis.

The City of Burbank, City of Santa Monica and the City of Fullerton all provide public parking in structures located in or nearby their respective downtown areas. All three cities state that restaurants within these areas were exempt from additional parking requirements when proposing to add outdoor dining. The City of Los Angeles currently has not identified special areas that exempt restaurants from additional parking requirements.

#### TRANSMITTALS

1. Public Works Committee Report, Adopted, June 16, 2006 (C.F. 05-2034).
2. Los Angeles Municipal Code Section 12.03, Definition of Outdoor Eating Area.
3. Zoning Administrator's Interpretation (ZAI) 1808.

Honorable Bill Rosendahl, Chair  
Public Works Committee  
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July 30, 2009

## SUMMARY

Currently, the Sidewalk Dining Policy adheres to the LAMC requirements for parking under the jurisdiction of the Departments of Planning and Building and Safety. Any further review and analysis of specific parking issues that may lead to a revision or amendment to current code requirements would involve a comprehensive study by the City's Planning Department.

Based on the discussions from the Working Group, it was agreed that the issues or community concerns regarding additional parking requirements for outdoor dining permits often fall in areas that already have an ongoing traffic and parking problem. Performing a comprehensive study to identify these problem areas and recommending mitigation measures would require additional staffing and funding for DOT.

If you require additional information, please contact Shahin Behdin at (213) 482-7044 or Wesley Tanijiri at (213) 482-7062.

Sincerely,



Gary Lee Moore, P.E.  
City Engineer

GLM/MEK/LMP/SB:wkt/tlw  
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### Attachments

c: Cynthia M. Ruiz, President, Board of Public Works  
James A. Gibson, Board of Public Works  
Katherine Hennigan, Council District 5  
Gail Goldberg, City Planning Department  
Michael LoGrande, City Planning Department  
Tom Rothmann, City Planning Department  
Rita Robinson, Department of Transportation  
Glenn Ogura, Department of Transportation  
Rene Sagles, Department of Transportation  
Michael E. Kantor, Bureau of Engineering  
Lemuel Paco, Bureau of Engineering  
Anthony Munoz, Bureau of Engineering  
Julia Moye, Bureau of Engineering

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

FRANK T. MARTINEZ
City Clerk

KAREN E. KALFAYAN
Executive Officer

When making inquiries
relative to this matter
refer to File No.

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CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 978-1044
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Fax: (213) 978-1040

CLAUDIA M. DUNN
Chief, Council and Public Services Division

05-2034

June 16, 2006

- Board of Public Works
City Administrative Officer
Chief Legislative Analyst
City Attorney
Department of Building & Safety
Bureau of Engineering
Bureau of Street Services
Bureau of Contract Administration
Department of Transportation
Planning Department

RE: PROPOSED FEES IN CONNECTION WITH REVOCABLE PERMITS FOR SIDEWALK DINING

At the meeting of the Council held June 16, 2006, the following action was taken:

- Attached report adopted..... X
Attached motion (-) adopted.....
Attached resolution adopted.....
FORTHWITH.....
Mayor concurred .....
To the Mayor FORTHWITH .....
Findings adopted.....
Negative Declaration adopted.....
Categorically exempt.....
Generally exempt.....

Handwritten signature of Frank T. Martinez

City Clerk
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TO THE COUNCIL OF THE CITY OF LOS ANGELES

Your

PUBLIC WORKS

Committee

reports as follows:

	<u>Yes</u>	<u>No</u>
Public Comments:	<u>XX</u>	<u>   </u>

PUBLIC WORKS COMMITTEE REPORT relative to proposed fees in connection with revocable permits for Sidewalk Dining.

Recommendations for Council action:

1. APPROVE and CONCUR with Recommendation No. 2 in Joint Report No. 1 (Bureau of Engineering/Bureau of Street Services) as adopted by Board of Public Works (Board) on April 10, 2006 in regard to assessment an Inspection and Administrative Fee in the amount of \$300, to be paid to the City, Bureau of Engineering (BOE), bi-annually by permittees after the initial revocable permit for Sidewalk Dining is issued as detailed in Item No. 2 of the Discussion Section of Joint Report No. 1 and attached to the Council file.
2. REQUEST the City Attorney to prepare and present an Ordinance for the proposed fees in connection with revocable permits for Sidewalk Dining as detailed above in Recommendation No. 1 and in Joint Report No. 1 adopted by the Board on April 10, 2006.
3. DIRECT the Department of Public Works (DPW) to work with the Department of Transportation (DOT) and City Planning Department (CPD) to report on issues in connection to outdoor dining and related off-street parking.

Fiscal Impact Statement: The Board reports that approval of the proposed fee structure would provide the City with an undetermined amount of revenue to offset the cost of inspection and administration of revocable permits for sidewalk dining.

SUMMARY

At its regular meeting held on June 7, 2006, the Public Works Committee considered an April 10, 2006 Board report relative to proposed fees in connection with revocable permits for Sidewalk Dining. According to the Board, on June 30, 2005, it instructed the BOE to review all current revocable permit policies with regard to Sidewalk Dining and report back to the Board in 60 days. The BOE headed a task force along with the Bureau of Street Services (BOSS), CPD, Department of Building and Safety (DBS) and the staff of Council District 5 (CD 5) to review the current policies. The Task Force held several meetings to discuss the policies and agreed to a number of revised policies which include a mechanism to monitor and update the permit to ensure continuous compliance.

As part of the proposed revised policies are fees in connection with revocable permits for Sidewalk Dining. Specifically, revocable permits for Sidewalk Dining shall be subject to an Inspection and Administrative Fee in the amount of \$300 to be paid bi-annually after the initial permit is issued. The fee shall be paid to the City, BOE, no later than 30 days prior to the expiration date displayed on the

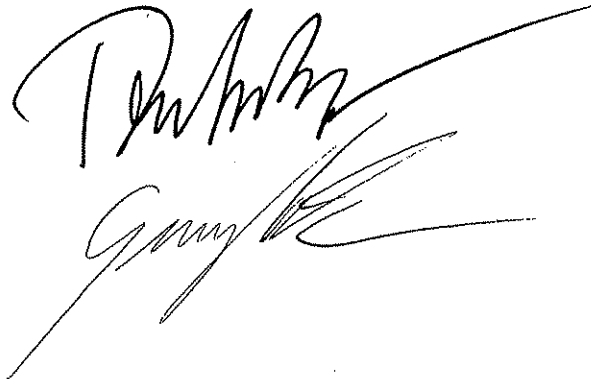
permit. The Inspection and Administrative Fee is required to recover costs associated with field inspection and administrative time the DPW dedicates to verifying and updating revocable permit documentation. All previously issued permits for sidewalk dining will be subject to the bi-annual fee.

After further consideration and having provided an opportunity for public comment, the Committee moved to recommend that Council approve and concur with Recommendation No. 2 in Joint Report No. 1 that was adopted by the Board on April 10, 2006 to institute an Inspection and Administrative Fee in the amount of \$300 to be paid bi-annually by permittees after the initial revocable permit for Sidewalk Dining. Additionally, the Committee moved to recommend that the City Attorney be requested to prepare and present an ordinance to effectuate said Inspection and Administrative Fee. Finally, the Committed moved to recommend to direct the DPW to work with the DOT and CPD to report on issues in connection to outdoor dining and related off-street parking.

This matter is now submitted to Council for its consideration.

Respectfully submitted,

PUBLIC WORKS COMMITTEE



<u>MEMBER</u>	<u>VOTE</u>
ROSENDAHL:	ABSENT
LABONGE:	YES
SMITH:	YES

ARL  
6/9/06  
#052034.wpd

REPT.  
**ADOPTED**

JUN 16 2006

**LOS ANGELES CITY COUNCIL**

## **LAMC Section 12.03 - Definitions**

### **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.)**



**Section 12.03                      Non-conforming Building. Definition.**

See section 12.23A3(a)3 of this manual.

**Section 12.03                      Nurseries - Netted Horticultural Structures (floor area)**

**Q -** Does the area beneath a Netted Horticultural Structure (NHS) constitute Floor Area for off-street automobile parking and other Zoning Code requirements?

**A -** An NHS is a structure used to accommodate the growing or display of fruits, vegetables, flowers or plants. The surface material shall be open meshed or twisted fabric approved by the Fire Department. Such types of materials are not considered to provide housing or shelter to the use below (see definition of "Building" in Sec. 12.03) and therefore they do not constitute a Building. Since the use of these materials do not define a Building, they do not introduce Floor Area. Their use, however must be in compliance with other applicable Zoning Code requirements such as height, zone requirements etc..

For construction and Building Code requirements, see the Information Bulletin listed below.

(Information Bulletin No. P/ZC 2002-003)

**Section 12.03                      Outdoor Dining and Eating Areas - Definition.**

Section 12.03 defines "Outdoor Eating Area" as a "...covered or uncovered portion of a ground floor restaurant which is not completely enclosed... and is not larger than 50 percent of the dining area of the ground floor restaurant..." These "Outdoor Eating Areas" are first permitted in the CR zone.

ZAI 1808 on the other hand, allows uncovered outdoor dining starting in the C2 zone.

This item consists of two questions related to outdoor eating areas.

**Q<sub>1</sub> -** Under what conditions and in what zones are outdoor dining areas permitted in conjunction with restaurants?

**A<sub>1</sub> -** By authority of ZAI 1808, outdoor dining is permitted in the C2, C4, CM and all the M zones as an incidental activity to a restaurant or similar food establishment, (remember that in the MR Zones, restaurants are permitted only when incidental to the industrial use on the lot.) The ZAI has no limitation regarding the area of the open use and has no parking requirements attached to it. In all these instances, the outdoor dining area must be open to the sky and must

be located outside of any required yards such as in MR Zones or when the lot contains residential use (Yards are defined as unoccupied space in Sec. 12.03.)

"Outdoor Eating Areas" as defined in Sec. 12.03 and in conformity with the limitations specified therein and summarized above are first permitted in the CR zone. "Outdoor Eating Areas", may be located in a side, rear or front yard as first specified in Section 12.12.2A4.13. In the CR, C1 and C1.5 zones however, an "Outdoor Eating Area" can be located in a side or rear yard only when the yard is along a street. This is true whether it is roofed or unroofed.

**Q<sub>2</sub>** - Which provision takes precedence; that contained in the Code or that in the ZAI?

**A<sub>2</sub>** - These provisions overlap in some cases but do not supersede one another. An unroofed area used for dining in conjunction with a restaurant may be permitted per ZAI 1808 in the C2 and less restrictive zones. A roofed, though not completely enclosed "Outdoor Dining Area", must comply with the limitations in the Code specified above and those contained in each zone or else, the floor area must be computed in the normal manner. In the CR, C1 and C1.5 zones, "Outdoor Eating Areas" are permitted only if they comply with the definition in Section 12.03 and the regulations contained in each zone. (Continues on next page)

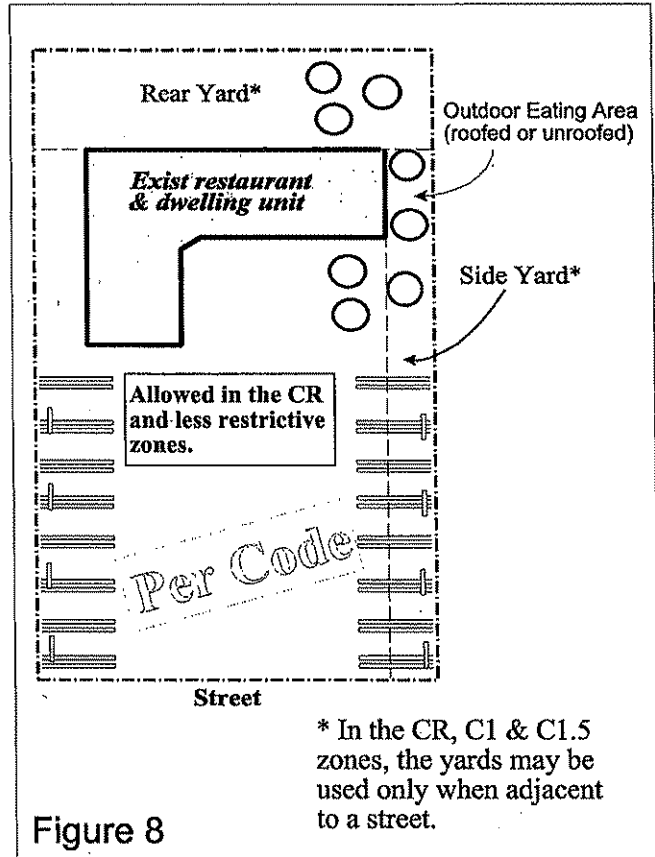


Figure 8

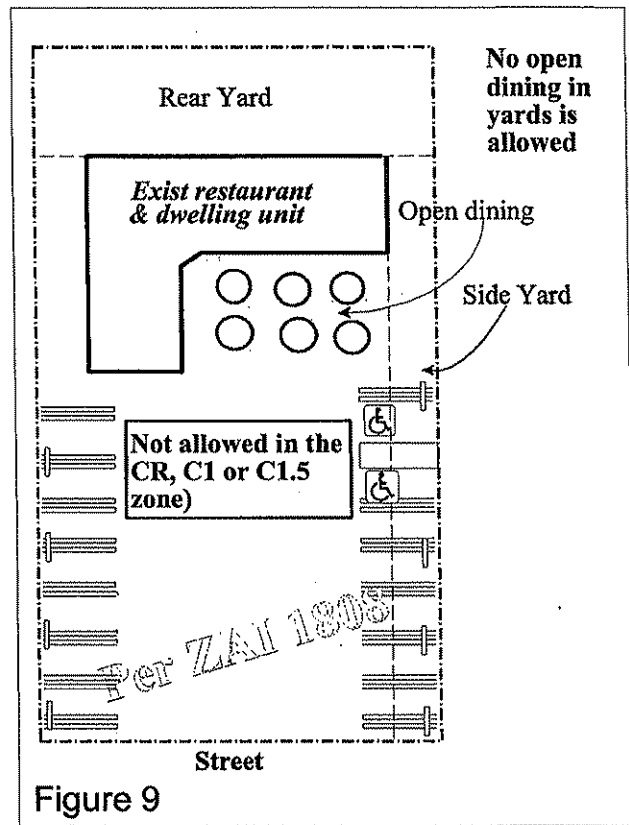


Figure 9

These answers are summarized in the following table:

Permitted	O.K. in zones	Permitted In Yards	Roofed/ Unroofed	Max. area	Floor Area <sup>1</sup>	Other limitations
Per Code and as defined in Sec. 12.03	C2,C4,CM & M	Side, rear or front (unroofed only)	Either	50% of interior dining area	Exempt	Ground Floor Restaurant
	CR, C1, C1.5,	Front and side, & rear when adj. to a street (unroofed only)	" "	" "	" "	" "
Per ZAI 1808	C2,C4,CM & M	No	Unroofed only	No limit	No	any level

<sup>1</sup> If exempt from floor area, then no parking is required.

(Z. E. memo 12-13-95 and 10-17-01)