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# AL FRESCO ORDINANCE SECOND ERRATA TO INITIAL STUDY / NEGATIVE DECLARATION

**Case Number: ENV-2023-3278-ND**

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Subsequent to the preparation of the first Errata to the Initial Study/Negative Declaration (IS/ND), Case No. ENV-2023-3278-ND, dated May 2023, for the Draft Al Fresco Ordinance and the Alternative Ordinance<sup>1</sup> in October 2023, the Los Angeles City Council instructed the City Attorney's Office to amend the Alternative Ordinance to include the following provisions on December 8, 2023:

1. 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. The identification shall include 311 as the contact information for complaints or concerns regarding the operation of the Outdoor Dining Area during business hours. A hotline phone number and contact information for the Los Angeles Department of Building and Safety Code Enforcement shall be provided for complaints or concerns regarding the operation of the Outdoor Dining Area after business hours. A telephone number of the restaurant operator or manager shall be provided for complaints or concerns regarding the operation of the Outdoor Dining Area.
2. When an Outdoor Parking Area is located in a building's parking area, the automobile parking spaces may be replaced by Outdoor Dining Area, except that at least one automobile parking space must be maintained.

Exemptions:

- a. The primary restaurant contains 3,000 indoor square feet of floor area or less; or
  - b. The Outdoor Dining Area is 1,000 square feet or less; or
  - c. The provision of automobile parking spaces is otherwise prohibited by state or federal law.
3. The Outdoor Dining Area shall have an enclosure of no more than 75 percent, except that:

This Errata provides minor modifications to the project description in the IS/ND as a result of the City Council's amendments to the Alternative Ordinance. State CEQA Guidelines Section 15073.5(a) requires that a lead agency recirculate a negative declaration "when the document must be substantially revised." Pursuant to CEQA Guidelines Section 15073.5(b), a substantial revision of the negative declaration means: (1) identification of a new, avoidable significant effect requiring mitigation measures or project revisions; or (2) determination that proposed mitigation measures or project revisions will not reduce potential effects to less than significance

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<sup>1</sup> See City Planning's Supplemental Report, dated 11/2/2023, CF 20-1074-S4 and First Errata to Initial Study/Negative Declaration, Case No. ENV-2023-3278-ND, dated May 2023 for detailed information on the differences between the Draft Al Fresco Ordinance and the Alternative Ordinance.

and new measures or revisions must be required. Recirculation is not required when new information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration. Based on these requirements and definitions, the City determined that the modifications to the Alternative Ordinance and minor revisions and clarifications to the IS/ND included in this Errata would not result in a new, avoidable significant effect and/or new mitigation measures or project revisions to reduce potential impacts to less than significance pursuant to State CEQA Guidelines Section 15073.5(b) of the State CEQA Guidelines and do not require recirculation of the negative declaration. Furthermore, parking provisions in the proposed project qualify for the Statutory Exemption pursuant to Public Resources Code Section 21080.25. The original IS/ND, first Errata dated October 2023, and second Errata dated December 2023 comprise the Final IS/ND for the Proposed Ordinance.