

CATEGORICAL EXEMPTION, STATUTORY EXEMPTION, NEGATIVE DECLARATION, ERRATA, and PLANNING AND LAND USE MANAGEMENT (PLUM) COMMITTEE REPORT relative to 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 streamline Zoning Code regulations to create a permanent Al Fresco Program for outdoor dining on private property.

Recommendations for Council action:

1. DETERMINE, 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; and the Project is exempt from CEQA pursuant to Public Resources Code Section 21080.25
2. FIND, 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, Errata dated October 2023, and all comments received, there is no substantial evidence that the project will have a significant effect on the environment; and FIND, the Negative Declaration reflects the independent judgment and analysis of the City; and, ADOPT the Negative Declaration.
3. ADOPT the Amended Findings, of the Department of City Planning (DCP) report, dated November 2, 2023, attached to the Council file which are associated with the Alternative Ordinance, as the Findings of Council.
4. AMEND the Development Standards, Operational Requirements, and Prohibitions of Section 9 of the Alternative Ordinance in Exhibit A of the DCP report, dated November 2, 2023, attached to the Council file, to include "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."
5. AMEND the Parking Relief Allowance of Section 9 of the Alternative Ordinance in Exhibit A of the DCP report, dated November 2, 2023, attached to the Council file, to include "When an Outdoor Dining Area is located in a building's parking area, automobile parking spaces may be replaced by Outdoor Dining Area, except that at least one automobile parking space must be provided, unless exempted by state law."
6. AMEND Subsection 12.21 A.24(d)(1)(i) of the Alternative Ordinance in Exhibit A of the DCP report, dated November 2, 2023, attached to the Council file, to read "The Outdoor Dining Area shall have an enclosure of no more than 75 percent, except that:"
7. REQUEST the City Attorney to prepare and present an ordinance that includes all of the policies included in Exhibit A of the DCP report, dated November 2, 2023, and attached to the Council file, and as in the DCP report dated November 27, 2023, attached to the Council file, and as amended in the Recommended Action Item Nos. 4,5, and 6.

Fiscal Impact Statement: None submitted by the DCP. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted

Summary:

At a regular meeting held on December 5, 2023, the PLUM Committee considered a Categorical Exemption, Statutory Exemption, Negative Declaration, Errata, Report from the DCP dated November 27, 2023 with revised recommendations, Findings, and Alternative draft Ordinance included in Exhibit A of the DCP report dated November 2, 2023, 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 LAMC to streamline Zoning Code regulations to create a permanent Al Fresco Program for outdoor dining on private property. DCP staff provided an overview of the matter. After an opportunity for public comment, the Committee recommended to request the City Attorney to prepare and present an ordinance that includes all of the policies included in Exhibit A of the DCP report, dated November 2, 2023, and attached to the Council file, and as amended in the Recommended Action Item Nos. 4, 5, and 6 in the DCP report dated November 27, 2023, attached to the Council file, inclusive of the technical amendment to modify Subsection 12.21 A.24(d)(1)(i) of the Alternative Ordinance in Exhibit A of the DCP report, dated November 2, 2023, attached to the Council file, to read "The Outdoor Dining Area shall have an enclosure of no more than 75 percent, except that:" This matter is now submitted to the Council for consideration.

Respectfully Submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE



<u>MEMBER</u>	<u>VOTE</u>
HARRIS-DAWSON:	ABSENT
LEE:	YES
YAROSLAVSKY:	ABSENT
PADILLA:	YES
HUTT:	YES

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-NOT OFFICIAL UNTIL COUNCIL ACTS-