

**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) to streamline outdoor Zoning Code regulations to create a permanent Al Fresco Program for outdoor dining on private property.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. The following definition in Section 12.03 of Article 2 of Chapter 1 of the LAMC is amended to read as follows:

**FLOOR AREA.** 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.

Sec. 2. The following definition is added to Section 12.03 of Article 2 of Chapter 1 of the LAMC in alphabetical order to read as follows:

**OUTDOOR DINING AREA.** A covered or uncovered, but not fully enclosed area which may include but is not limited to an open-to-sky parking area, patio, courtyard, or plaza, that is located in a space within the same lot as the restaurant to which it serves as an accessory use, but is outside of the enclosed building or structure in which the restaurant is located, and is used for the service and consumption of food and drinks by the patrons of the restaurant.

Sec. 3. Subdivision 2. of Subsection B. of Section 12.10.5 of Article 2 of Chapter 1 of the LAMC is amended to read as follows:

2. All activities are conducted wholly within an enclosed building, except that restaurants may have Outdoor Dining Areas.

Sec. 4. 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 Dining Areas.

Sec. 5. Subdivision 13. of Subsection A. of Section 12.12.2 of Article 2 of Chapter 1 of the LAMC is 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. Notwithstanding the foregoing, Outdoor Dining Areas are permitted.

Sec. 6. Subparagraph (2) of Paragraph (b) of Subdivision 2. of Subsection A. of Section 12.13 of Article 2 of Chapter 1 of the LAMC is amended to read as follows:

(2) All activities are conducted wholly within an enclosed building, except that restaurants may have Outdoor Dining Areas.

Sec. 7. 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 is 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. 8. Subparagraph (10) of Paragraph (a) of Subdivision 1. of Subsection A. of Section 12.14 of Article 2 of Chapter 1 of the LAMC is amended to read as follows:

(10) Restaurant, tea room or cafe (including entertainment other than dancing) or a restaurant with an Outdoor Dining Area.

Sec. 9. A new Subdivision 24. is added to Subsection A. of Section 12.21. of Article 2 of Chapter 1 of the LAMC to read as follows:

**24. Outdoor Dining Area Regulations for Restaurants (Al Fresco Ordinance).**

(a) **Purpose.** The purpose of this section is to establish eligibility, development, and operational 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, 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 that currently provides or proposes to offer Outdoor Dining Areas shall have all necessary permits, including a Certificate of Occupancy, to operate a restaurant. A restaurant, however, that has been the subject of a wage claim under LAMC Section 188.00, et seq. (Los Angeles Office of Wage Standards Ordinance) that has resulted in an adverse order, decision, or award shall be ineligible.

(1) **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 operator shall prepare a Phase I Environmental Site Assessment (ESA) and, if needed, a Phase II ESA and shall 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 in order for the restaurant operator to be eligible for the AI Fresco Program.

(2) **Historic-Cultural Monument (HCM) and Historic Preservation Overlay Zones.** Properties that have either been designated as an HCM, pursuant to LAAC Section 22.171. (Cultural Heritage Ordinance), or are located within a Historic Preservation Overlay Zones, pursuant to LAMC Section 12.20.3 (HPOZ Ordinance) may be eligible for the AI Fresco Ordinance, but shall be required to comply with the requirements and processes set forth in the Cultural Heritage Ordinance and the HPOZ Ordinance.

(d) **Outdoor Dining Area Standards.**

(1) **Development Standards, Operational Requirements, and Prohibitions.**

(i) The Outdoor Dining Area shall have an enclosure of no more than 50 percent, except that:

a. Moveable, non-permanent delineators are exempt from counting towards the maximum enclosure.

b. The Outdoor Dining Area may have an enclosure of up to 100 percent if the roof coverage is no more than 25 percent.

(ii) Television monitors and other similar audiovisual devices are prohibited in Outdoor Dining Areas.

(iii) Live music, live entertainment, including but not limited to disc jockeys, karaoke, dancing, pool tables, billiard tables, and adult entertainment uses are prohibited in Outdoor Dining Areas.

(iv) An Outdoor Dining Area shall operate no later than 10:30 p.m. on Sundays through Thursdays and 11:00 p.m. on Fridays and Saturdays, if abutting or across an alley from a residential zone, not including the RAS zone. If the Outdoor Dining Area is not abutting or across an alley from a residential zone, then the Outdoor Dining Area is subject to any applicable hours limitation imposed by law, discretionary action, or previously issued permit.

(v) Notwithstanding any provisions to the contrary, the noise levels of the Outdoor Dining Area shall not exceed the standards set forth in the Noise Ordinance (Ordinance No. 156,363).

(vi) Outdoor Dining Areas shall be cleaned nightly and adjoining sidewalk areas shall be kept free of debris, litter, and graffiti.

(vii) 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. A hotline phone number and contact information for LADBS shall be provided for complaints or concerns regarding the operation of the Outdoor Dining Area. A telephone number of the restaurant operator or manager shall be provided for complaints or concerns regarding the operation of the Outdoor Dining Area.

(viii) A sign reminding guests to be respectful of surrounding neighbors shall be posted in the Outdoor Dining Area.

(2) **Background Music Allowance.** Background music shall not exceed 5 dBA above ambient noise levels and shall only be permitted in compliance with the following additional standards:

(i) Outdoor speakers shall be oriented toward the center of the Outdoor Dining Area.

(ii) Outdoor background music shall be played no later than 10:00 p.m.

(iii) **Noise Monitoring Device.** The operator shall install a noise monitoring device in the Outdoor Dining Area in accordance with the following requirements.

a. **Device Standards.** The noise monitoring device shall be capable of:

i. Continuously monitoring dBA levels for the duration of the Outdoor Dining Area.

ii. Sending notifications to the operator in the event the dBA level exceeds the notification threshold established in guidance promulgated by the Department of City Planning.

iii. Maintaining decibel readings that can be made available upon request.

b. **Device Placement.** The noise monitoring device shall be located along the perimeter of the Outdoor Dining Area that is closest to the most sensitive zone or use. The operator shall indicate the location of the monitoring device in plans submitted to the Department of Building and Safety prior to approval of a permit and issuance of a Certificate of Occupancy for the Outdoor Dining Area. The noise monitoring device shall remain in the approved location for the duration of the Outdoor Dining Area. In no event shall the noise monitoring device be covered, blocked or altered.

c. **Device Log.** The operator shall maintain the noise monitoring data for a minimum of 12 consecutive months. The entirety of the noise monitoring data shall be provided to the City upon request.

(3) **Parking Relief Allowance.** When an Outdoor Dining Area is located in a building's parking area, automobile parking spaces may be replaced by Outdoor Dining Area.

(4) **Alcohol Service Standards.**

(i) In addition to all the standards listed above in LAMC Section 12.21 A.24.(d)(1)-(3), all of the following standards apply when alcohol service is provided in an Outdoor Dining Area on private property pursuant to the administrative alcohol authorization process in LAMC Section 12.21 A.24(e) below:

a. All alcohol 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 pursuant to the administrative alcohol authorization process in LAMC Section 12.21 A.24(e) below, all the following standards apply:

a. All alcohol 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 LAMC Section 12.24 W.1, modifications or expansions of alcohol service for an Outdoor Dining Area may be authorized pursuant to this Subsection through an administrative verification process. No fee shall be charged for administrative verification of AI Fresco deemed approved status. Deemed approved status must be obtained within six months of the expiration of the LA AI Fresco authorization.

(i) Restaurants shall be considered deemed approved and authorized to continue operations in compliance with the standards listed above in LAMC Section 12.21 A.24.(d) if the restaurant operator continually meets all the following eligibility criteria:

a. Have a valid LA AI Fresco authorization issued or renewed as of the effective date of this Ordinance that has not been previously revoked for violations;

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;

c. Have a license to sell alcohol from the California Department of Alcoholic Beverage Control; and

d. Is not subject to any of the enforcement mechanisms set forth in Paragraph (f) that, upon further investigation by the City, result in a citation, the imposition of fines or penalties, or revocation.

(ii) Restaurants that did not receive the deemed 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 LAMC Section 12.21 A.24.(d) if the restaurant operator continually meets the eligibility criteria:

a. The "Building Permit Clearance - Minor" fee, pursuant to LAMC Section 19.04 of this Code, shall be paid prior to the issuance of an Expanded Outdoor Dining Area clearance.

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;

c. Have a license to sell alcohol from the California Department of Alcoholic Beverage Control; and

d. Is not subject to any of the enforcement mechanisms set forth in Paragraph (f) that, upon further investigation by the City, result in a citation, the imposition of fines or penalties, or revocation.

(2) **Waiver.** Relief from the Outdoor Dining Area standards in LAMC Section 12.21 A.24(d)(1)(i) may be requested through the approval of plans on the original discretionary entitlement pursuant to LAMC Section 12.24 M.

(f) **Enforcement.**

(1) Failure to comply with any of the regulations and standards set forth herein shall constitute a violation of the Al Fresco Ordinance and may result in a citation, Administrative Citation, Orders to Comply and/or other available enforcement mechanisms identified herein or in the LAMC.

(2) The City shall have the authority to conduct inspections, consistent with LAMC Section 98.0105, to verify compliance with all of the requirements prescribed in LAMC Section 12.21 A.24. The owner and restaurant operator shall be notified of the deficiency or violation and shall be required to timely correct and eliminate the deficiency or violation.

(3) Enforcement of the requirements pursuant to LAMC Section 12.21 A.24 is not exhaustive, and the City may pursue other remedies.

(4) **Citations and/or Orders to Comply.** A citation for violating LAMC Section 12.21 A.24 shall include, but is not limited to, Administrative Citations and/or Notice to Appear Citations



issued by the Los Angeles Police Department, and Orders to Comply and/or Notices of Violation issued by the Department of Building and Safety, as further outlined herein.

(i) The terms “Administrative Citation” and “Enforcement Officer shall have the same meaning as defined in LAMC Section 11.2.02.

(ii) An Enforcement Officer may issue an Administrative Citation to the property owner or restaurant operator for any violation of LAMC Section 12.21 A.24.

(5) **Fines and Penalties for Violations.** Any owner or restaurant operator issued an Administrative Citation in violation of LAMC Section 12.21 A.24 shall be subject to the following fines:

(i) An administrative fine of \$1000 for a first violation;

(ii) An administrative fine of \$5,000 for a second violation;

(iii) An administrative fine of \$8,000 for a third violation and \$8,000 for each subsequent violation.

Upon the successful imposition of an administrative fine for any combination of three violations of LAMC Section 12.21 A.24(d)(1) or (d)(2), either because no appeal is filed or any appeal is denied, the right to play background music in the Outdoor Dining Area shall be suspended for a period of 12 consecutive months from the date of the last cited violation.

(6) **Administrative Process Applicable to Administrative Citations.** Unless otherwise specified herein, all Administrative Citations issued for violations of LAMC Section 12.21 A.24 shall be subject to the provisions set forth in Article 1.2 of Chapter I of this Code, including, but not limited to, an

administrative hearing and appeal process, as set forth in LAMC Section 11.2.01, et seq., and the City’s authority to use any civil remedy available to collect any unpaid administrative fine.

(7) **Revocation of Outdoor Dining Areas.**

(i) **Definitions.** As used in this subsection, the following terms are defined as follows:

a. **BOARD.** The Board of Building and Safety Commissioners.

b. **DEPARTMENT.** The Los Angeles Department of Building and Safety.

c. **SUPERINTENDENT.** The Superintendent of Building or his or her authorized representative.

(ii) **Applicability.** The provisions of this subsection shall apply to every Outdoor Dining Area operating pursuant to LAMC Section 12.21 A.24 with a valid Certificate of Occupancy or a valid permit.

(iii) **Revocation Proceedings Resulting from Citations and Other Enforcement Mechanisms.**

Regardless of any previous corrective actions or payments of fines and fees, any combination of four or more Notice to Appear Citations, Orders to Comply, Notices of Violation or Administrative Citations issued by Los Angeles Police Department, Department of Building and Safety or other City Departments for any violation under LAMC Section 12.21 A.24 or the Noise Ordinance may result in revocation proceedings for any Certificate of Occupancy or permits, or both, issued to authorize an Outdoor Dining Area pursuant to LAMC Section 12.21 A.24. The revocation proceedings shall be commenced by issuance of a Notice of Intent to Revoke ("Notice"), which shall be sent to the owner of the property and the restaurant operator of the Outdoor Dining Area. The Notice shall state the following:

a. The date and place of the revocation hearing, which shall be scheduled at least 15 days but not more than 90 days from the date of issuance of the Notice.

b. A list of all violations under LAMC Section 12.21 A.24 LAMC or the Noise Ordinance for which a Notice to Appear Citation, Order to Comply, Notice of Violation, or Administrative Citation was issued by Los Angeles Police Department, Department of Building and Safety or other City Departments.

c. Copies of all Notice to Appear Citations, Orders to Comply, Notices of Violation and Administrative Citations related to these violations, unless the copies were previously furnished to the owner or restaurant operator.

d. The owner or restaurant operator is entitled to be represented by legal counsel at any revocation hearing.

(iv) **Revocation Hearing.** On the date specified in the Notice, a revocation hearing shall be held before the Board. The Board shall determine whether the Certificate of Occupancy or permit, or both, shall be revoked. Revocation shall be ordered by the Board for multiple violations of LAMC Section 12.21 A.24 or the Noise Ordinance, four or more Notices to Appear Citations, Orders to Comply, or Notice of Violation, or Administrative Citations issued to the property owner of record or restaurant operator by the Los Angeles Police Department, the Department of Building and Safety, or any other City Department.

(v) In making its determination, the Board may hear from the owner, restaurant operator, or other interested party. The determination of the Board is final.

(vi) **Reversion of Uses.** Upon the Board's determination to revoke any Certificate of Occupancy or permits issued to authorize an Outdoor Dining Area, the Board may order the owner or restaurant operator to obtain all necessary permits to remove all improvements in the Outdoor Dining Area. The Board may also order the owner or restaurant operator to obtain all necessary permits to restore the use and condition that existed prior to the development of the Outdoor Dining Area or convert the Outdoor Dining Area to a conforming use.

(vii) **Permit Suspension Period.** The Board may determine that no new Certificate of Occupancy or permits authorizing an Outdoor Dining Area shall be issued for a period of up to 12 consecutive months, as counted from the date the revocation determination is made by the Board.

(viii) Each violation of the Code and each day of operation without a Certificate of Occupancy or a building permit is a misdemeanor.

(8) **Criminal and Other Remedies Available.** Any violation of LAMC Section 12.21 A.24 may be prosecuted as a misdemeanor. In cases where the City Attorney elects to criminally prosecute a violation, the defendant shall be subject to all applicable penalties authorized by Section 11.00 (m) of this Code, and not the administrative fines authorized by this section.

(g) **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 Ordinances listed by number below. Furthermore, the Outdoor Dining Area Standards in LAMC Section 12.21 A.24(d) shall prevail and supersede any conflicting provisions found in any 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. 10. Subdivision 5. of Subsection A. of Section 12.21.1 of Article 2 of Chapter 1 of the LAMC is 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 Dining Areas.

Sec. 11. Subparagraph (5) of Paragraph (a) of Subdivision 34. of Subsection A. of Section 12.22 of Article 2 of Chapter 1 of the LAMC is amended to read as follows:

(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. 12. Subparagraph (4) of Paragraph (b) of Subdivision 34. of Subsection A. of Section 12.22 of Article 2 of Chapter 1 of the LAMC is amended to read as follows:

(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 LAMC Section 12.21 A.24 shall be exempt from the above standards.

Sec. 13. Subparagraph (6) of Paragraph (e) of Subdivision 34. of Subsection A. of Section 12.22 of Article 2 of Chapter 1 of the LAMC is amended to read as follows:

(6) The owner or the operator of the restaurant shall reapply for the administrative clearance if there is:

(i) a change in State alcohol license type;

(ii) a modification to the floor plan, including, but not limited to, floor area or number of seats, or a modification to outdoor seating\*\*; or

(iii) a change in the ownership or the operator or the operator of the restaurant.

**\*\*Exemption.** Modification to the number of seats or outdoor seating for the purposes of Outdoor Dining Areas pursuant to LAMC Section 12.21 A.24 shall not require reapplication.

Sec. 14. A new Paragraph (e) is added to Subdivision 1. of Subsection W. of Section 12.24 of Article 2 of Chapter 1 of the LAMC to read 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 LAMC Section 12.21 A.24.

Sec. 15. Subdivision 32. of Subsection W. of Section 12.24 of Article 2 of Chapter 1 of the LAMC is deleted.

Sec. 16. Subdivision 2. of Subsection D. of Section 16.02.1 of Article 6 of Chapter 1 of the LAMC is amended to read as follows:

2. **Outdoor Dining Areas.** Notwithstanding any provisions of this Code or any Zoning Administrator interpretations of this Code to the contrary, any new or expanded Outdoor 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 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-premises 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 Dining Areas shall comply with this Code and any applicable Specific Plan, notwithstanding this Section.

Sec. 17. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality  
HYDEE FELDSTEIN SOTO, City Attorney

By   
KIMBERLY HUANGFU  
Deputy City Attorney

Date November 2, 2023

File No. 20-1074-S4

Pursuant to Charter Section 559, I  
**disapprove** this ordinance on behalf  
of the City Planning Commission and  
recommend that it **not** be adopted.

  
VINCENT P. BERTONI, AICP  
Director of Planning

Date November 3, 2023

[m:\real\_prop\_env\_land use\land use\kimberly huangfu\ordinances\al fresco\final transmittal\2023.11.1\23.11.01 al fresco ord (full schema with music) final draft.docx]

The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than two-thirds** of all its members.

CITY CLERK

MAYOR

\_\_\_\_\_

\_\_\_\_\_

Ordinance Passed \_\_\_\_\_

Approved \_\_\_\_\_