

Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. R23-0476
DEC 12, 2023

REPORT RE:

REVISED DRAFT 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 TO STREAMLINE ZONING CODE REGULATIONS TO CREATE A PERMANENT AL FRESCO PROGRAM FOR OUTDOOR DINING ON PRIVATE PROPERTY

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

On November 2, 2023, this Office transmitted for your consideration a draft ordinance and draft Alternative Ordinance (attached as Exhibit A to the Department of City Planning's Supplemental Report, dated November 2, 2023), approved as to form and legality. Both versions of the draft ordinance, also known as the Permanent Al Fresco Ordinance, seek to amend 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. (City Attorney Report No. R23-0416).

At its meeting on November 7, 2023, the Planning and Land Use Management (PLUM) Committee of the Los Angeles City Council continued consideration of the draft ordinance, pending a report back on a few items, namely clarification regarding the City-issued identification in outdoor dining areas and the process for reporting and tracking Al Fresco complaints and the proposed amendment of LAMC Section

12.21.A.24.(d)(1)(i) to increase the allowable enclosure area from 50 percent to 75 percent. On December 5, 2023, the PLUM Committee recommended that the City Council adopt the Alternative Ordinance, subject to additional amendments. Additional parking exemptions for restaurant operators with either 3,000 square feet or less of primary restaurant square footage or 1,000 square feet or less of Outdoor Dining Area square footage were introduced and recommended for adoption by the City Council at a subsequent December 8, 2023 meeting.

This Office has prepared and now transmits for your consideration the enclosed revised draft ordinance, approved as to form and legality and amended pursuant to the PLUM Committee's December 5, 2023 and the City Council's December 8, 2023 actions. No other substantive changes or corrections have been made to the revised draft ordinance. The Department of City Planning has transmitted updated project findings to the Council File, dated December 11, 2023, that reflect the revisions to the draft ordinance, and CEQA Findings, dated December 11, 2023, including a Second Errata dated December 2023. The City Council may adopt these findings when it considers the revised ordinance.


Council Rule 38 Referral

A copy of the revised draft ordinance was sent, pursuant to Council Rule 38 to the Department of Building and Safety and the Los Angeles Police Department, with a request that all comments be presented directly to the City Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Kimberly Huangfu at (213) 978-8257. A member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By: 

Kimberly A. Huangfu
Deputy City Attorney

JH:KAH:jr
Transmittal