

ORDINANCE NO. _____

An ordinance amending Sections 12.03, 12.10.5, 12.11.5, 12.12.2, 12.13, 12.14, 12.21, 12.21.1, and 12.24 of the Los Angeles Municipal Code (LAMC) in order to streamline outdoor dining provisions throughout the Zoning Code.

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

Sec. 1. Section 12.03 of Article 2 of Chapter 1 of the LAMC shall be amended to read as follows:

FLOOR AREA. (Amended by Ord. No. 182,386, Eff. 3/13/13.) 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.

OUTDOOR DINING AREA. When used in Sections 12.03, 12.10.5, 12.11.5, 12.12.2, 12.13, 12.14, 12.21, 12.21.1, and 12.24, this term shall refer to a covered or uncovered portion of a restaurant which is located outside of a fully enclosed building or structure and is not completely enclosed, is located on private property, including but not limited to a parking lot, patio, courtyard or plaza, and is used primarily for the consumption of food and drinks by the patrons of the restaurant.

~~**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.)~~

Sec. 2. (RAS3) Subdivision 2 of Subsection B of Section 12.10.5 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 eating areas~~ Outdoor Dining Areas.

Sec. 3. (RAS4) 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 eating areas~~ Outdoor Dining Areas.

Sec. 4. (CR Limited) Subdivision 13 of Subsection A of Section 12.12.2 of Article 2 of Chapter 1 of the LAMC shall be 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. Outdoor Dining Areas are permitted pursuant to 12.21 A.24. ~~An outdoor eating area for a ground floor restaurants may be located anywhere between the building and its required front yard, or between the building and any required side or rear yard which side or rear yard abuts a public street.~~ **(Amended by Ord. No. 165,403, Eff. 2/17/90.)**

Sec. 5. (C1) Subparagraph 2 of Paragraph b of Subdivision 2 of Subsection B of Section 13 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 ~~ground floor restaurants may have~~ Outdoor Dining Areas. ~~outdoor eating areas.~~ ~~An outdoor eating area for a ground floor restaurants may be located anywhere between the building and its required front yard, or between the building and any required side or rear yard which side or rear yard abuts a public street.~~ **(Amended by Ord. No. 165,403, Eff. 2/17/90.)**

Sec. 6. (C1.5) Subparagraph 3 of Paragraph b of Subdivision 2 of Subsection A of Section 13.5 of Article 2 of Chapter 1 of the LAMC shall be 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. 7. (C2) Subdivision 10 of Subsection A of Section 14 of Article 2 of Chapter 1 of the LAMC shall be amended to read as follows:

(10) Restaurant, tea room or cafe (including entertainment other than dancing) or a ~~ground floor~~ restaurant with an Outdoor Dining Area ~~outdoor eating area. An outdoor eating area for ground floor restaurants may be located anywhere between the building and any required side or rear yard.~~ ~~(Amended by Ord. No. 165,403, Eff. 2/17/90.)~~

Sec. 8. A new Subdivision 24 shall be added to Subsection A of Section 12.21 of Article 2 of Chapter 1 of the LAMC to read as follows:

A. Use

24. Outdoor Dining Regulations for Restaurants

- a. Purpose.** The purpose of this section is to establish development, operational, and maintenance standards to support and facilitate outdoor dining without negatively impacting public health, safety, and welfare.
- b. Applicability.** Outdoor dining on private property, including but not limited to a parking lot, patio, courtyard or plaza, in all RAS, C, and M zones where restaurants are allowed, shall be permitted pursuant to the regulations in this Subsection.
- c. Eligibility**
 - i. Restaurants which currently provide and/or propose to offer outdoor dining shall have all necessary permits to operate a restaurant.
 - ii. Restaurants which serve alcohol and/or propose to serve alcohol shall operate under a valid license from the California Department of Alcohol Beverage Control; and
 - iii. Restaurants which serve alcohol and/or propose to serve alcohol shall be legally permitted to sell alcohol on site pursuant to regulations of the City of Los Angeles.

- iv. Conditions for Continued Operations After Temporary Permit Expiration
 - 1. Restaurants which serve alcohol may be authorized to continue operations if an application for a new Conditional Use Permit, Plan Approval, Restaurant Beverage Program Administrative Clearance, or any other applicable approval by the Department of City Planning has been submitted and accepted by the Department within six months of the temporary permit expiration or effective date of this ordinance.
 - 2. The authorization for continued operations shall be valid for the duration of the time required by the Department of City Planning to process the application and issue a determination on the matter.

d. Outdoor Dining Standards

i. Development/Site Design

- 1. An Outdoor Dining Area may be covered or uncovered.
- 2. Fifty percent of the perimeter of an Outdoor Dining Area shall be fully open from the ground to the top of the structure with the exception of a partial height wall that is no taller than 42 inches in height.
- 3. An Outdoor Dining Area shall be designed and operated so that it may be used by people of all abilities according to the standards of the California Building Code.
- 4. An Outdoor Dining Area shall be designed and operated so that it is in compliance with regulations regarding access to building openings, fire lanes, use of combustible materials and other fire safety measures as identified in the LAFD Fire Code.
- 5. Outdoor Dining Areas which abut or are across an alley from an A or R zoned lot, shall not be located closer than 20 ft. from the abutting A or R zone. Notwithstanding the provisions of Sec. 12.21 A.3, a RAS zone shall not be considered an R zone for the purposes of this standard.
- 6. Outdoor Dining Area and Parking Lot Design.
 - a. When an Outdoor Dining Area is located on a surface parking lot or parking structure where

cars are parked, covered Jersey barriers or water barriers shall be installed to separate the two uses.

- b. If a parking lot is used entirely as an Outdoor Dining Area and is not used to park cars, the parking lot shall be designed so that barriers block vehicular access from the roadway into the parking lot, but shall allow for direct pedestrian access from the parking lot to the sidewalk and/or roadway.

ii. **Outdoor Dining Structures, Furniture, and Equipment**

- 1. All Outdoor Dining structures, furniture, and/or equipment, including but not limited to canopies, tents, heaters, lighting, ramps, platforms and walls, shall comply with all applicable Building Code and Fire Code requirements.

iii. **Operations**

1. Prohibited Activity

- a. Music, television monitors, screens and speakers are prohibited in Outdoor Dining Areas.
- b. Live entertainment, dancing, pool tables, billiard tables, and adult entertainment uses are prohibited in Outdoor Dining Areas.
- c. Private events and cover charges are prohibited in Outdoor Dining Areas.

2. Operating Standards

- a. Outdoor Dining Areas which abut or are across an alley from an A or R zoned lot shall be limited to hours of operation between 7:00 a.m. and 11:00 p.m. Notwithstanding the provisions of Sec. 12.21 A.3, a RAS zone shall not be considered an R zone for the purposes of this standard.
- b. All other Outdoor Dining Areas shall be limited to operating during the hours that the kitchen facilities of the associated restaurant are open for meal ordering.

c. Notwithstanding the above, an Outdoor Dining Area in a CR zone shall comply with the limitations of Sec. 12.12.2 A 13.

iv. **Maintenance**

1. Outdoor Dining Areas on private property shall be cleaned nightly and adjoining sidewalk areas be kept free of debris, litter and graffiti.

e. **Parking Relief**

i. If the Outdoor Dining Area is located in the restaurant's parking area, a maximum of five required automobile parking spaces, new or existing, may be replaced by Outdoor Dining Area; and

ii. When automobile parking is shared between multiple tenants on a lot, such as in a mini-mall or shopping center, a tenant may apply for the parking reduction allowed in this provision with signed and notarized proof of the property owner's permission.

iii. However, the total number of required accessible parking spaces may not be reduced by Outdoor Dining Area.

f. **Administration**

i. Restaurants with Outdoor Dining Areas that do not comply with the standards in Paragraph d and e shall apply for a Conditional Use Permit pursuant to Sec. 12.24 W.32.

ii. Citations or Orders to Comply in violation of the standards in Paragraph d and e may require restaurants with Outdoor Dining Areas to apply for a Conditional Use Permit pursuant to Sec. 12.24 W.32 to continue operations.

g. **Relationship to Other Zoning Provisions.** The standards of Sec. 12.21 A.24 shall prevail over any conflicting provisions of any Specific Plan, Supplemental Use District or other overlay, or other zoning limitations.

Sec. 9. (*Height of Buildings or Structures*) Subdivision 5 of Subsection A of Section 12.21.1 of Article 2 of Chapter 1 of the LAMC shall be 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 eating areas of ground floor restaurants.~~

Outdoor Dining Areas. (Amended by Ord. No. 182,386, Eff. 3/13/13.)

Sec. 10. Subdivision 32 of Subsection W of Section 12.24 of Article 2 of Chapter 1 of the LAMC shall be amended to read as follows:

32. **Outdoor Dining Areas for ~~ground floor~~ restaurants** in the ~~GR zone, C1, and C1.5~~ Zones RAS, C, and M zones if not permitted by right in compliance with Sec. 12.21 A.24.

Sec. 11. Subdivision 2 of Subsection D of Section 16.02.1 of Article 6 of Chapter 1 of the LAMC shall be amended to read as follows:

2. Outdoor ~~Eating~~Dining Areas. Notwithstanding any provisions of this Code or any Zoning Administrator interpretations of this Code to the contrary, any new or expanded Outdoor ~~Eating~~Dining Area 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 ~~Eating~~Dining Area during the period that these provisions are invoked, pursuant to this section, if the following requirements are met:

Sec. 12. The City Clerk shall certify that.....