

ORDINANCE NO. _____

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code to amend existing regulations for outdoor dining associated with a restaurant or other eating establishment on private property in the unincorporated areas of Los Angeles County.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 22.14.150 is hereby amended to read as follows:

22.14.150 – O.

...

Outdoor dining. An area of a restaurant or other eating establishment, including food take-out, where food or beverage are served on private property, and where there is not a roof and walls on all sides.

...

SECTION 2. Section 22.140.410 is hereby amended to read as follows:

22.140.410 Outdoor Dining.

A. Applicability. This Section applies to restaurants with outdoor dining in all zones where permitted.

B. Application Requirements.

1. Ministerial Site Plan Review. A Ministerial Site Plan Review (Chapter 22.186) application is required for outdoor dining that complies with Subsections C through ~~GE~~, below; or

2. Conditional Use Permit. A Conditional Use Permit (Chapter 22.158) application is required for outdoor dining and a request to modify the requirements in Subsections C through ~~GE~~, below: or

3. Special Event Permit. A Special Event Permit (Chapter 22.188) application is required for temporary outdoor dining that complies with Section 22.188.020 (Applicability) and Section 22.188.040 (Findings and Decision).

C. Development Standards.

1. Walls. Where areas are used for outside eating, drinking, or assembly ~~within 75 feet of~~ abuts a Residential or Agricultural Zone, a solid, ~~masonry~~ non-permeable wall between five and six feet in height shall be required along the lot lines adjoining said zones, except ~~that:~~ where such wall is located within 10 feet of any alley, street, parkway, or highway and would interfere with the line-of-sight of the driver of a motor vehicle leaving the property on a driveway, or moving past a corner at the intersection of two streets or highways, said wall shall not exceed a height of 42 inches; ~~and~~

~~2. The Director may approve substitution of a decorative fence or wall, where, in his opinion, such fence or wall will adequately comply with the intent in Subsection C.1, above, and any required application findings.~~

~~2. D.—Lighting.~~ Lighting shall be so arranged to prevent glare or direct illumination in or on to any Residential or Agricultural Zone.

~~3. E.—Awnings.~~ All awnings shall conform to the requirements in Title 26 (Building Code) of the County Code for roof coverings. Coverings for outdoor dining area. Awnings, umbrellas, canopies, shade sails, and other coverings shall be weather-

ultraviolet-, and fire-resistant and maintained in good condition, and shall comply with Section 22.110.180 (Sight Distance). No portable tents, easy-ups, and banners of any kind shall be permitted in the outdoor dining area.

4. Fences and Landscaping.

a. A 42-inch high wall, fence, or hedge, or a twelve-inch wide landscaped area or planter shall be established along the outdoor dining area adjoining any public sidewalk, street, highway, or alleyway; except where all of the tables and chairs are removed daily.

b. If parking spaces per Subsection C.5, below, or driveways that have been closed to vehicular circulation are used as an outdoor dining area, a permanent wall, fence, hedge, or planter between 42 and 60 inches in height shall be erected along the perimeter of the outdoor dining area facing the parking area or driveway open to vehicular circulation.

c. K-rails and traffic cones shall not be permitted.

d. Notwithstanding any minimum landscaping requirements imposed by this Title 22, outdoor dining areas may be used in lieu of required landscaping subject to this subsection C.4.

5. Parking spaces.

a. Restaurants of Any Size Within Public Transit Areas and Restaurants of 3,000 Square Feet or Less of Floor Area Outside of Public Transit Areas.

i. An outdoor dining area may occupy up to three existing parking spaces per restaurant or other eating establishment without the need to provide additional or replacement parking, with the written

permission of the property owner. No accessible parking spaces, electric vehicle-ready parking spaces or bicycle parking shall be occupied or reduced.

b. Restaurants of Greater than 3,000 Square Feet Outside of Public Transit Areas.

- i. An outdoor dining area may occupy up to three parking spaces that are in excess of required numbers prescribed by Section 22.112.070 (Required Parking Spaces), with the written permission of the property owner. Use of required parking spaces for an outdoor dining area shall require either a Minor Parking Deviation (Chapter 22.176) or a Parking Permit (Chapter 22.178) application, whichever is applicable. No accessible parking spaces, electric vehicle-ready parking spaces or bicycle parking shall be occupied or reduced.

6. Driveways. Outdoor dining areas shall not be placed within any driveway, fire lane, or maneuvering aisle adjacent to one or more parking spaces in a way that will impede the vehicular access and circulation of the parking area.

7. Pedestrian clearance. Outdoor dining areas may be established in common walkways, plazas, and courtyards open to the public where there is at least four feet of clearance maintained exclusively for pedestrians at the perimeter of the outdoor dining area, which shall remain clear of all dining activity.

8. Access. All accessible spaces, including ramps, loading areas, parking spaces, and other areas marked as reserved shall not be used for outdoor dining and

shall remain clear of all dining activity. All areas used for outdoor dining shall be accessible for people of all abilities.

F.D Performance Standards.

1. Music. There shall be no speakers, televisions, other amplified sound, or music, or live entertainment in the outdoor dining area.

2. Cashiering. No cashier or other equipment involved with money transactions shall be stored within the outdoor dining area.

3. Alcohol sales. Alcohol sales and consumption in the outdoor dining area require an approved Conditional Use Permit (Chapter 22.158) and a valid California Alcohol Beverage Control license for the restaurant or other eating establishment. If a condition of approval of an existing Conditional Use Permit prohibits the consumption of alcoholic beverages outdoors or in an outdoor dining area, the Director may approve such outdoor consumption pursuant to a Revised Exhibit "A" (Chapter 22.184) if the Director determines that it would be consistent with the scope of the project and the findings made for the original Conditional Use Permit. If the consumption of alcoholic beverages in outdoor dining areas is approved pursuant to a Revised Exhibit "A," it must be conducted in compliance with all relevant conditions of approval of the existing Conditional Use Permit.

4. Patio heaters. Patio heaters shall comply with other regulations in the County Code.

5. Trash Enclosures. No trash bins or enclosures, except for any trash container required by Title 11 (Health and Safety of the County Code), shall be placed within or adjacent to an outdoor dining area.

~~G. Fencing. A 42-inch high wall, fence, or hedge, or a five-foot wide landscaped area shall be established along the outside eating, drinking, and assembly area adjoining any public sidewalk, street, or highway; except where all of the tables and chairs are removed daily.~~

~~HE. Additional Standards. Outdoor dining shall conform to all other applicable regulations of the County Code, including but not limited to All applicable provisions of Title 11 (Health and Safety) of the County Code which shall be observed in all areas of the restaurant.~~

~~F. Temporary Outdoor Dining. Temporary outdoor dining shall comply with Sections 22.188.020 (Applicability) and 22.188.040 (Findings and Decision).~~