

Al Fresco Ordinance

Case Number: ENV-2023-3278-ND

Project Location: Citywide - Ordinance applicable within the boundaries of the City of Los Angeles, which encompasses approximately 465 square miles.

Community Plan Area: Citywide

Council District: Citywide

Project Description: The proposed Al Fresco Ordinance would 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 in the City of Los Angeles. As proposed, outdoor dining that complies with the applicable standards would be permitted as a by-right use in zones where restaurants are currently permitted. Any outdoor alcohol service would continue to require compliance with all applicable zoning regulations, as stated in an existing or new discretionary approval or in compliance with the proposed new ministerial approval. Specifically, the Ordinance contains new zoning regulations which provide a pathway for restaurants to move forward with the approval process for outdoor dining, including restaurants who are currently offering outdoor dining on private property under the Los Angeles Al Fresco Temporary Use Authorization (Temporary Authorization Program), as well as restaurants who would like to newly expand their outdoor dining operations.

PREPARED BY:

The City of Los Angeles

Department of City Planning

May 2023

INITIAL STUDY

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A - Noise Measurement Samples - May 2023

INITIAL STUDY

1 INTRODUCTION

This Initial Study (IS) document evaluates potential environmental effects resulting from the proposed Al Fresco 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, 12.24, and 16.02.1 of the Los Angeles Municipal Code (LAMC) to clarify and streamline Zoning Code regulations regarding outdoor dining on private property (“Al Fresco Ordinance” or “Ordinance” or “Project”). The Project is subject to the guidelines and regulations of the California Environmental Quality Act (CEQA). Therefore, this document has been prepared in compliance with the relevant provisions of CEQA and the State CEQA Guidelines as implemented by the City of Los Angeles (City). Based on the analysis provided within this Initial Study, the City has concluded that the Project has no impacts or less than significant level impacts, resulting in the preparation of a Negative Declaration. This Initial Study and Negative Declaration are intended as informational documents and are ultimately required to be adopted by the decision maker prior to project approval by the City.

1.1 PURPOSE OF AN INITIAL STUDY

CEQA was enacted in 1970 with several basic purposes: (1) to inform governmental decision makers and the public about the potential significant environmental effects of proposed projects; (2) to identify ways that environmental damage can be avoided or significantly reduced; (3) to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures; and (4) to disclose to the public the reasons behind a project’s approval even if significant environmental effects are anticipated.

The City of Los Angeles is the lead agency for this Project. The Los Angeles City Council instructed the Department of City Planning (DCP) to prepare the Project. DCP has determined that the Project is subject to CEQA, and the preparation of an Initial Study is required, in addition to the Notice of Exemption that was prepared on April 14, 2023 (ENV-2022-8180-CE).

An Initial Study is a preliminary analysis conducted by the Lead Agency, in consultation with other agencies (responsible or trustee agencies, as applicable), to determine whether there is substantial evidence that a project may have a significant effect on the environment. If the Initial Study concludes that the Project, even with mitigation, may have a significant effect on the environment, an Environmental Impact Report should be prepared; otherwise, the Lead Agency may adopt a Negative Declaration or a Mitigated Negative Declaration.

This Initial Study has been prepared in accordance with CEQA (Public Resources Code §21000 et seq.) and the *State CEQA Guidelines* (Title 14, California Code of Regulations, §15000 et seq.).

1.2 ORGANIZATION OF THE INITIAL STUDY

This Initial Study is organized into five sections as follows:

1. **Introduction:** Describes the purpose and content of the Initial Study and provides an overview of the CEQA process.
2. **Executive Summary:** Provides Project information, identifies key areas of environmental concern, and includes a determination whether the project may have a significant effect on the environment.
3. **Project Description:** Provides a description of the environmental setting and the Project.
4. **Evaluation of Environmental Impacts:** Contains the completed Initial Study Checklist and discussion of the environmental factors that would be potentially affected by the Project.
5. **Conclusion:** Describes the overall findings of the Initial Study and recommends next steps.

1.3 CEQA PROCESS

In compliance with the *State CEQA Guidelines*, the City, as the Lead Agency for the Project, will provide opportunities for the public to participate in the environmental review process. As described below, throughout the CEQA process, an effort will be made to inform, contact, and solicit input on the Project from various government agencies and the general public, including stakeholders and other interested parties.

1.3.1 Initial Study Review Process

At the onset of the environmental review process, the City has prepared this Initial Study to determine if the Project may have a significant effect on the environment. This Initial Study determined that the Project does not have significant environmental impacts.

A Notice of Intent to Adopt a Negative Declaration (ND) is provided to inform the general public, responsible agencies, trustee agencies, and the county clerk of the availability of the document and the locations where the document can be reviewed. A 30-day review period is identified to allow the public and agencies to review the document. The notice is mailed to any interested parties and is noticed to the public through publication in a newspaper of general circulation.

The decision-making body then considers the ND, together with any comments received during the public-review process and may adopt the ND and approve the project. In addition, when approving a project for which an ND has been prepared, the decision-making body must find that there is no substantial evidence that the project will have a significant effect on the environment, and that the ND reflects the lead agency's independent judgment and analysis.

INITIAL STUDY

2 EXECUTIVE SUMMARY

Project Title	Al Fresco Ordinance
Environmental Case No.	ENV-2023-3278-ND
Related Cases	CPC-2022-8179-CA ENV-2022-8180-CE

Project Location	Citywide
Community Plan Area	Citywide
General Plan Designation	Varies
Zoning	Varies
Council District	Citywide

Lead Agency	City of Los Angeles
Staff Contact	Bonnie Kim
Address	200 N. Spring Street, Room 701 Los Angeles, California 90012
Phone Number	213-978-1330
Email	alfresco.planning@lacity.org

Applicant	City of Los Angeles
Address	200 N. Spring Street, Room 701 Los Angeles, California 90012
Phone Number	213-978-1478

2.1 OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED

(e.g., permits, financing approval, or participation agreement)

None.

2.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities / Service Systems |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Noise | <input type="checkbox"/> Wildfire |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Mandatory Findings of Significance |
-

2.3 DETERMINATION

(To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions on the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Lilian Rubio
PRINTED NAME

City Planner
TITLE

Lilian Rubio
SIGNATURE

May 12, 2023
DATE

2.4 EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of a mitigation measure has reduced an effect from "Potentially Significant Impact" to "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analysis," as described in (5) below, may be cross referenced).
- 5) Earlier analysis must be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR, or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
- 6) Earlier Analysis Used. Identify and state where they are available for review.
 - a) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

- b) Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 7) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 8) Supporting Information Sources: A sources list should be attached, and other sources used, or individuals contacted should be cited in the discussion.
- 9) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whichever format is selected.
- 10) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

INITIAL STUDY

3 PROJECT DESCRIPTION

3.1 PROJECT SUMMARY

The proposed Al Fresco Ordinance would 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. As proposed, outdoor dining that complies with the applicable standards would be permitted as a by-right use in any zones where restaurants are currently permitted. Any outdoor alcohol service would continue to require compliance with all applicable zoning regulations as stated in an existing or new discretionary approval or in compliance with the proposed new ministerial approval. Specifically, the Ordinance contains new zoning regulations which provide a pathway for restaurants to move forward with the approval process for outdoor dining, including restaurants who are currently offering outdoor dining on private property under an L.A. Al Fresco Temporary Use Authorization (Temporary Authorization), as well as restaurants who would like to newly expand their outdoor dining operations.

3.2 ENVIRONMENTAL SETTING

For the purpose of CEQA, the analysis of potential environmental impacts from a “project” is based upon a comparison of the potential impacts of a project with the baseline. The baseline is generally the existing conditions at the time the City commences the environmental review of the project (CEQA Guidelines Section 15125(a)). The Ordinance’s allowance for outdoor al fresco dining on private property as an accessory to an existing restaurant use will enable the continuation of the existing use for restaurants using the Temporary Authorizations and expansion of these activities into other restaurants not currently using the Temporary Authorizations. The following provides a summary of the existing temporary outdoor dining operations in the City, known as the Temporary Authorization Program, and the regulatory framework governing these operations based upon the most accurate data and information currently available.

Since 2020, the L.A. Al Fresco Program has allowed Temporary Authorizations for outdoor dining and has relaxed regulations to provide restaurants and other food establishments with an alternative to full indoor dining, which was created in response to the COVID-19 pandemic and the related State of Emergency. Restaurant operators interested in the program have been able

to apply online for self-certified Temporary Authorizations rather than the traditional outdoor dining permits (i.e., Bureau of Engineering's sidewalk dining Revocable Permit or Department of Building and Safety's Temporary Special Event Permit) required by the City. The Temporary Authorization Program currently charges no fees for applicants, the applications take approximately 20 minutes to complete online, and the program is available Citywide.

The intent of the proposed Project is to allow for the continuation of such authority for restaurants wishing to operate their outdoor dining areas on private property Citywide, so that current participants can transition their Temporary Authorizations into permanent approvals and future eligible participants have access to a streamlined application process.

Existing Regulatory Setting

The existing Temporary Authorization Program provides streamlined approval for outdoor dining in the following areas:

- Private Property (Parking Lots, Patios, Courtyards, Walkways, Plazas)
- Sidewalks
- On-Street (Curbside Parking Spaces)
- On-Street (Parking Lane Closures)

The existing temporary L.A. Al Fresco program is open to all establishments that adhere to State and local public health guidelines and meet the following minimum qualification thresholds:

- Establishment must be licensed in the City of Los Angeles and have a Business Tax Registration Certificate;
- For establishments with existing alcohol permits, alcoholic beverages may only be served with the approval from the Department of City Planning and the California Department of Alcohol and Beverage Control (ABC) (applicants must obtain COVID-19 Temporary Catering Authorization from the ABC);
- Establishment must have a \$300,000 minimum Liability Insurance policy; and
- Business Owner must agree to defend, indemnify, and hold the City of Los Angeles harmless for any loss or liability, including but not limited to, damage or injury related to the encroachments of this temporary authorization.

In addition, the existing temporary Al Fresco program requires that any operator that applies for a Temporary Authorization must self-certify that they will comply with the following minimum operating conditions:

- Operation must match the character and mode of the existing establishment regarding alcohol service.
- All shade structures or canopies shall only be overhead, without any vertical sides, and shall not exceed 400 square feet in size. Shade structures or canopies larger than 400 square feet shall require permits from the Los Angeles Fire and Building and Safety Departments. Full enclosures are prohibited. Exception: The aggregate area of multiple canopies placed side by side with a fire break clearance of 12 feet between each canopy may exceed 400 square feet total without requiring permits.

- All alcohol that is served shall be delivered to tables by employees.
- All patrons shall be seated.
- All alcohol service shall continue to require Department of City Planning approval. No fixed or portable bar service areas shall be placed in the temporary outdoor dining areas.
- Prohibit music, television monitors, screens, and speakers in temporary outdoor dining areas.
- Prohibit live entertainment, dancing, pool tables, billiard tables, and adult entertainment uses pursuant to LAMC Section 12.70 in all temporary outdoor dining areas.
- A City-issued identification shall be posted in the temporary outdoor dining area and made clearly visible to the public, indicating that the area is subject to the requirements and restrictions of the L.A. Al Fresco Program. This shall include a telephone number and an email address for complaints or concerns regarding the operation of the temporary outdoor dining area.
- Fire apparatus access roads must remain unobstructed.
- Tables shall be arranged so that the seating edges of adjacent tables are not less than 54 inches apart. Rectangular tables arranged to accommodate seating on one side only shall have not less than 36 inches between adjacent table edges.
- Aisles between tables and chairs must be 44-inch minimum width.
- This approval constitutes a temporary use authorization for outdoor dining areas for the duration of the Mayoral order, subject to additional extensions of Mayoral order.
- LADBS and LAFD (Public Assemblage Unit) shall have the authority to inspect and enforce conditions and may revoke any temporary use authorization for non-compliance with subject operating conditions.
- All temporary outdoor dining areas shall operate no later than 10:30 p.m. if adjacent to residentially zoned properties or residential uses.
- Prohibit private events and cover charges in temporary outdoor dining areas.
- Require nightly cleaning of premise, outdoor seating areas, and adjoining sidewalk areas free of debris and litter.
- Exits from proposed outdoor dining areas must be provided with direct, unobstructed access to the public right-of-way.
- Immediate access to the Fire Department connections shall be maintained without obstructions.
- A minimum of 5% of outdoor seating spaces must be accessible.
- A clear space of 36-inch minimum must be provided behind accessible seating spaces.
- At the expiration of this order, all temporary uses granted under this emergency order shall be subject to standard building and zoning codes and procedures.

Existing Physical Conditions

Under the current temporary Al Fresco program, the issuance of Temporary Authorizations is overseen by the LADOT and contains several minimum operating conditions (as outlined above in the “Existing Regulatory Setting” section) that are self-certified by the restaurant operator. Further, restaurant operators wishing to participate in the program are still able to apply for new Temporary Authorizations as of the time of this analysis, and those establishments that already have a Temporary Authorization may continue to operate their outdoor dining areas until August 1, 2023, subject to additional extensions by the Mayor.

Applicants who provided outdoor dining on private property and/or the public right-of-way were given separate authorizations for each type of outdoor dining. Currently, there are 10,320 total

restaurants in the City of Los Angeles. Businesses that have a valid L.A. Al Fresco Temporary Authorization (2,803) constitute 27.2% of all restaurants in the City of Los Angeles. Out of the 2,803 Temporary Authorizations issued as of March 2023, approximately 2,148 (76.6%) were issued for outdoor dining involving private property and 655 (23.4%) authorizations were issued for the public right-of-way. A key component of the initial outreach process was the creation and dissemination of online surveys. City Planning conducted several online surveys to gather feedback on the temporary Al Fresco program and obtain insights that would inform the design of the permanent program. Two surveys were created, one targeted towards businesses participating in the temporary Al Fresco program and another to gauge the attitude of the general public toward the program. Each survey was tailored toward the respective audience, and included a mix of questions seeking specific information, broad attitudes, and open-ended comments on all types of outdoor dining with an emphasis on those located on private property. The online surveys were released on June 15, 2022, to the general public through a targeted email campaign and the creation of a project page on the Department of City Planning website. The email campaign targeted several groups, including the contacts for all temporary Al Fresco participants, as well as most Chambers of Commerce, business improvement districts, and other hospitality trade groups within the City. The email campaign also targeted interested neighborhood and homeowner groups, as well as the City's Neighborhood Councils. Additionally, LADOT in their role as coordinator of the temporary Al Fresco program, sent links to the surveys through their official Al Fresco email address. This was supplemented by social media posts, as well as outreach to traditional media throughout the summer. A reminder email was sent in mid-August before the surveys were closed on August 22, 2022. A total of 308 Al Fresco businesses responded to the Participant Survey, representing a response rate of about 11% of the total Al Fresco Temporary Authorizations issued. According to those who responded to the Temporary Authorization application questions in ClearForms, the average size of an outdoor dining area is 1,036 square feet, with a median of 500 square feet, and the average number of outdoor dining seats is 34 seats, with a median of 24 seats.

According to the data acquired by the DCP's Geographic Information Systems Unit, there is at least one Temporary Authorization in each of the 35 Community Plans areas that make up the General Plan's Land Use Element of the City of Los Angeles and at least one Temporary Authorization within the Los Angeles International Airport (LAX) Specific Plan and the Port of Los Angeles' Dual Coastal Plan Zone¹, which guide land use consideration at two of the City's proprietary agencies, namely the airport and port. The five Community Plan areas with the most Temporary Authorizations involving outdoor dining on private property are listed in descending order as follows: 416 (19.4%) are in the Wilshire Community Plan area, 212 (9.9%) are in the Hollywood Community Plan area, 139 (6.5%) are in the Sherman Oaks-Studio City-Toluca Lake Community Plan area, 119 (5.5%) are in the Northeast Los Angeles Community Plan area, and 119 (5.5%) are in the Central City Community Plan area. (See **Map 1** below at page 19.)

3.2.1 Regulatory Framework

In the City, a restaurant's use and its associated outdoor private space for outdoor dining and

¹ Since March 2022, the California Coastal Commission (CCC) has issued Coastal Development Permit waivers for pandemic relief activities under Assembly Bill 61, including the expansion of service area and reduction in parking within the Coastal Zone. The waivers are valid until December 31, 2023, after which any permanent outdoor dining will require a discretionary Coastal Development Permit to the satisfaction of the CCC.

associated infrastructure are regulated by a variety of local and State agencies, which have their own distinct environmental monitoring and enforcement requirements as they relate to a customary restaurant operation dealing with selling and serving food and beverages, including alcohol. The following describes the primary regulatory requirements governing restaurants with outdoor dining activities and the agencies tasked with the oversight of restaurant operations within the City.

A. State Regulatory Agencies

California Department of Alcoholic Beverage Control (ABC)

The ABC is responsible for investigating applications for licenses to sell alcoholic beverages and report on the moral character and fitness of applicants and the suitability of premises where sales are to be conducted. ABC Agents are peace officers under Section 830.2 of the California Penal Code and are empowered to investigate and make arrests for violations of the Business and Professions Code that occur on or about licensed premises. Agents are further empowered to enforce any penal provisions of the law any place in the State. Licensees who violate State laws or local ordinances are subject to disciplinary action and may have their licenses suspended or revoked. These licensees are entitled to a hearing before an Administrative Law Judge and an appellate process to the State Supreme Court. Restaurant operators will need to obtain any necessary approvals of their State alcohol licenses from ABC for permanent expansions to the outdoor dining area on private property.

B. County Regulatory Agencies

County of Los Angeles Public Health (County's Health Department)

The County's Health Department makes sure that restaurants comply with State and Local health codes and standards. This Department performs site plan checks before construction to review plans for building materials, surface materials like sinks, equipment and installation, and ventilation systems. The City of Los Angeles does not issue any building permit approval until obtaining approval from the County's Health Department.

C. Local Regulatory Bodies in the City of Los Angeles

Department of City Planning

DCP is responsible for preparing, maintaining, and implementing a General Plan for the development of the City. The General Plan consists of the Framework Element, which provides overall guidance for the future of the City and other citywide elements including those that are State-mandated, including the Circulation, Noise, Housing, Open Space, Land Use, Conservation, and Safety elements.

DCP is also responsible for implementing the zoning code, which references outdoor dining on

private property and other related activities in LAMC 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.

Department of Building and Safety

The Los Angeles Department of Building and Safety (LADBS) provides permitting, plan check, inspection, and code enforcement services for residential and commercial buildings in the City, including restaurant operations that are eligible for the Project. LADBS reviews construction work that could affect the structural integrity of the building and reviews a restaurant's construction documents for accessibility to meet the requirements of the Americans with Disabilities Act (ADA). LADBS also inspects all proposed mechanical, electrical, and plumbing improvements to ensure they meet current LA Building Code and the Green Code.

Fire Department

The Los Angeles Fire Department (LAFD) is designated by the state of California as a Certified Unified Program Agency (CUPA) and is authorized to apply statewide standards to each facility within its jurisdiction that treats on site or generates hazardous waste, operates underground storage tanks, or stores hazardous materials. The LAFD will review access points into the site and ensure safe escape paths are available in case of a fire or earthquake. The LAFD is also responsible for approving all fire sprinkler and alarm system installations or improvements. Further, LAFD also inspects restaurants for emergency exits, hydrant placement, and avoidable hazards.

Bureau of Sanitation and Environment

The Bureau of Sanitation (LASAN) reviews plans to make sure the adequate equipment is installed for sewer access. The Department of Sanitation will also review, regulate, and issue industrial wastewater permits for restaurants that generate fats, oils, and grease during food preparation.

Department of Transportation

The Los Angeles Department of Transportation (LADOT) has managed the Temporary L.A. Al Fresco online application portal and intake of applications. Currently and moving forward, this Department also issues Revocable Permits for outdoor dining on the public right-of-way.

Bureau of Engineering

The Bureau of Engineering (BOE) issues Revocable Permits for outdoor dining on the sidewalk.

Police Department

The Los Angeles Police Department (LAPD) issues citations for violations of participating

restaurants or patrons who are partaking in the Al Fresco Program. The Police Department's goal is to respond to complaints related to loitering, noise, and other activities on the premises that may adversely affect or detract from the quality of life for the adjoining residents, property owners, and businesses.

3.2.2 Project Location

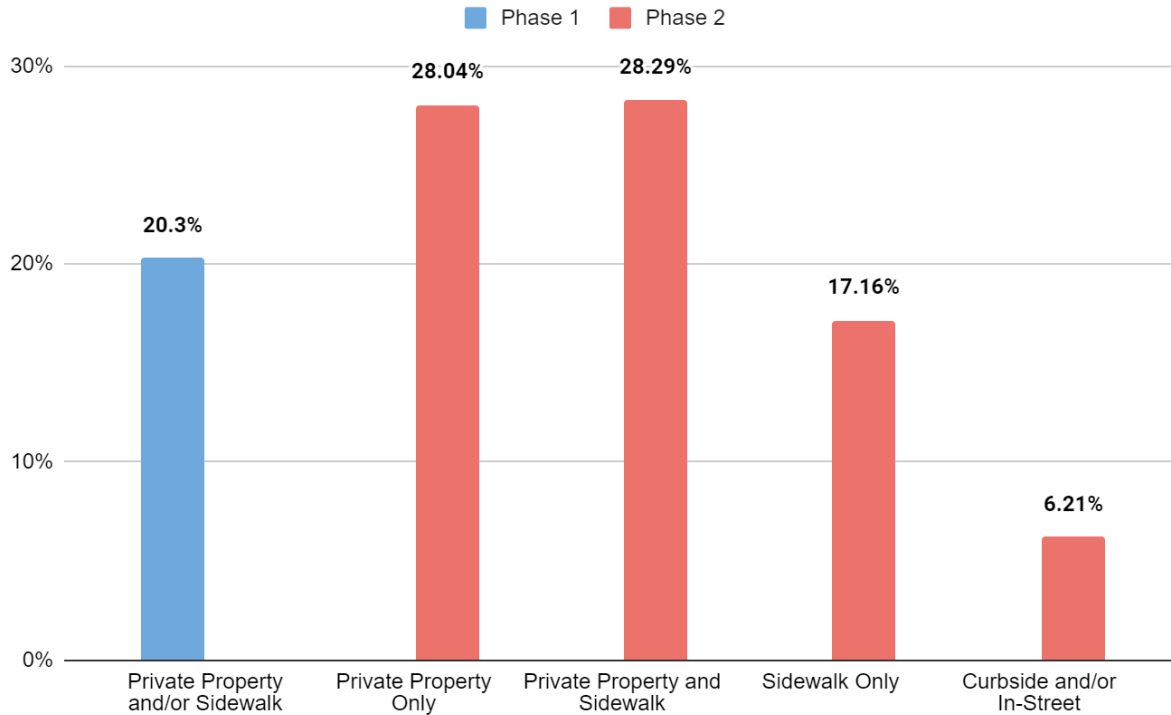
The Project is a Citywide code amendment. The City has an approximate land area of 468.7 square miles (297,600 acres) with an estimated population of nearly 4.0 million residents (3,857,888), according to the 2022 Census. The City lies within Los Angeles County which encompasses 4,000 square miles, 88 incorporated cities, and more than 10 million residents (10,014,009), according to the 2022 Census. The City is divided into 15 Council Districts and 35 Community Plan Areas. More than 87 percent of the City is developed with urban uses.

3.2.3 Existing Conditions

Due to the need to provide regulatory relief quickly and efficiently during the COVID-19 emergency, restaurants seeking to provide outdoor dining were able to apply online for self-certified L.A. Al Fresco Temporary Use Authorizations rather than being required to apply for standard building permits and discretionary land use entitlements. These Temporary Authorizations contained several minimum operating conditions, to which the restaurant operator consented and certified. For the duration of the temporary L.A. Al Fresco program, LADOT has managed the L.A. Al Fresco online application portal and intake of applications. As of March 2023, there have been more than 2,800 Temporary Authorizations issued for outdoor dining on private property and/or in the public right-of-way.

During the initial phase of the Temporary Al Fresco Authorization Program, outdoor dining was allowed on private property and on the sidewalk only. In Phase 1 there were 569 authorizations issued for outdoor dining on "Private Property and/or the Sidewalk". The Phase 1 application did not ask applicants to specify whether the outdoor dining was located on private property only, sidewalk only, or private property and sidewalk. In Phase 2, use of the public right-of-way for outdoor dining was extended to include curbside and in-street dining, in addition to the sidewalk dining which was allowed during Phase 1. The Phase 2 application asked for more detailed information about where the outdoor dining was located. During Phase 2, 786 Authorizations (28.0%) were issued for "Private Property Only", 793 Authorizations (28.3%) were issued for "Private Property and Sidewalk", 481 Authorizations (17.2%) were issued for "Sidewalk Only" and 174 Authorizations (6.2%) were issued for "Curbside and/or In-Street", for a total of 2,803 Temporary Authorizations. See Chart 1 below for a breakdown of L.A. Al Fresco Temporary Authorization by outdoor dining type.

Chart 1: L.A. Al Fresco Temporary Authorizations by Type of Outdoor Dining



Geographic Distribution of Al Fresco Temporary Authorizations Involving Private Property²

TABLE 1: GEOGRAPHIC DISTRIBUTION OF L.A. AL FRESCO OUTDOOR DINING INVOLVING PRIVATE PROPERTY BY COMMUNITY PLAN AREA³

COMMUNITY PLANNING AREA	PHASE 1	PHASE 2	TOTAL	%
Wilshire	80	336	416	19.4%
Hollywood	56	156	212	9.9%
Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass	48	91	139	6.5%

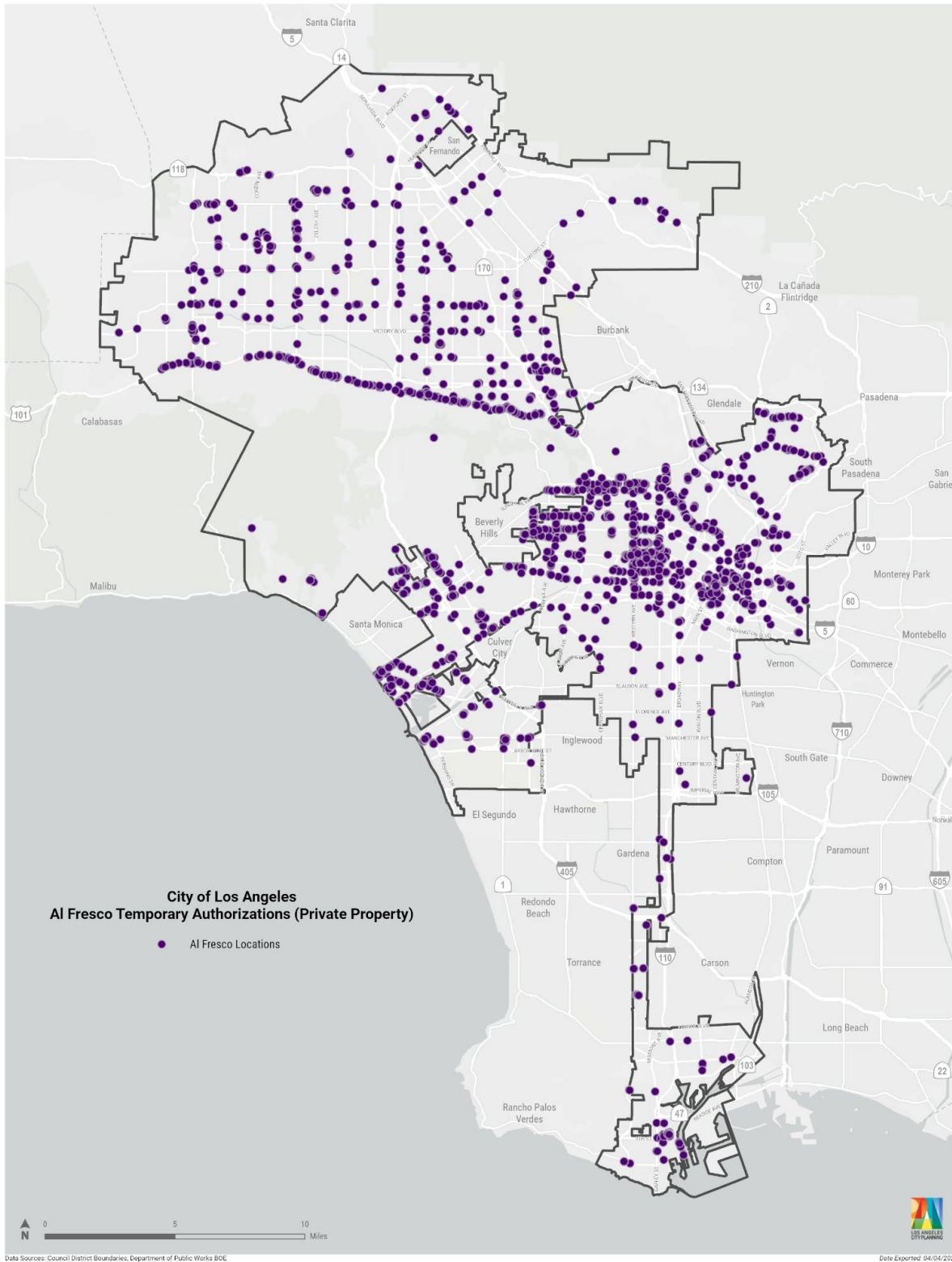
² For the purposes of this summary for outdoor dining involving private property, Phase 1 applications consisting of Temporary Authorizations for outdoor dining on private property and/or on the sidewalk were included. As mentioned in the previous section, operations for the 569 Phase 1 Temporary Authorizations do not distinguish between the two types, therefore are accounted for as private property in this section.

³ Phase 1 includes Temporary Authorizations for an Outdoor Dining Area on private property and/or sidewalk. As mentioned, it is unclear how many Authorizations are for either type due to a limitation in the data collected from Phase 1 applications. Phase 2 includes Temporary Authorizations for an Outdoor Dining Area on private property only, as well as operations on private property and the sidewalk. The percentages were calculated using the total number of 2,148 Temporary Authorizations. 12 Temporary Authorizations did not submit a business address.

Northeast Los Angeles	34	85	119	5.5%
Central City	42	77	119	5.5%
Venice	49	63	112	5.2%
West Los Angeles	27	49	76	3.5%
Silver Lake - Echo Park - Elysian Valley	29	45	74	3.4%
Canoga Park - Winnetka - Woodland Hills - West Hills	8	57	65	3.0%
North Hollywood - Valley Village	16	41	57	2.7%
Palms - Mar Vista - Del Rey	23	33	56	2.6%
Encino - Tarzana	8	48	56	2.6%
Central City North	15	37	52	2.4%
Van Nuys - North Sherman Oaks	7	45	52	2.4%
Chatsworth - Porter Ranch	4	45	49	2.3%
Westchester - Playa del Rey	14	33	47	2.2%
South Los Angeles	9	31	40	1.9%
Brentwood - Pacific Palisades	15	23	38	1.8%
Reseda - West Van Nuys	2	33	35	1.6%
Northridge	3	32	35	1.6%
San Pedro	19	15	34	1.6%
Boyle Heights	10	22	32	1.5%

Westwood	6	20	26	1.2%
Mission Hills - Panorama City - North Hills	3	22	25	1.2%
West Adams - Baldwin Hills - Leimert	7	18	25	1.2%
Harbor Gateway	1	23	24	1.1%
Westlake	10	14	24	1.1%
Granada Hills - Knollwood	2	18	20	0.9%
Sun Valley - La Tuna Canyon	2	16	18	0.8%
Southeast Los Angeles	2	11	13	0.6%
Sylmar	1	11	12	0.6%
Arleta - Pacoima	0	10	10	0.5%
Sunland - Tujunga - Lake View Terrace - Shadow Hills - East La Tuna Canyon	1	9	10	0.5%
Wilmington - Harbor City	0	7	7	0.3%
Port of Los Angeles	3	1	4	0.2%
Los Angeles International Airport	1	1	2	0.1%
Bel Air - Beverly Crest	0	1	1	0.0%
Total	557	1,579	2,136	99.4%

MAP 1: GEOGRAPHIC DISTRIBUTION OF L.A. AL FRESCO OUTDOOR DINING INVOLVING PRIVATE PROPERTY ACROSS THE CITY OF LOS ANGELES



As the primary purpose of the proposed Ordinance is to streamline outdoor dining provisions in the Zoning Code for private property, this section provides a general understanding of the current context of issued Temporary Authorizations involving private property. Including Phase 1 and Phase 2 Temporary Authorizations, a total of 2,148 (76.6%) Temporary Authorizations involve outdoor dining on private property. L.A. Al Fresco Temporary Authorizations are found in nearly all parts of the City. As of March 2023, the Wilshire Community Plan Area includes 416 participating restaurants under the Temporary Authorization Program (which accounts for 19.4% of total current operators), followed by the Hollywood Community Plan Area at 212 (9.9%), and the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan Area at 139 (6.5%). Table 1 above shows the Geographic Distribution of Al Fresco Outdoor Dining on Private Property for L.A. Al Fresco Temporary Authorizations involving private property by Community Plan Area and Map 1 above shows the citywide geographic distribution of L.A. Al Fresco Temporary Authorizations involving private property.

Other Participant Information from Al Fresco Temporary Authorizations Involving Private Property

Data acquired from the ClearForms Database, the application portal for the L.A. Al Fresco program, shows that approximately 76.6% of the Temporary Authorizations were issued for outdoor dining involving private property and approximately 23.4% of the Temporary Authorizations were issued on the public right-of-way. Again, with this ClearForms data, it can be found that over half of the Temporary Authorizations have been issued for the use of private property as outdoor dining space.

The ClearForms data and information provided in the Temporary Authorization applications provide a general understanding and framework regarding the businesses that have applied, and more generally the applicants' site design plans for their respective Outdoor Dining Areas on private property.⁴ When asked the question "Do you own this property or are you a tenant?," 912 (47.5%) of the applications were completed by a tenant, and 171 (7.8%) were completed by an owner. As such, a majority of responses came from operators who are tenants while only a smaller subset of operators responded. Additionally, 490 (22.8%) applications were submitted by a business with ownership that identified as Black, Indigenous, or a Person of Color (BIPOC).

Further, the ClearForms Database shows the average and median size of the outdoor dining areas and average and median number of seats provided by participating restaurants who offer outdoor dining on private property. According to those who responded to the Temporary Authorization application questions in ClearForms, the average size of an outdoor dining area was 1,036 square feet, with a median of 500 square feet, and the average number of seats was 34 seats, with a median of 24 seats. The current Al Fresco Program sets conditions for the arrangement and spacing of tables in outdoor dining areas in compliance with the accessibility standards of the California Building Code; the proposed Project maintains the applicability of these accessibility standards by staying silent on the matter and deferring to the California

⁴ See footnote 2.

Building Code.

On June 15, 2022, the DCP released two online surveys, one targeted towards businesses participating in the temporary AI Fresco program and another to gauge the attitude of the general public toward the program, on the DCP's website and via targeted email campaign. These surveys were active until August 22, 2022. Emphasis was placed on the creation and distribution of the Participant Survey, which sought information from businesses participating in the temporary AI Fresco program. The Participant Survey was informed by the business data collected as part of the temporary AI Fresco permit application process. That data helped to gather insight into what types of outdoor dining participating restaurants were providing, the scale of the program, and the geographical distribution of outdoor dining throughout the city. This information was further refined through GIS analysis, which, along with research into the applicable Zoning Code regulations, provided a starting point for the type of questions that would be included in the Survey. The Participant Survey asked questions on a range of topics, including questions about the layout of the participant's AI Fresco dining area, attitudes towards the temporary program, desires/concerns for a permanent program, and specific land use and zoning topics. The Participant Survey attempted to determine the scale and scope of the temporary program to inform the preparation of a permanent program. Through this survey, it was found that nearly 80% of the 308 survey respondents who were providing outdoor dining in a parking area were using five parking spaces or fewer, which equates to an approximately 1,000 square-foot area of outdoor dining space based on parking stall dimensions established in the Zoning Code. According to those who responded to the Temporary Authorization application questions in ClearForms, approximately 69% of current Temporary Authorizations involving outdoor dining on private property reported serving alcohol. Additionally, the 2022 participant survey conducted by DCP and LADOT shows that approximately 72.7% of survey respondents reported serving alcohol in their outdoor dining area.

3.3 DESCRIPTION OF PROJECT

3.3.1 Project Background & Overview

On March 4, 2020, Governor Newsom declared a state of emergency to combat the COVID-19 pandemic. Mayor Garcetti followed shortly after with a City-specific "Safer at Home" emergency order, which called on residents of the City of Los Angeles to limit all activities outside of their homes. These restrictions included the temporary closure of all bars and nightclubs that did not serve food and prohibited restaurants and retail food facilities from providing indoor dining. The financial impact of the public health emergency was particularly difficult for small restaurants.

In May 2020, Mayor Garcetti authorized a new temporary outdoor dining program, L.A. AI Fresco, to help alleviate the financial stress of the indoor dining prohibition, in coordination with the Los Angeles County Department of Public Health. This new program temporarily suspended certain Los Angeles Municipal Code (LAMC) regulations to provide restaurants and other food

establishments with an alternative to full indoor dining and resulted in the issuance of nearly 3,000 Temporary Authorizations for outdoor dining as of March 2023. Phase 1 of L.A. AI Fresco allowed restaurants to turn outdoor spaces such as sidewalks and parking lots into outdoor dining areas and allowed restaurants to reopen their dining rooms to a capacity of sixty percent or less if the restaurants complied with health and safety guidelines.

Phase 1 was followed by L.A. AI Fresco Phase 2 in June 2020. Phase 2 expanded dining options in the public right-of-way to include curbside parking spaces, lane closures, and street closures for on-street dining. The L.A. AI Fresco Program is free, expedited, and the average time to apply online is approximately 20 minutes. As such, the L.A. AI Fresco Program was lauded as being highly successful, not only for extending economic support to restaurants but also to the public for providing outdoor spaces where people could enjoy social dining in an environment that reduced the risk of exposure to the coronavirus.

In November 2020, the City Council adopted a motion requesting that the Chief Legislative Analyst (CLA) report on the feasibility of a permanent AI Fresco program (Council File No. 20-1074). This report was done by the CLA in collaboration with the Department of City Planning, Department of Transportation, Bureau of Engineering, Fire Department and the Department of Building and Safety (LADBS). The report was heard in March of 2021 and outlined several issues and opportunities in bringing a permanent AI Fresco Program to fruition. The report highlighted the opportunities that a permanent program would afford the City in terms of reimagining its utilization of outdoor space and fostering a more vibrant and active streetscape. It also raised the logistical and regulatory hurdles that would need to be overcome to realize a permanent program for private property, including the following:

- Zoning Code conflicts such as:
 - Parking regulations
 - Specific Plan compliance
 - Alcohol permitting
 - Existing entitlements
 - Floor Area calculations
- Building and Fire Code compliance
- Inspection and Enforcement
- LA County Department of Public Health requirements that include, but are not limited to, acquiring a Restaurant (Food Facility) Permit and a Public Health Permit.

These items would need to be addressed for a permanent program to be realized, and the report was clear in that some of these issues may preclude current temporary participants from taking advantage of a new permanent program. This report was the first in a series of reports requested by the City Council on the creation of a permanent AI Fresco program.

In October 2021, the Department of City Planning, in coordination with the Department of Building and Safety (LADBS) and Fire Department, were instructed by the City Council to provide

recommendations on the creation of a permanent AI Fresco program. This report was transmitted to the City Council in December 2021 and was jointly drafted by City Planning and LADBS (Council File No. 20-1074). This report outlined in further detail the opportunities and hurdles that would need to be overcome to realize a permanent expanded outdoor dining program. The report summarized the potential Zoning Code amendments needed to effectuate such a program, including but not limited to, regulations around alcohol sales, compliance with Specific Plans and other zoning overlays, and automobile parking. Building Code and Fire Code regulations that may impact outdoor dining installations were also discussed. Ultimately, the Departments recommended that the City Council instruct the Department of City Planning to commence a Zoning Code amendment to create a permanent expanded outdoor dining program. The City Council adopted those recommendations along with an instruction for the Departments to provide a status report in 6 months.

The status report was transmitted to the City Council in August 2022 (Council File No. 20-1074-S3). This report touched on a variety of topics highlighted by the City Council in its initial instructions requesting the report as well as other items related to outdoor dining. These topics included:

- Research, Interdepartmental Coordination, and Outreach
- Parking and Mobility Concerns/Alternatives
- Alcohol Sales and Noise
- Restaurant Beverage Program (RBP)
- Kit of Parts/Standard Plans to demonstrate potential and planned street design treatments and safety infrastructure to create safer and more inviting spaces
- Enforcement

Each of these topic areas were discussed in depth and highlighted the complexities in transitioning the temporary AI Fresco program to a permanent outdoor dining program. It further sought to provide insight into possible solutions and existing programs that may assist in transitioning businesses into a permanent program. This included a discussion of the existing alcohol regulations and how the current structure may facilitate a seamless transition. The report also extensively discussed how parking impacts could be addressed. Finally, it provided initial information and further insight pursuant to the outdoor dining surveys that were being conducted at the time. Ultimately, the report was heard by the Transportation Committee, Planning and Land Use Management Committee, and Public Works Committee of the City Council throughout the Fall of 2022. The report was received and filed by each Committee and no further instructions or amendments were adopted.

About 2,990 temporary authorizations have been issued since the Temporary L.A. AI Fresco Program was introduced. Due to the City's successful implementation of a temporary program under the local emergency order, the City proposes to move forward with adoption of a permanent version of the program, including any necessary amendments to the City's Municipal Code. On March 22, 2022, the City Council directed the Department of City Planning (DCP) in

coordination with the Los Angeles Department of Building and Safety (LADBS), Los Angeles Fire Department (LAFD), and City Attorney, to prepare and present a Citywide Ordinance creating a permanent AI Fresco program and generally streamlining outdoor dining provisions throughout the Zoning Code. As a result, the Project involves a proposed Ordinance to clarify and streamline Zoning Code regulations regarding outdoor dining on private property Citywide. The Project includes components such as a definition of outdoor dining area, operational standards, parking relief for outdoor dining areas, and streamlined alcohol authorizations for restaurants with existing or new outdoor dining areas that have a valid alcohol approval from the City, a State alcohol license, and valid Temporary Authorization approval. Outdoor dining that complies with the applicable standards would be permitted as a by-right use in any zones where restaurants are currently permitted.

Proposed Project

The Project is a proposed Ordinance (commonly referred to as the AI Fresco Ordinance) by the Department of City Planning (DCP) 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, 12.24, and 16.02.1 of the Los Angeles Municipal Code (LAMC) to clarify and streamline Zoning Code regulations regarding outdoor dining on private property. In order to facilitate the maintenance of many outdoor dining options that were allowed during the COVID-19 emergency, the proposed Ordinance offers a by-right approval process for outdoor dining areas on private property and relief from parking requirements for restaurants that comply with the proposed Ordinance’s eligibility criteria and operational standards. The proposed standards remove the need for a discretionary entitlement such as but not limited to a Specific Plan Exception (SPE) or a Conditional Use Permit (CUP) to allow outdoor dining on private property. This in turn makes permanent the rules and regulations set forth in the Mayor’s emergency order establishing L.A. AI Fresco, a program which enabled Temporary Use Authorizations (Temporary Authorization) for outdoor dining. The proposed Ordinance codifies Citywide policies and practices used by the Los Angeles Department of Transportation (LADOT) during the Mayor’s emergency order to issue Temporary Authorizations to those businesses participating in the L.A. AI Fresco Program. The proposed Ordinance will continue to allow outdoor dining on private property by providing relief from parking requirements for operators that meet the eligibility criteria, comply with the definition of an “Outdoor Dining Area”, and comply with the operational standards. The Ordinance also establishes a streamlined, low-cost authorization process for current and future AI Fresco participants to continue operation or begin operating outdoor dining areas with alcohol service. The Ordinance’s proposed definition, applicability, and standards are summarized below:

Site Design

The proposed Project does not limit the square-footage or set parameters for the configuration of the outdoor dining area but does define the outdoor dining area to be a covered or uncovered but not fully enclosed portion of a restaurant which is located in a space that is outside of a wholly enclosed building or structure, including but not limited

to an open-to-sky parking area, patio, courtyard, or plaza; and is used for the consumption of food and drinks by the patrons of the restaurant. The proposed definition of “Outdoor Dining Area” was crafted to include only the site design parameters that create a smooth transition for restaurants that have invested in their current site design configurations, as the Temporary Authorizations grant similar flexibility in site design permissions, with only full enclosures prohibited.

The temporary AI Fresco program currently in effect has been widely used by restaurants to establish outdoor dining areas, but the exact amount of how much space has been used for these purposes, or what configurations or structures have been built under Temporary Authorizations is not fully known. To ascertain an approximation of the usage of space for outdoor dining under the temporary AI Fresco program, in the Summer of 2022, DCP, in conjunction with the LADOT, conducted a survey of the current participants of the provisional L.A. AI Fresco program. 308 unique business owners responded out of 2,803 total AI Fresco temporary authorizations, representing an approximately 11% response rate. The survey found that restaurant operators have configured their outdoor dining areas in a variety of ways and that a majority of participants utilize their private property to place their outdoor dining areas. The proposed ordinance maintains the applicability of accessibility standards by deferring to the California Building Code.

The data output from the survey respondents was as follows: approximately 34% reported using private property only, 24.9% reported using private property and the public right-of-way, 19.5% reported using multiple types of right-of-way spaces (i.e., sidewalk, curbside, and in-street dining), and 19.2% reported using the sidewalk only. Further, data acquired from the ClearForms Database, the application portal for the L.A. AI Fresco program, shows that approximately 76.6% of the Temporary Authorizations were issued for outdoor dining involving private property and approximately 23.4% of the Temporary Authorizations were issued on the public right-of-way. Again, with this ClearForms data, it can be found that over half of the Temporary Authorizations have been issued for the use of private property as outdoor dining space.

The ClearForms Database also shows the average and median size of the outdoor dining areas and average and median number of seats provided by participating restaurants who offer outdoor dining on private property. According to those who responded to the Temporary Authorization application questions in ClearForms, the average size of an outdoor dining area was 1,036 square feet, with a median of 500 square feet, and the average number of seats was 34 seats, with a median of 24 seats. The current AI Fresco Program sets conditions for the arrangement and spacing of tables in outdoor dining areas in compliance with the accessibility standards of the California Building Code; the proposed Project maintains the applicability of these accessibility standards by staying silent on the matter and deferring to the California Building Code. Further, any Building or Fire Code requirements relative to physical structures, including canopies, tents, or

shade structures, are still applicable.

Applicability/Eligibility Criteria and Operational Standards

The Project includes applicability and eligibility criteria that need to be met for participants to be allowed to maintain or establish outdoor dining areas in their private property. Restaurants must have all necessary permits to operate a restaurant, which would include any required permits from the LA County Department of Public Health such as but not limited to a Restaurant (Food Facility) Permit and a Public Health Permit, any necessary entitlements from Los Angeles City Planning, and any necessary permits from Los Angeles Department of Building and Safety. The outdoor dining areas are allowed on private property in all Residential/Accessory Services (RAS) which includes R3 and limited ground floor commercial uses, Commercial (C), and Industrial (M) zones, and/or wherever restaurants are allowed by-right. To reduce the possibility of noise and other nuisances, the Temporary Authorization Program prohibits the following activities: loud music, television monitors, screens and speakers, live entertainment, dancing, pool tables, billiard tables, adult entertainment uses, private events, and cover charges. The proposed Project retains all these prohibitions, except for the prohibition of private events, cover charges, and ambient music, which will be permitted under the permanent program.

In addition, the operational standards require that all outdoor dining areas not operate any later than 11:00 p.m. if the restaurant site falls within 250 feet of a residential zone, not including the RAS zone or other commercial zones. Moreover, the Project includes a set of security, monitoring, and maintenance standards that require restaurants to take proactive measures to clean litter and debris, as well as require restaurants to post a City-issued identification on the premises that includes instructions on how patrons or community members can submit complaints or concerns regarding the operation of the outdoor dining area. These eligibility criteria and operational standards align with what is required of current temporary AI Fresco Program participants and provides a path for the City to better review and verify the businesses that can provide outdoor dining on private property. Any deviations from the outdoor dining area standards of the proposed Project will be considered through a Plan Approval of the original discretionary entitlement pursuant to Section 12.24 M of Chapter I or Article 13 of Chapter 1A of the LAMC, as applicable. Non-compliance with the outdoor dining area standards may result in enforcement actions pursuant to Section 12.27.1 (Administrative Nuisance Abatement Proceedings) of Chapter I or Article 13 of Chapter 1A of the LAMC, as applicable.

Parking Relief

The summary report of the 2022 participant survey discussed above in the Site Design subsection, indicated that nearly 80% of the 308 survey respondents who were providing outdoor dining in a parking area were using five parking spaces or fewer, which equates

to an approximately 1,000 square-foot area of outdoor dining space based on parking stall dimensions established in the Zoning Code. The Preferential Parking District (PPD) Program administered by the LADOT is designed to limit intrusion of non-residential and/or commuter parking into residential neighborhoods where such parking practices have negatively impacted the residential area. As such, the LADOT separately conducts a parking study to determine whether an area meets the excessive parking impact requirements. According to the LADOT's thresholds, a street block must have 85% of legal on-street parking occupied to pass the parking study, and a minimum of four (4) blocks must pass the parking study. The LADOT's formal establishment of a PPD as well as the installation of parking meters in parts of the City that require these additional parking measures ensure that there is ample and adequate parking in neighborhoods.

Additionally, the State of California adopted Assembly Bill 2097 (AB 2097) on September 22, 2022, which prohibits public agencies or cities from imposing "any minimum automobile parking requirement on any residential, commercial, or other development project that is located within a half-mile radius of a major transit stop. Approximately 1,758 (62.7%) of the total 2,803 Temporary Authorizations issued as of March 2023 meet the locational eligibility criteria for AB 2097. Out of those 1,758 Temporary Authorizations eligible for AB 2097, a minimum of 1,322 were issued for outdoor dining involving private property. In an effort to mirror the intent of AB 2097 and create equal opportunities for all outdoor dining expansion under the Project, parking relief is proposed for restaurants to add their outdoor dining area on private property where the required automobile parking spaces are located. The waiving of new parking requirements and requirements to maintain existing required parking for participating establishments has been a key feature of the current AI Fresco program and has allowed for much of its flexibility and success. This has allowed the participating establishments to utilize existing parking spots and areas, both on private property and within the public right-of-way, without replacement. This concept is not contemplated by the current Zoning Code, beyond the adopted Local Emergency Ordinance regulations or through a Zone Variance, and use of parking areas for anything other than automobile or bicycle parking is strictly limited, if not entirely prohibited, in most instances, including for use as outdoor dining. As such, this Project adds this new parking relief option to the Zoning Code, specific to outdoor dining areas on private property.

Alcohol Service Standards

As outlined in more detail below, to be eligible for alcohol service in the Outdoor Dining Area under the proposed Project, operators must have valid alcohol approvals from the City and corresponding State agency.

According to those who responded to the Temporary Authorization application questions in ClearForms, approximately 69% of current Temporary Authorizations involving outdoor dining on private property reported serving alcohol. Additionally, the 2022

participant survey conducted by DCP and LADOT shows that approximately 72.7% of survey respondents reported serving alcohol in their outdoor dining area. These numbers indicate that a large majority of participating restaurant operators serve alcohol and therefore, the sale, dispensing, and consumption of alcoholic beverages will continue to also be allowed by the proposed provisions of the Project. The proposed Project provides streamlined, low-cost processes for current and future AI Fresco participants to continue operating or begin operating outdoor dining areas while serving alcohol.

As such, alcohol provisions will fall within the following three categories:

- 1) Restaurants that obtained a valid L.A. AI Fresco Temporary Authorization to operate an outdoor dining area as of the effective date of the proposed Ordinance and currently have a valid alcohol approval from the City and valid alcohol license from the State will be deemed to be approved to continue the sale of alcohol in their outdoor dining area if the business is in compliance with the alcohol service standards of the Ordinance.
- 2) Restaurants that currently serve alcohol under a valid alcohol approval from the City and a valid alcohol license from the State but did not obtain a valid L.A. Temporary Authorization to operate an outdoor dining area may serve alcohol in an outdoor dining area by obtaining an Expanded Outdoor Dining Area Clearance; and
- 3) Restaurants that currently do not serve alcohol but wish to do so in an outdoor dining area will be required to obtain a CUP or apply for the Restaurant Beverage Program (RBP), as is required in the LAMC today.

In order to qualify for Category 1, which is considered an “AI Fresco deemed to be approved” status, participants must have a valid alcohol approval from the City and have a valid alcohol license issued by the California Department of Alcoholic Beverage Control (ABC). If eligible, current participants must submit required documents to the DCP within 6 months of the expiration of the L.A. AI Fresco Temporary Authorization. The list of required documents includes their issued or renewed L.A. AI Fresco Temporary Authorization, a valid alcohol approval from the DCP or proof showing existing alcohol sales with no conditional use approval prior to March 1, 1977, and an ABC-issued alcohol license. Upon verification of a complete application, DCP will confirm the participant’s “AI Fresco deemed to be approved status”.

Once confirmed, the participant will still be required to comply with the conditions of approval or standards associated with the valid alcohol approval for all indoor areas and any outdoor dining areas included in the initial approval. However, the outdoor dining area standards of the Ordinance will supersede any conflicting

conditions or standards pertaining to the expanded outdoor dining area that would preclude outdoor dining as described in the proposed Project. Additionally, restaurant operators will need to obtain any necessary approvals from ABC for permanent expansions of their State alcohol licenses. This approach will allow current Al Fresco participants to maintain their operations as they are today with no cost and minimal disruption to service.

For Category 2, restaurants that do not qualify for “Al Fresco deemed to be approved status” will be authorized to serve alcohol in outdoor dining areas pursuant to an administrative clearance process. An applicant must have a valid approval for alcohol service from the DCP or have proof of existing alcohol sales with no CUP prior to March 1, 1977, and an ABC-issued alcohol license. This option requires the filing of a new application, called an Expanded Outdoor Dining Area Clearance, and fee. The “Building Permit Clearance - Minor” fee pursuant to LAMC Section 19.04 will be charged for an Expanded Outdoor Dining Area Clearance. The restaurant will be required to comply with the conditions of approval or standards associated with the valid alcohol approval for all indoor areas and any outdoor dining areas included in the initial approval. However, an applicant may request that the outdoor dining area standards of the Ordinance supersede any conflicting conditions or standards pertaining to the expanded outdoor dining area, as indicated through a site plan. Additionally, restaurant operators will need to obtain any necessary approvals from ABC for permanent expansions of their State alcohol licenses. This administrative clearance process will provide eligible restaurants who did not participate in the temporary Al Fresco program a pathway for obtaining authorizations for alcohol service in an outdoor dining area.

Category 3 relates to provisions that already exist in the LAMC today and is therefore, not a proposed provision of this proposed Project. Restaurants who wish to serve alcohol will be required to follow the provisions of LAMC Sections 12.24 W.1 or 12.22 A.34 to obtain a CUP or RBP approval, respectively, from the Department of City Planning. Pursuant to LAMC Section 12.24 W.1, the CUP application process consists of a public hearing conducted by a Zoning Administrator, who has discretion over the outcome of the application. Upon the Zoning Administrator’s approval, the Zoning Administrator may impose site-specific conditions of approval intended to alleviate potential land use impacts associated with the sale of alcohol on neighbors and the surrounding community. In addition, as required by the State’s CEQA Guidelines, the CUP application requires an environmental analysis to determine whether there are any environmental impacts resulting from the discretionary action. This process can take at least 6 months and costs approximately \$14,000 or more. In February 2022, the City Council adopted the RBP Ordinance (CF 17-0981, Ordinance No. 187,402), which created a new administrative clearance process for bona fide

restaurants seeking to obtain City approval to sell alcohol for on-site consumption as an alternative to obtaining a discretionary CUP approval. The RBP Ordinance created two versions of the RBP: a general version and an Alcohol Sensitive Use Zone (ASUZ) version. The RBP Ordinance granted the City Council the ability to designate specific geographies as eligible for either version. As of March 2023, the City Council has opted-in the entirety of Council Districts 2, 3, 4, 5, 10, 11, 12, and 13 into the general version of the RBP. In Council District 15, the City Council opted-in the southern portion of the district, including San Pedro, into the general version and the neighborhood of Watts into the ASUZ version. Pursuant to LAMC Section 12.22 A.34, eligible restaurants are required to comply with a series of operational, security, and monitoring standards to be able to participate in their respective version of the RBP. Such standards include closing at 11:00 p.m., installing and maintaining a camera surveillance system, providing adequate lighting, no live entertainment, no dancing, and additional noise-restricting measures. The RBP application process consists of an administrative review that takes approximately four weeks or less to complete and costs about \$5,000. Further, provisions of LAMC Sections 12.24 W.1 and 12.22 A.34 require an establishment selling alcohol with a CUP or RBP authorization to apply for a new alcohol authorization whenever there is substantial change in mode or character of operation of the business. Pursuant to LAMC Section 12.24 M, when an expansion is less than 20%, a Plan Approval may be required instead of a new CUP.

Similarly, to the Temporary Authorizations, the Project would allow applicants to submit applications for those under Category 2 to provide outdoor dining and use their existing valid alcohol approval for their outdoor dining area on private property and/or the public right-of-way. The eligible restaurants will also be subject to several minimum operating standards that currently apply to the Temporary Authorizations, as summarized above under the Applicability/Eligibility Criteria and Operation Standards subsection. In addition to these operating standards, the Project proposes applicable standards when alcohol service is provided in an outdoor dining area on private property. These standards are the following:

- All alcohol that is served shall be delivered and served at tables by employees.
- All patrons shall be seated.
- Only fixed or portable bars not used as a point of sale are permitted in an Outdoor Dining Area.

Furthermore, the Project also proposes the same applicable standards for those eligible businesses that have a Revocable Permit for outdoor dining in the public right-of-way from LADOT and/or the Bureau of Engineering (BOE) and who are proposing alcohol service. These standards are necessary to ensure alcohol is monitored and regulated. Regardless of whether alcohol service is occurring in private property or in the public

right-of-way, the alcohol service standards will be enforced by the Department of Building and Safety (LADBS).

Any deviations from the outdoor dining area standards of the proposed Project will be considered through a Plan Approval of the original discretionary entitlement pursuant to Section 12.24 M of Chapter I or Article 13 of Chapter 1A of the LAMC, as applicable. Non-compliance with the outdoor dining area standards may result in enforcement actions pursuant to Section 12.27.1 (Administrative Nuisance Abatement Proceedings) of Chapter I or Article 13 of Chapter 1A of the LAMC, as applicable. Lastly, the Project's provisions will ensure that an outdoor dining area not be considered a project nor require any general 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, and will ensure that the outdoor dining area standards established in the proposed Section 12.21 A.24(d) of the LAMC will provide relief from any conflicting provisions found in such Specific Plans, overlays, except HPOZs, or Chapter I of the LAMC.

In summary, the proposed Al Fresco Ordinance provides a pathway for participants in the temporary Al Fresco program to move ahead with permits for permanently expanded outdoor dining on private property. Two streamlined alcohol authorization processes are proposed for operators who already have a valid approval for alcohol service from the Department of City Planning and the California Department of Alcoholic Beverage Control. The first, a certification of Al Fresco deemed to be approved status, is available at no cost for participants who have Temporary Authorizations. The second, an Expanded Outdoor Dining Area Clearance, is available for any operators seeking to newly expand outdoor dining areas and costs approximately \$400. The Ordinance's standards apply across all zones where restaurants are allowed and override procedures and conflicting provisions in specific plans, supplemental use districts and other overlays. Site design standards allow flexibility regarding the size of the outdoor dining area, the number of parking spaces which may be converted to outdoor dining, the portion of a lot or building where outdoor dining may be located, and the design of an outdoor dining structure. Pursuant to the Ordinance, no additional parking spaces are required for Al Fresco. Operational standards, such as those which prohibit noise-producing activities and limit the hours of operation for outdoor dining areas that are adjacent to residential uses, are included to address potential impacts on neighbors.

Related Project For Outdoor Dining on In-Street and Curbside Properties

LADOT has led concurrent efforts related to regulations to permit in-street and curbside dining, as well as the Bureau of Engineering (BOE) to permit expanded sidewalk dining. As such, outdoor dining on the public right-of-way was addressed separately in Ordinance No. 187,722 (CF 20-1074), which was adopted by the City Council on December 6, 2022, and became effective on January 19, 2023. Ordinance No. 187,722 is relative to amending the LAMC to use the Special Engineering Fee for certain Revocable Permit applications, and a Los Angeles Department of Transportation Application Review Fee for Revocable Permit applications for

roadway dining areas.

3.3.2 Analysis & Assumptions

The proposed Project (Ordinance) will allow for the transition from the temporary L.A. Al Fresco Program to a permanent program that offers additional safeguards by imposing additional application eligibility requirements. The transition requires that the Zoning Code enable three overarching changes. In summary, those include changing the definition of outdoor dining, allowing outdoor dining as a by-right use where restaurants are permitted, and streamlining the permissions for the sale and dispensing of alcohol within Outdoor Dining Areas for restaurants that possess valid local and State Department of ABC licenses.

If adopted as proposed, outdoor dining would be a by-right use where restaurants are allowed, and where no alcohol service is proposed, an applicant could apply directly with the Department of Building and Safety for the necessary permits. Where alcohol is proposed, however, either on private property and/or within the public right-of-way, an applicant that already has some form of authorization under the Zoning Code and ABC to sell alcohol would interface with DCP through the Online Application Portal System (OAS).

The OAS provides a process for applicants to apply and obtain a clearance. This clearance will serve as proof of permanent outdoor dining status from City Planning to both ABC as well as the LADBS. In addition, this clearance would constitute a formal attestation by the applicant that the information uploaded to the OAS is true and accurate and affirm an applicant's agreement to the conditions applicable to the outdoor dining operations as outlined in the Ordinance. As proposed in the revised draft of the Ordinance, posting of City-issued identification shall be clearly visible in an outdoor dining area as an indication to the public that the area is subject to the permanent Al Fresco standards. Contact information for both the business and the appropriate enforcement agency will be provided on the identification placard if there are complaints or concerns regarding an operation.

Use of the OAS portal to submit applications for City Planning's review has grown, particularly during the pandemic, many of which are related to alcohol review and clearance. These include the Alcohol (CUB) and Entertainment (CUX): Building Permit Clearance, Restaurant Beverage Program (RBP) Administrative Clearance, and Stand-Alone Alcohol (CUB) and Entertainment (CUX): Condition Clearance and Effectuation processes. Incorporating the Al Fresco Deemed Approved and the Expanded Outdoor Dining Area Clearances are a logical addition to the OAS system akin to the streamlined application process that applicants experienced through the Temporary Authorization portal.

Based on an applicant's past involvement with the L.A. Al Fresco Temporary Authorization and their discretionary status for approved sale of alcohol, an applicant will select the correct path, sign in with an Angeleno Account, and proceed to uploading the relevant documents - all which were required under the temporary Al Fresco program. The application portal will also account

for applicants who predated the City's 1977 CUB requirements for on-site sales and have a valid license to serve alcohol from ABC, so as not to render anyone who was part of the current program in-eligible for the permanent program.

Department of Building and Safety

The LADBS is responsible for the approval of building permit applications for construction and development on private property. Both covered and uncovered outdoor dining areas require a building permit to ensure that all installations comply with pertinent State and local regulations. Currently, all temporary AI Fresco projects located within private property may apply for a LADBS building permit per LAMC 91.106.1.1 by submitting a complete set of plans for a compliance review for Zoning and Building Code requirements. Complete plans include but are not limited to a site plan, floor plan, disabled access requirements, property records to verify the use and, if applicable, structural plans and structural calculations. Additional information to support businesses applying for the permits will be made available in a proposed Information Bulletin, entitled "Outdoor Dining Areas," and will be accessible via the LADBS.org website under Publications.

The submitted plans will be reviewed by a plan check engineer for any necessary corrections and when the plans are code compliant, a permit will be issued authorizing that work. Inspection is also required to ensure the work is in compliance with the approved plans. Inspection requests can be scheduled in 1 to 2 business days and the permit is valid for up to 2 years to complete all work associated with that permit and obtain final inspection approvals.

Outdoor Dining Area applicants may obtain case management services by utilizing LADBS' complementary Restaurant and Small Business Express Program (RSBEP). The goal of the RSBEP is to make the permitting and inspection process more efficient by enhancing the coordination of permitting, construction, and inspection. Additional information on the RSBEP can be obtained via the LADBS.org website by searching RSBEP.

Applicable Processing Fees

The proposed Project aims to minimize the fees associated with the permanent AI Fresco program under the proposed Ordinance. Importantly, making outdoor dining a by-right use effectively removes any discretionary action by City Planning, thus negating the planning fees needed for City Planning review for those eligible by-right approvals. If an applicant wants to deviate from some aspect of the Ordinance, additional review may be required for which a fee would be charged, depending on what level and type of discretionary review is needed, and an associated environmental review would be conducted in compliance with CEQA.

For those restaurants who want to continue the sale and dispensing of alcohol in the Outdoor Dining Area and are part of the Temporary AI Fresco Authorization Program, no fee will be charged, as those businesses are deemed to be approved. A minimal Building Permit Clearance fee of approximately \$400 dollars (including applicable surcharges) will be charged for those restaurants who wish to continue alcohol sales but were not part of the Temporary AI Fresco Program. This fee will be charged for staff to confirm the complete submission package, street

address, and planning case number to cross-reference this information with the ABC license, generate a letter memorializing the grant, and add it to City Planning's case tracking system so that the information can be found on the Zoning Information Map Access System (ZIMAS).

With regards to LADBS fees, the primary fees associated with the permitting process are Submittal Fees, collected at the time of plan submittal, and Final Fees, collected at the time of permit issuance. These fees are based on either the construction valuation of the project or on the number of expected hours for review of the plan and inspection. Applicants may obtain an estimate of building permit fees based on valuation using the Permit Fee Calculator, which is available via the LADBS.org website.

Coastal Zone

In order to transition from the Temporary AI Fresco program to a permanent program Citywide, additional actions and consideration are needed within the City's Coastal Zone (CZ) as defined in Section 30103 of the Coastal Act in the California Public Resources Code. As of March 2023, there are approximately 160 Temporary Authorizations issued throughout the City's CZ, the majority of which are found in Venice. Typically, expansion of outdoor dining within the CZ would be subject to the Coastal Act and the requisite processes outlined in Section 12.20.2 of the LAMC. However, during the COVID-19 pandemic, several statewide actions were taken which provided relief to dining establishments within the CZ.

On October 8, 2021, Governor Newsom signed into law Assembly Bill 61 (AB 61), which provides businesses with pandemic relief by temporarily suspending local parking requirements for outdoor dining purposes. More specifically, the bill adds Section 65907 to the Government Code to specify that, *"to the extent that an outdoor expansion of a business to mitigate COVID-19 pandemic restrictions on indoor dining interferes with, reduces, eliminates, or impacts required parking for existing uses, a local jurisdiction that has not adopted an ordinance that provides relief from parking restrictions for expanded outdoor dining areas shall reduce the number of required parking spaces for existing uses by the number of spaces that the local jurisdiction determines are needed to accommodate an expanded outdoor dining area."* This new section of law, contained in Section Two of the bill, is effective as of January 1, 2022, and will remain in effect through December 31, 2023.

In addition, the California Coastal Commission (CCC) issued numerous Coastal Development Permit (CDP) waivers for pandemic relief activities since March of 2020, including for outdoor dining programs in existing CZ parking areas. The CCC will continue to consider all requests for CDP waivers for proposed parking closures to accommodate outdoor dining programs through December 1, 2023. Existing waivers issued for outdoor dining programs should be assumed to be extended by virtue of AB 61, however, any proposal for permanent outdoor dining programs should only be permitted through a regular CDP process.

On March 23, 2022, the City Council adopted a motion instructing City Planning to develop a programmatic Coastal Development Permit in an effort to lessen the burden on each existing L.A. AI Fresco participating businesses in the CZ that may otherwise be required to pursue a CDP to maintain outdoor dining operations after December 1, 2023.

The concept of a programmatic Coastal Development Permit is unprecedented. Applying for a CDP on behalf of over 150 individual businesses currently participating under a Temporary Authorization has time, resource, and administrative implications. Detailed data collection, analysis, administrative record keeping, potential mitigations for loss of parking, discretionary permit approvals/hearings/apples and legislative approval processes and procedures both at the local and state level will be required in addition to inter- and intra-departmental coordination. City Planning will continue to explore the preparation of a CDP to allow that AI Fresco outdoor dining can occur in the Coastal Zone before the end of the CZ temporary expires in December 2023 and is evaluating the process for applying for a programmatic permit.

Addressing these complexities will require a coordinated effort on behalf of the relevant City departments. To date, the Department of City Planning is in discussions with the California Coastal Commission staff, other departments within the City and other cities in the region to better understand the issues and opportunities in order to respond to Council's instruction and provide regulatory relief for operators in a CZ. Depending on the outcome of this collaboration, additional local legislative actions may be needed by this Commission in the near future to transition existing Coastal Zone Temporary Authorizations into the permanent program.

3.4 REQUESTED PERMITS AND APPROVALS

The Initial Study will analyze impacts associated with the Project and will provide environmental review sufficient for all necessary entitlements and public agency actions associated with the Project. The discretionary entitlements, reviews, permits, and approvals required to implement the Project include, but are not necessarily limited to, the following:

This Project is an amendment to the Zoning Code, in accordance with City Charter Sections 250-253 and 558, and LAMC Section 12.32, that will create the AI Fresco Ordinance.

INITIAL STUDY

4 ENVIRONMENTAL IMPACT ANALYSIS

I. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099 would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Have a substantial adverse effect on a scenic vista?

Less than Significant Impact. The Project does not propose to change or make more intense zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would result in an adverse effect on a scenic vista. A scenic vista is a view that possesses visual and aesthetic qualities of high value to the community. As noted below and highlighted in Map 1 above, most eligible restaurants are located in a dense, urban environment, likely situated along a major transportation corridor, such as Ventura Boulevard. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

Eligible restaurants would be subject to standard zoning and permitting processes, including maximum occupancy requirements, and are generally located on developed, urbanized sites, which are not considered environmentally sensitive sites. Future restaurants are unlikely to be located on environmentally sensitive sites, as restaurants are by their nature located in accessible, urbanized areas that are zoned for such a use; any future restaurants that require additional discretionary entitlements would be required to review any potential environmental impacts through a separate environmental review process. A small number of restaurants are located within sensitive areas with elevated points of view, but any new development authorized by this Project would be minor structures, and only as accessory uses to restaurants. The Project is thus not anticipated to result in new development that could affect scenic vistas. Therefore, impacts would be less than significant.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, or other locally recognized desirable aesthetic natural features within a state scenic highway?

No Impact. The only state-designated scenic highway in the City is a small portion of Topanga Canyon Boulevard (SR-27) that falls within the Topanga State Park. This highway travels exclusively through State parkland and is in view only of properties zoned for open space, where the Project would not have an effect. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would substantially damage scenic resources. Furthermore, the Project does not involve scenic resources or be likely to result in new development that could damage scenic resources. Therefore, no impact related to this issue will occur.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would conflict with applicable zoning and other regulations governing scenic quality. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants. As such, the Project is consistent with applicable zoning and other regulations governing scenic quality; any and all applicable sign regulations would need to be complied with, irrespective of whether the restaurant is eligible for the proposed by-right process set forth as part of the Project.

These restaurants would be subject to standard zoning and permitting processes, including maximum occupancy requirements, and are generally located on developed, urbanized sites, which are not considered environmentally sensitive sites. Future restaurants are unlikely to be located on environmentally sensitive sites, as restaurants are by their nature located in accessible, urbanized areas that are zoned for such a use; any future restaurants that require additional discretionary entitlements would be required to review any potential environmental impacts through a separate environmental review process. The Project is thus not anticipated to result in new development that could conflict with applicable zoning and other regulations governing scenic quality. Therefore, impacts would be less than significant.

d) Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would create a new source of substantial light or glare which would adversely affect daytime or nighttime views. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants. To the contrary, the addition of said accessory structures could provide shade and coverings that would arguably reduce glare issues on privately owned property or parking areas with concrete paving.

These restaurants would be subject to standard zoning and permitting processes, including maximum occupancy requirements, and are generally located on developed, urbanized sites, which are not considered environmentally sensitive sites. Future restaurants are unlikely to be located on environmentally sensitive sites, as restaurants are by their nature located in accessible, urbanized areas that are zoned for such a use; any future restaurants that require additional discretionary entitlements would be required to review any potential environmental impacts through a separate environmental review process. The Project is thus not anticipated to result in new development that could create a new source of substantial light or glare. Therefore, impacts would be less than significant.

II. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses, and is not anticipated to result in new development that would convert any farmland to non-agricultural use. Furthermore, the Project does not involve or include farmland or agricultural use. Therefore, no impacts related to this issue would occur.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses, and is not anticipated to result in new development that would conflict with or change existing zoning for agricultural use or a Williamson Act Contract. Furthermore, the Project does not involve or include farmland or agricultural use. Therefore, no impacts related to this issue would occur.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses, and is not anticipated to result in new development that would conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned timberland production. Furthermore, the Project does not involve or include forest land or timberland. Therefore, no impacts related to this issue would occur.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses, and is not anticipated to result in new development that would result in the loss of forest land or conversion of forest land to non-forest use. Furthermore, the Project does not involve or include forest land. Therefore, no impacts related to this issue would occur.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

No Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses, and is not anticipated to result in new development that would involve other changes in the existing environments which could result

in the conversion of farmland to non-agricultural use or the conversion of forest land to non-forest use. Furthermore, the Project does not involve or include forest land or agricultural uses. Therefore, no impacts related to this issue would occur.

III. AIR QUALITY

Where available, the significance criteria established by the South Coast Air Quality Management District (SCAQMD) may be relied upon to make the following determinations.

	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, approve any substantial development projects, or introduce any new land uses, and is not anticipated to result in significant new development that would conflict with or obstruct implementation of an applicable air quality plan.

As described above, the opportunity to build Outdoor Dining Areas that the Project provides to eligible restaurants could result in an increase in restaurants within the City as it applies to new operators. Existing restaurants, however, that are currently utilizing the Temporary Authorization Program are part of the existing baseline and will not expand or exacerbate any potential air quality impacts.

This increase for new operators could theoretically lead to a change in traffic patterns that would increase or change vehicle emissions from existing conditions. However, any increase is speculative and is expected to be insignificant, as any development authorized by this Project would only be an accessory use to a restaurant (which is covered by the associated Notice of Exemption that was also prepared for the Project and presumed to result in negligible increases in trip counts associated with the restaurant operation), and those eligible restaurants must be in locations where restaurants are an allowed use. The City has no evidence that this Project would result in a substantial number of new restaurants or increase in air emissions. Therefore, a less than significant impact related to this issue would occur.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the air basin is non-attainment under an applicable federal or state ambient air quality standard?

Less Than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, approve any substantial development projects, or introduce any new land uses that would result in a cumulatively considerable net increase of any criteria pollutant for which the air basin is non-attainment under an applicable federal or state ambient air quality standard.

As described above, the opportunity to build Outdoor Dining Areas that the Project provides to eligible restaurants may result in an increase in restaurants in the City as it applies to new operators. Existing restaurants, however, that are currently utilizing the Temporary Authorization Program are part of the existing baseline and will not expand or exacerbate any potential air quality impacts.

This increase for new operators could theoretically lead to a change in traffic patterns that would increase or change vehicle emissions from existing conditions. However, any increase is speculative and is expected to be insignificant, as any development authorized by this Project would only be an accessory use to a restaurant (which is covered by the associated Notice of Exemption that was also prepared for the Project and presumed to result in negligible increases in trip counts associated with the restaurant operation), and those eligible restaurants must be in locations where restaurants are an allowed use. The City has no evidence that this Project would result in a substantial number of new restaurants or increase in air emissions. Therefore, a less than significant impact related to this issue would occur.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, approve any substantial development projects, or introduce any new land uses that would result in the exposure of sensitive receptors to substantial pollutant concentrations.

As described above, the opportunity to build Outdoor Dining Areas that the Project provides to eligible sit-down restaurants would be expected to result in an increase in persons eating outdoors in the City. This increase could lead to an increase in persons being exposed to vehicle emissions if the Outdoor Dining Areas are located near a roadway with heavy vehicle traffic.

However, any such increase is speculative, and outdoor dining is not considered a sensitive receptor because they do not involve exposing sensitive persons such as children or elderly people to potentially harmful emissions for a substantial portion of their day, or a repeated exposure over time, as schools, residences, as nursing facilities would near heavy vehicle traffic. Exposure at an outdoor dining area would be relatively brief (typically an hour or less) and not a daily occurrence. Moreover, emissions disperse quickly outdoors relative to indoor exposure. Therefore, a less than significant impact related to this issue would occur.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, approve any substantial development projects, or introduce any new land uses that would result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

As described above, the opportunity to build Outdoor Dining Areas that the Project provides to eligible restaurants would be expected to result in an increase in outdoor dining areas at restaurants in the City. This increase could lead to an increase in potentially odor-causing food items in outdoor areas near other people.

However, any increase is speculative and is not expected to adversely affect a substantial number of people, as any development authorized by this Project would only be an accessory use to a restaurant, and those eligible restaurants must be in locations where restaurants are an allowed use. Furthermore, strong, or unpleasant food odors from restaurants is typically due to preparation (such as grilling) or disposal (as garbage), not from food being served to restaurant patrons. Any increase in strong or unpleasant odors from preparation or disposal would be speculative and minimal. Therefore, a less than significant impact related to this issue would occur.

IV. BIOLOGICAL RESOURCES

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would have

a substantial adverse effect on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the US Fish and Wildlife Service. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

These restaurants would be subject to standard zoning and permitting processes, including maximum occupancy requirements, and are generally located on developed, urbanized sites, which are not considered environmentally sensitive sites. Future restaurants are unlikely to be located on environmentally sensitive sites, as restaurants are by their nature located in accessible, urbanized areas that are zoned for such a use; any future restaurants that require additional discretionary entitlements would be required to review any potential environmental impacts through a separate environmental review process. As such, activities permitted by the Project would not result in the reasonably foreseeable impacts or modifications to the habitats and species identified in question. Therefore, impacts would be less than significant.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the US Fish and Wildlife Service. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

These restaurants would be subject to standard zoning and permitting processes, including maximum occupancy requirements, and are generally located on developed, urbanized sites, which are not considered environmentally sensitive sites. Future restaurants are unlikely to be located on environmentally sensitive sites, as restaurants are by their nature located in accessible, urbanized areas that are zoned for such a use; any future restaurants that require additional discretionary entitlements would be required to review any potential environmental impacts through a separate environmental review process. As such, activities permitted by the Project would not result in the reasonably foreseeable impacts or modifications to the habitats and species identified in question. Therefore, impacts would be less than significant.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are

made in the exterior of the structure, and only as accessory uses to restaurants. These restaurants would be subject to standard zoning and permitting processes, including maximum occupancy requirements, and are generally located on developed, urbanized sites, which are not considered environmentally sensitive sites. Future restaurants are unlikely to be located on environmentally sensitive sites, as restaurants are by their nature located in accessible, urbanized areas that are zoned for such a use; any future restaurants that require additional discretionary entitlements would be required to review any potential environmental impacts through a separate environmental review process. As such, activities permitted by the Project would not result in the reasonably foreseeable impacts or modifications to the habitats and species identified in question. Therefore, impacts would be less than significant.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of nature wildlife nursery sites. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

These restaurants would be subject to standard zoning and permitting processes, including maximum occupancy requirements, and are generally located on developed, urbanized sites, which are not considered environmentally sensitive sites. Future restaurants are unlikely to be located on environmentally sensitive sites, as restaurants are by their nature located in accessible, urbanized areas that are zoned for such a use; any future restaurants that require additional discretionary entitlements would be required to review any potential environmental impacts through a separate environmental review process. In the unlikely event that the use of outdoor dining could have any potential impacts on native resident or migratory fish or wildlife policies, located within the migratory wildlife corridors or waterway, any such sites would be subject to other regulations under the purview of the California Department of Fish and Wildlife, California State Water Resources Control Board, and the Clean Water Act. As such, activities permitted by the Project would not result in the reasonably foreseeable impacts or modifications to the habitats and species identified in question. Therefore, impacts would be less than significant.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would conflict with any policies or ordinances protecting biological resources. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

These restaurants would be subject to standard zoning and permitting processes, including maximum occupancy requirements, and are generally located on developed, urbanized sites, which are not considered environmentally sensitive sites. The City's Protected Tree Ordinance would also still apply and would continue to protect street trees and trees on private property through regulatory compliance. Future restaurants are unlikely to be located on environmentally sensitive sites, as restaurants are by their nature located in accessible, urbanized areas that are zoned for such a use; any future restaurants that require additional discretionary entitlements would be required to review any potential environmental impacts through a separate environmental review process. As such, activities permitted by the Project would not result in the reasonably foreseeable impacts or modifications to the habitats and species identified in question. Therefore, impacts would be less than significant.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would conflict with the provisions of any habitat conservation plan or sustainability plan, including the General Plan Conservation Element. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

These restaurants would be subject to standard zoning and permitting processes, including maximum occupancy requirements, and are generally located on developed, urbanized sites, which are not considered environmentally sensitive sites, and unlikely to fall within any adopted Habitat Conservation Plan. Future restaurants are unlikely to be located on environmentally sensitive sites, as restaurants are by their nature located in accessible, urbanized areas that are zoned for such a use; any future restaurants that require additional discretionary entitlements would be required to review any potential environmental impacts through a separate environmental review process. As such, activities permitted by the Project would not result in the reasonably foreseeable impacts or modifications to the habitats and species identified in question. Therefore, impacts would be less than significant.

V. CULTURAL RESOURCES

	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
Would the project:				
a.Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Cause a substantial adverse change in the significance of a historical resource as pursuant to State CEQA Guidelines §15064.5?

Less than Significant Impact. State CEQA Guidelines Section 15064.5 defines a historical resources as: 1) a resource listed in or determined to be eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources; 2) a resource listed in a local register of historical resources or identifies as significant in a historical resource survey meeting certain state guidelines; or 3) an object, building, structure, site, area, place, record or manuscript which a lead agency determines to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the lead agency's determination is supported by substantial evidence in light of the whole record. A project-related significant adverse effect would occur if a project were to adversely affect a historical resource meeting one of the above definitions.

The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses, and is not anticipated to result in new development that would result in a substantial adverse change in the significance of a historical resource. Any development authorized by the Project would only be an accessory to a restaurant use. The new outdoor dining provisions for private property, as intended by the proposed Ordinance, would be subject to historic preservation review to ensure historic compatibility on any property listed in the National Register of Historic Places, in the California Register of Historic Resources, as a local City Historic-Cultural Monument, within a Historic Preservation Overlay Zone, or as a resource identified by SurveyLA. As such, activities permitted by the Project would not result in the reasonably foreseeable impacts or modifications of a historical resource. Moreover, any identified historical resources, either federal, State, or local, would be required to comply with the Secretary of Interior's standards, as well as the City's Historic Cultural Monument review process for designated resources, codified in the Los Angeles Administrative Code Section 22.171, et seq. Therefore, impacts related to historic resources would be less than significant.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines §15064.5?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would result in a substantial adverse change in the significance of an archeological resource. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

These restaurants would be subject to standard zoning and permitting processes, including maximum occupancy requirements, and are generally located on developed, urbanized sites, which are not considered environmentally sensitive sites. Future restaurants are unlikely to be located on environmentally sensitive sites, as restaurants are by their nature located in accessible, urbanized areas that are zoned for such a use; any future restaurants that require additional discretionary entitlements would be required to review any potential environmental impacts through a separate environmental review process. In addition, as seen in Section 5.XVIII, impacts to Tribal Cultural Resources are less than significant. As such, activities permitted by the Project would not result in the reasonably foreseeable impacts or modifications

to the habitats and species identified in question. Therefore, impacts would be less than significant.

c) Disturb any human remains, including those interred outside of formal cemeteries?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would disturb any human remains, including those interred outside formal ceremonies. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

These restaurants would be subject to standard zoning and permitting processes, including maximum occupancy requirements, and are generally located on developed, urbanized sites, which are not considered environmentally sensitive sites. Future restaurants are unlikely to be located on environmentally sensitive sites, as restaurants are by their nature located in accessible, urbanized areas that are zoned for such a use; any future restaurants that require additional discretionary entitlements would be required to review any potential environmental impacts through a separate environmental review process. In addition, as seen in Section 5.XVIII, impacts to Tribal Cultural Resources are less than significant. As such, activities permitted by the Project would not result in the reasonably foreseeable impacts or modifications to the habitats and species identified in question. Therefore, impacts would be less than significant.

VI. ENERGY

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants; any such accessory structures are separately analyzed by the Notice of Exemption that was also prepared for the Project.

As described above, the program to allow Outdoor Dining Areas that the Project provides to eligible restaurants may result in an increase in restaurants in the City. However, those eligible restaurants must be in locations where restaurants are an allowed use. The City has no evidence that this Project would result in a substantial number of new restaurants. Furthermore, any new restaurant will be required to comply with all applicable energy efficiency standards designed to conserve energy and, although only minor development is anticipated as part of this Project, any newly constructed restaurant would be required to comply with the Los Angeles Green Building Standards Code (LA Green Code) and any other needed discretionary approvals, which is aimed at reducing Greenhouse Gas (GHG) emissions by imposing stringent standards to reduce energy consumption. Any additional energy consumption associated with the expansion of the outdoor dining area is expected to be negligible based on the limited square footage available for expansion, as well as sizing constraints based on maximum occupancy. Therefore, impacts would be less than significant.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would result

in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

As described above, the program to allow Outdoor Dining Areas within eligible restaurants may result in an increase in restaurants in the City. This increase could lead to an increase in consumption of energy resources. However, those eligible restaurants must be in locations where restaurants are an allowed use. The City has no evidence that this Project would result in a substantial number of new restaurants. Furthermore, any new restaurant will be required to comply with all applicable energy efficiency standards designed to conserve energy and, although new development is not anticipated as part of this Project, any newly constructed restaurant would be required to comply with the LA Green Code, which is aimed at reducing GHG emissions by imposing stringent standards to reduce energy consumption. Any additional energy consumption associated with the expansion of the outdoor dining area is expected to be negligible based on the limited square footage available for expansion, as well as sizing constraints based on maximum occupancy.

On December 11, 2019, the Los Angeles City Council approved Ordinance No. 186,488, which amended Chapter IX of the Los Angeles Municipal Code (LAMC), referred to as the Los Angeles Green Building Code, by adding a new Article 9 to incorporate various provisions of the 2019 CALGreen Code. Projects filed on or after January 1, 2020, must comply with the provisions of the Los Angeles Green Building Code. Specific mandatory requirements and elective measures are provided for three categories: (1) low-rise residential buildings; (2) nonresidential and high-rise residential buildings; and (3) additions and alterations to nonresidential and high-rise residential buildings. Article 9, Division 5 includes mandatory measures for newly constructed nonresidential and high-rise residential buildings. Therefore, impacts would be less than significant.

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would result in a rupture of a known earthquake fault or exacerbate existing environmental conditions so as to potentially cause such rupture. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

These restaurants would be subject to standard zoning and permitting processes, including maximum occupancy requirements and all applicable Building Code requirements concerning structural integrity, and are generally located on developed, urbanized sites, which are not considered environmentally sensitive sites. Future restaurants are unlikely to be located on environmentally sensitive sites, as restaurants are by their nature located in accessible, urbanized areas that are zoned for such a use; any future restaurants that require additional discretionary entitlements would be required to review any potential environmental impacts through a separate environmental review process. Grading, excavation, or other fault endangering activities associated with new development are anticipated to be minor and would only be accessory uses. Therefore, impacts would be less than significant.

ii) Strong seismic ground shaking?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would result in strong seismic ground shaking or exacerbate existing environmental conditions so as to potentially cause strong seismic ground shaking. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

These restaurants would be subject to standard zoning and permitting processes, including maximum occupancy requirements, and are generally located on developed, urbanized sites, which are not considered environmentally sensitive sites. Future restaurants are unlikely to be located on environmentally sensitive sites, as restaurants are by their nature located in accessible, urbanized areas that are zoned for such a use; any future restaurants that require additional discretionary entitlements would be required to review any potential environmental impacts through a separate environmental review process. Grading, excavation, or other activities associated with increasing strong seismic ground shaking are anticipated to be minor and would only be accessory uses. Therefore, impacts would be less than significant.

iii) Seismic-related ground failure, including liquefaction?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would result in seismic-related ground failure or exacerbate existing environmental conditions so as to potentially cause seismic-related ground failure. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

These restaurants would be subject to standard zoning and permitting processes, including maximum occupancy requirements, and are generally located on developed, urbanized sites, which are not considered environmentally sensitive sites. Future restaurants are unlikely to be located on environmentally sensitive sites, as restaurants are by their nature located in accessible, urbanized areas that are zoned for such a use; any future restaurants that require additional discretionary entitlements would be required to review any potential environmental impacts through a separate environmental review process. Grading, excavation, or other activities associated with seismic-related ground failure are anticipated to be minor and would only be accessory uses. Therefore, impacts would be less than significant.

iv) Landslides?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would result in landslides or exacerbate existing environmental conditions so as to potentially cause landslides. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

These restaurants would be subject to standard zoning and permitting processes, including maximum occupancy requirements, and are generally located on developed, urbanized sites, which are not considered environmentally sensitive sites. Future restaurants are unlikely to be located on environmentally sensitive sites, as restaurants are by their nature located in accessible, urbanized areas that are zoned for such a use; any future restaurants that require additional discretionary entitlements would be required to review any potential environmental impacts through a separate environmental review process. Grading, excavation, or other activities associated with seismic-related ground failure are anticipated to be minor and would only be accessory uses. Therefore, impacts would be less than significant.

b) Result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would result in substantial soil erosion or the loss of topsoil or exacerbate existing environmental conditions so as to potentially cause substantial soil erosion or the loss of topsoil. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from

one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

These restaurants would be subject to standard zoning and permitting processes, including maximum occupancy requirements, and are generally located on developed, urbanized sites, which are not considered environmentally sensitive sites. Future restaurants are unlikely to be located on environmentally sensitive sites, as restaurants are by their nature located in accessible, urbanized areas that are zoned for such a use; any future restaurants that require additional discretionary entitlements would be required to review any potential environmental impacts through a separate environmental review process. Grading, excavation, or other fault endangering activities associated with soil erosion and loss of topsoil are anticipated to be minor and would only be accessory uses. Therefore, impacts would be less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would create ground instability. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

These restaurants would be subject to standard zoning and permitting processes, including maximum occupancy requirements, and are generally located on developed, urbanized sites, which are not considered environmentally sensitive sites. Future restaurants are unlikely to be located on environmentally sensitive sites, as restaurants are by their nature located in accessible, urbanized areas that are zoned for such a use; any future restaurants that require additional discretionary entitlements would be required to review any potential environmental impacts through a separate environmental review process. Ground destabilizing activities such as grading, or excavation are anticipated to be minor and would only be accessory uses. Therefore, impacts would be less than significant.

d) Be located on expansive soil, as defined in Table 18 1 B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would be located on expansive soil. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

These restaurants would be subject to standard zoning and permitting processes, including maximum occupancy requirements, and are generally located on developed, urbanized sites, which are not considered environmentally sensitive sites. Future restaurants are unlikely to be located on environmentally sensitive sites, as restaurants are by their nature located in accessible, urbanized areas that are zoned for such a use; any future restaurants that require additional discretionary entitlements would be required to review any potential environmental impacts through a separate environmental review process. Grading or excavation are

anticipated to be minor and would only be accessory uses. Therefore, impacts would be less than significant.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would involve the use of septic tanks or alternative wastewater disposal systems. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants. Therefore, no impacts related to this issue would occur.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would directly or indirectly destroy a unique paleontological resource or site or unique geological feature. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

These restaurants would be subject to standard zoning and permitting processes, including maximum occupancy requirements, and are generally located on developed, urbanized sites, which are not considered environmentally sensitive sites. Future restaurants are unlikely to be located on environmentally sensitive sites, as restaurants are by their nature located in accessible, urbanized areas that are zoned for such a use; any future restaurants that require additional discretionary entitlements would be required to review any potential environmental impacts through a separate environmental review process. Ground disturbing activities such as grading and excavation that could directly or indirectly destroy a unique paleontological resource or site or unique geological feature are anticipated to be minor and would only be accessory uses. Therefore, impacts would be less than significant.

VIII. GREENHOUSE GAS EMISSIONS

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

As described above, the opportunity to build Outdoor Dining Areas that the Project provides to eligible restaurants may result in an increase in restaurants in the City as it applies to new operators. Existing restaurants, however, that are currently utilizing the Temporary Authorization Program are part of the existing baseline and will not expand or exacerbate any potential air quality impacts.

This increase for new operators could theoretically lead to a change in traffic patterns that would increase or change vehicle emissions from existing conditions. However, any increase is speculative and is expected to be insignificant, as any development authorized by this Project would only be an accessory use to a restaurant (which is covered by the associated Notice of Exemption that was also prepared for the Project and presumed to result in negligible increases in trip counts associated with the restaurant operation), and those eligible restaurants must be in locations where restaurants are an allowed use. The City has no evidence that this Project would result in a substantial number of new restaurants. Furthermore, any new restaurant will be required to comply with all applicable energy efficiency standards designed to conserve energy thereby reducing GHG emissions and, although only minor development is anticipated as part of this Project, any newly constructed restaurant would be required to comply with the GHG reducing standards included in the LA Green Code. Any additional energy consumption associated with the expansion of the outdoor dining area is expected to be negligible based on the limited square footage available for expansion, as well as sizing constraints based on maximum occupancy. Therefore, a less than significant impact related to this issue would occur.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. The activities allowed by the Project would also not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

As described above, the opportunity to build Outdoor Dining Areas that the Project provides to eligible restaurants may result in an increase in restaurants in the City as it applies to new operators. Existing restaurants, however, that are currently utilizing the Temporary Authorization Program are part of the existing baseline and will not expand or exacerbate any potential air quality impacts.

This increase for new operators could theoretically lead to a change in traffic patterns that would increase or change vehicle emissions from existing conditions. However, any increase is speculative and is expected to be insignificant, as any development authorized by this Project would only be an accessory use to a restaurant (which is covered by the associated Notice of Exemption that was also prepared for the Project and presumed to result in negligible increases in trip counts associated with the restaurant operation), and those eligible restaurants must be in locations where restaurants are an allowed use. The City has no evidence that this Project would result in a substantial number of new restaurants or restaurants that would be inconsistent with the SCS/RTP. Furthermore, any new restaurant will be required to comply with all applicable energy efficiency standards designed to conserve energy thereby reducing GHG emissions and, although only minor development is anticipated as part of this Project, any newly constructed restaurant would be required to comply with the GHG reducing standards included in the LA Green Code. Any additional energy consumption associated with the expansion of the outdoor dining area is expected to be negligible based on the limited square footage available for expansion, as well as sizing constraints based on maximum occupancy. Therefore, a less than significant impact related to this issue would occur.

IX. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would involve routine transport, use, or disposal of hazardous materials. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

Grading, excavation, or construction associated with hazardous material transport are anticipated to be minor and any outdoor dining authorized by the project would be an extension of an indoor restaurant use. 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 applicant will be required to prepare a Phase I Environmental Site Assessment (ESA) and if needed, a Phase II ESA and comply with any necessary remediation. A No Further Action letter, or some other comparable documentation, issued by the appropriate regulatory agency is required. Therefore, a less than significant impact related to this issue would occur.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would involve or authorize any activity which could result in the release of hazardous materials into the environment. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants. 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 applicant will be required to prepare a Phase I Environmental Site Assessment (ESA) and if needed, a Phase II ESA and comply with any necessary remediation. A No Further Action letter, or some other comparable documentation, issued by the appropriate regulatory agency is required.

Additionally, restaurants are not expected to use hazardous materials other than typical small quantities of household hazardous materials, such as cleaning agents, and it is not expected to result in increased impacts over any current uses or baseline conditions. Therefore, a less than significant impact related to this issue would occur.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would emit any hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants. 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 applicant will be required to prepare a Phase I Environmental Site Assessment (ESA) and if needed, a Phase II ESA and comply with any necessary remediation. A No Further Action letter, or some other comparable documentation, issued by the appropriate regulatory agency is required.

Additionally, restaurants are not expected to use hazardous materials other than typical small quantities of household hazardous materials, such as cleaning agents, and it is not expected to result in increased impacts over any current uses or baseline conditions. Therefore, a less than significant impact related to this issue would occur.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses to sites compiled on a Cortese List database. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

A small number of restaurants in the City are located on sites compiled on a Cortese List database, and many of these locations have their Envirostor cases closed. 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 applicant will be required to prepare a Phase I Environmental Site Assessment (ESA) and if needed, a Phase II ESA and comply with any necessary remediation. A No Further Action letter, or some other comparable documentation, issued by the appropriate regulatory agency is required.

Any Outdoor Dining Areas authorized by the Project would be accessory to indoor restaurant uses, and thus the sites would be remediated to a level suitable for indoor human habitation, which is a more stringent standard than outdoor human occupation, as volatile contaminants dissipate much more rapidly outdoors than indoors. Therefore, a less than significant impact related to this issue would occur.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses to sites within two miles of an airport. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants.

Some restaurants in the City are located on sites within two miles of an airport. Nevertheless, an Outdoor Dining Area at these restaurants would not result in a safety hazard or excessive noise for people working in the project area, as workers at these restaurants would still be likely

to spend most of their work time indoors. Therefore, a less than significant impact related to this issue would occur.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Furthermore, no aspects of this Project would inhibit access to hospitals, emergency response centers, highways, bridges, or airports.

As described above, the Outdoor Dining Areas that the Project provides to eligible restaurants may result in an increase in restaurants in the City. This increase in the number of restaurants could lead to an increase in transit, roadway, bicycle, or pedestrian traffic near or around Project locations.

However, those eligible restaurants must be in locations where restaurants are an allowed use. Additionally, there are numerous additional factors and expenses that go into opening new restaurants. The City has no evidence that this Project would result in a substantial number of new restaurants, or that any resultant increase would impair implementation or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, a less than significant impact related to this issue would occur.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Some restaurants participating in the Temporary Authorization Program are located in the Very High Fire Hazard Severity Zone (VHFHSZ), and additional restaurants located in the VHFHSZ may participate in the Project. However, because the Project is not anticipated to result in anything more than a minor amount of new development and is limited to an accessory use to already-permitted restaurants, there is little reasonably foreseeable increased risk involving wildland fires. Therefore, a less than significant impact related to this issue would occur.

X. HYDROLOGY AND WATER QUALITY

	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Result in substantial erosion or siltation on- or off-site;				
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;				
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or				
iv. Impede or redirect flood flows?				
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would result in a violation of any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants. Additionally, any eligible restaurants would comply with all applicable water quality standards, wastewater discharge requirements, and other measures designed to protect surface and ground water quality. Therefore, impacts related to this issue would be less than significant.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would substantially decrease groundwater supplies or interfere with groundwater recharge. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants. Therefore, impacts related to this issue would be less than significant.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in substantial erosion or siltation on- or off-site;

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would result in substantial erosion or siltation on- or off-site. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures, with minimal to no water runoff, from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants. Additionally, because any new development would be minor and only an accessory use to restaurants, potentially eroding or siltation activities such as grading or excavation would be minor. Therefore, impacts related to this issue would be less than significant.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would result in a substantial increase in the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures, with minimal to no water

runoff, from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants. Additionally, because any new development would be minor and only an accessory use to restaurants, potentially activities such as grading or excavation that could alter surface runoff would be minor. Therefore, impacts related to this issue would be less than significant.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would result in a substantial increase in the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures, with minimal to no runoff, from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants. Additionally, because any new development would be minor and only an accessory use to restaurants, activities such as grading or excavation that could potentially alter surface runoff would be minor. Therefore, impacts related to this issue would be less than significant.

iv) Impede or redirect flood flows?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would impede or redirect flood flows. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants. Additionally, because any new development would be minor and only an accessory use to restaurants, activities such as grading or excavation that could potentially impede or redirect flood flows would be minor. Therefore, impacts related to this issue would be less than significant.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would risk or be foreseeably likely to lead to development that will release pollutants due to project inundation in flood hazard, tsunami, or seiche zones. Furthermore, while some restaurants in the City may be located in flood hazard, tsunami, or seiche zones, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants. Outdoor dining areas would use ordinary materials for eating and food preparation, and not involve substantial amounts of potential pollutants. Therefore, impacts related to this issue would be less than significant.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants. Additionally, because any new development would be minor and only an accessory use to restaurants, activities such as grading or excavation that could potentially conflict with or obstruct water quality control or groundwater management plans would be minor. Therefore, impacts related to this issue would be less than significant.

XI. LAND USE AND PLANNING

	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
Would the project:				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Physically divide an established community?

No Impact. The Project will not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would physically divide an established community. Therefore, no impacts related to this issue would occur.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less than Significant Impact. Substantial new development is not anticipated to result from this Project, nor will it change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation.

Furthermore, any new restaurant will be required to comply with all applicable energy efficiency standards designed to conserve energy and, although new development is not anticipated as part of this Project, any newly constructed restaurant would be required to comply with the LA Green Code. Therefore, impacts related to this issue would be less than significant.

XII. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a.Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b.Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. The Project will not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. Furthermore, because any new development would be minor and only an accessory use to restaurants, mineral-impacting activities such as grading, and excavation are not anticipated. Therefore, no impacts related to this issue would occur.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The Project will not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would result in the loss of availability of any locally-important mineral resource recovery site, and any new development would be minor and only an accessory use to restaurants. Therefore, no impacts related to this issue would occur.

XIII. NOISE

<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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Would the project result in:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>b. Generation of excessive groundborne vibration or groundborne noise levels?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Overview of Noise Analysis for Outdoor Dining Ordinance and Characteristics of Sound

Sound is technically described in terms of the loudness (amplitude) and frequency (pitch) of the sound. The standard unit of measurement for sound is the decibel (dB). The human ear is not equally sensitive to sound at all frequencies. The “A-weighted scale,” abbreviated dBA, reflects the normal hearing sensitivity range of the human ear. On this scale, the range of human hearing extends from approximately 3 to 140 dBA.

Several rating scales have been developed to analyze the adverse effect of community noise on people. Since environmental noise fluctuates over time, these scales that consider the effect of noise upon people are largely dependent upon the total acoustical energy content of the noise as well as the time of day when the noise occurs. Those that are applicable to this analysis are as follows:

L_{eq} – A L_{eq} , or equivalent energy noise level, is the average acoustic energy content of noise for a stated period of time. Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night.

L_{max} – The maximum instantaneous noise level experienced during a given period of time.

L_{min} – The minimum instantaneous noise level experienced during a given period of time.

CNEL - The Community Noise Equivalent Level is a 24-hour average L_{eq} with a 5 dBA “weighting” during the hours of 7:00 P.M. to 10:00 P.M. and a 10 dBA “weighting” added to noise during the hours of 10:00 P.M. to 7:00 A.M. to account for noise sensitivity in the evening and night time, respectively. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.7 dBA CNEL.

Audible Noise Changes

Noise environments and consequences of human activities are usually well represented by median noise levels during the day, night, or over a 24-hour period. For residential uses, environmental noise levels are generally considered low when the CNEL is below 60 dBA, moderate in the 60–70 dBA range, and high above 70 dBA. Noise levels greater than 85 dBA can cause temporary or permanent hearing loss. Examples of low daytime levels are isolated, natural settings with noise levels as low as 20 dBA and quiet suburban residential streets with noise levels around 40 dBA. Noise levels above 45 dBA at night can disrupt sleep. Examples of moderate level noise environments are urban residential or semi-commercial areas (typically 55–60 dBA) and commercial locations (typically 60 dBA). People may consider louder environments adverse, but most will accept the higher levels associated with noisier urban residential or residential-commercial areas (60–75 dBA) or dense urban or industrial areas (65–80 dBA).

It is widely accepted that in the community noise environment the average healthy ear can barely perceive CNEL noise level changes of 3 dBA. CNEL changes from 3 to 5 dBA may be noticed by some individuals who are extremely sensitive to changes in noise. A 5 dBA CNEL increase is readily noticeable, while the human ear perceives a 10 dBA CNEL increase as a doubling of sound.

Noise levels decrease as the distance from the noise source to the receiver increases. Noise generated by a stationary noise source, or “point source,” will decrease by approximately 6 dBA over hard surfaces (e.g., reflective surfaces such as parking lots or smooth bodies of water) and 7.5 dBA over soft surfaces (e.g., absorptive surfaces such as soft dirt, grass, or scattered bushes and trees) for each doubling of the distance. For example, if a noise source produces a noise level of 89 dBA at a reference distance of 50 feet, then the noise level would be 83 dBA at a distance of 100 feet from the noise source, 77 dBA at a distance of 200 feet, and so on. Noise generated by a mobile source will decrease by approximately 3 dBA over hard surfaces and 4.5 dBA over soft surfaces for each doubling of the distance. Noise is most audible when traveling by direct line-of-sight, an unobstructed visual path between noise source and receptor. Barriers, such as walls or buildings that break the line-of-sight between the source and the receiver can greatly reduce noise levels from the source since sound can only reach the receiver by diffraction. Sound barriers can reduce sound levels by up to 20 dBA. However, if a barrier is not high or long enough to break the line-of-sight from the source to the receiver, its effectiveness is greatly reduced.

Effects of Noise

The degree to which noise can impact the environment ranges from levels that interfere with speech and sleep to levels that cause adverse health effects. Human response to noise is subjective and can vary from person to person. Factors that influence individual response include the intensity, frequency, and pattern of noise, the amount of background noise present before the intruding noise, and the nature of work or human activity that is exposed to the noise source.

According to the World Health Organization (WHO), sleep disturbance can occur when continuous indoor noise levels exceed 30 dBA or when intermittent interior noise levels reach 45 dBA, particularly if background noise is low. With a bedroom window slightly open (a reduction from outside to inside of 15 dB), the WHO criteria suggests that exterior continuous (ambient) nighttime noise levels should be 45 dBA or below, and short-term events should not generate noise in excess of 60 dBA. WHO reports that, during daytime hours, few people are seriously annoyed by activities with noise levels below 55 dBA or moderately annoyed with noise levels below 50 dBA. The importance of noise to receptors depends on both time and context and can vary from person to person. For example, long term high noise levels from large traffic volumes can make conversation at a normal voice level difficult or impossible, while short-term peak noise levels, if they occur at night, can disturb sleep.⁵

⁵ *City & County of San Francisco Superior Court, Mission Bay Alliance v. Office of Community Investment and Infrastructure, November 29, 2016, website: <https://caselaw.findlaw.com/ca-court-of-appeal/1756110.html>, accessed April 2020*

Noise levels from a particular source generally decline as distance to the receptor increases. Sound from a small, localized source (approximating a point source) radiates uniformly outward as it travels away from the source in a spherical pattern. The sound level attenuates (or drops off) at a rate of 6 dBA for each doubling of the distance. Other factors, such as the weather and reflecting or barriers, also help intensify or reduce the noise level at any given location. A commonly used rule of thumb for roadway noise is that for every doubling of distance from the source, the noise level is reduced by about 3 dBA at acoustically “hard” locations (i.e., the area between the noise source and the receptor is nearly complete asphalt, concrete, hard-packed soil, or other solid materials) and 4.5 dBA at acoustically “soft” locations (i.e., the area between the source and receptor is normal earth or has vegetation, including grass). Noise from stationary or point sources is reduced by about 6 to 7.5 dBA for every doubling of distance at acoustically hard and soft locations, respectively. In addition, noise levels are also generally reduced by 1 dBA for each 1,000 feet of distance due to air absorption.

Noise levels may also be reduced by intervening structures, such as hills, manmade features, buildings, landscaping, and walls. Generally, for an at-grade facility in an average residential area where the first row of buildings covers at least 40 percent of the total area, the reduction provided by the first row is reasonably assumed to be 3 dBA, with 1.5 dBA for each additional row. For buildings spaced tightly, the first row provides about 5 dBA of reduction, successive rows reduce noise by 1.5 dBA per row, with a maximum reduction limit of 10 dBA.⁶ Additional noise attenuation can be provided within residential structures. Depending on the quality of the original building façade, especially windows and doors, sound insulation treatments can improve the noise reduction by 5 to 20 dBA.⁷

Existing Ambient Noise Levels

To assess the existing ambient noise conditions in the area, the DCP’s Geographic Information Systems Unit gathered data (see Attachment A to the Negative Declaration) that displays the total number of restaurants that are within 250 feet and 500 feet of a freeway, boulevard, or avenue. DCP found that, of all restaurants in the City, 90.1% are located within 150 feet of a major roadway (that is, a roadway designated as a Boulevard I, Boulevard II, Avenue I, or Avenue II in the Mobility Element), 92.7% are within 250 feet, and 95.9% are within 500 feet. Data for restaurants using the Temporary AI Fresco Authorizations are similar: 88.8% are within 150 feet of a major roadway, 92.1% are within 250 feet, and 95.9% are within 500 feet of a major roadway.

A sample review of noise impact analyses for previously analyzed development projects in the City have found that existing typical daytime ambient noise levels along major roadways in the City is generally in the range of 65 to 70 dBA.

⁶ California Department of Transportation (Caltrans), Division of Environmental Analysis, *Technical Noise Supplement*, November 2009, website: https://www.gsweventcenter.com/Draft_SEIR_References/2013_0709_DOT_Technical_Noise_2009.pdf, accessed April 2020.

⁷ Federal Transit Administration, Office of Planning and Environment, *Transit Noise and Vibration Impact Assessment*, May 2006, website: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Noise_and_Vibration_Manual.pdf, accessed April 2020.

The City's General Plan Noise Element includes general objectives and policies related to reducing or eliminating intrusive noise and reducing or eliminating noise impacts associated with development of land and changes in land use. The Noise Element also includes guidelines for noise compatible land uses. However, the Noise Element does not include specific or mandatory standards, policies, or guidance specifically related to thresholds or analysis of construction noise and vibration. The Noise Element defines noise-sensitive land uses as single-family and multi-unit dwellings, long-term care facilities (including convalescent and retirement facilities), dormitories, motels, hotels, transient lodging, and other residential uses; places of assembly including churches or houses of worship; hospitals; libraries; schools; auditoriums; concert halls; outdoor theaters; nature and wildlife preserves; and parks.

The LAMC, through the City's Noise Ordinance, is the regulatory mechanism for implementing the goals and policies of the City's General Plan, including those set forth in the Noise Element. The City's Noise Ordinance contains a number of regulations that apply to temporary construction activities and long-term operations. Section 41.40(a) prohibits construction activities from occurring between the hours of 9:00 P.M. and 7:00 A.M., Monday through Friday. Subdivision (c), below, further prohibit such activities from occurring before 8:00 A.M. or after 6:00 P.M. on any Saturday, or on any Sunday or national holiday.

SEC.41.40. NOISE DUE TO CONSTRUCTION, EXCAVATION WORK—WHEN PROHIBITED.

(a) No person shall, between the hours of 9:00 P.M. and 7:00 A.M. of the following day, perform any construction or repair work of any kind upon, or any excavating for, any building or structure, where any of the foregoing entails the use of any power drive drill, riveting machine excavator or any other machine, tool, device or equipment which makes loud noises to the disturbance of persons occupying sleeping quarters in any dwelling hotel or apartment or other place of residence. In addition, the operation, repair or servicing of construction equipment and the jobsite delivering of construction materials in such areas shall be prohibited during the hours herein specified. Any person who knowingly and willfully violates the foregoing provision shall be deemed guilty of a misdemeanor punishable as elsewhere provided in this Code.

(b) No person, other than an individual homeowner engaged in the repair or construction of his single-family dwelling shall perform any construction or repair work of any kind upon, or any earth grading for, any building or structure located on land developed with residential buildings under the provisions of Chapter I of this Code, or perform such work within 500 feet of land so occupied, before 8:00 A.M. or after 6:00 P.M. on any Saturday or national holiday nor at any time on any Sunday. In addition, the operation, repair, or servicing of construction equipment and the jobsite delivering of construction materials in such areas shall be prohibited on Saturdays and on Sundays during the hours herein specific.

Section 112.05 of the LAMC establishes noise limits for powered equipment and hand tools operated within 500 feet of residential zones. Of particular importance to construction activities is subdivision (a), which institutes a maximum noise limit of 75 dBA for the types of construction vehicles and equipment that are used for demolition and grading, especially. However, the LAMC goes on to note that these limitations do not necessarily apply if proven that compliance therewith would be technically infeasible despite the use of noise-reducing means or methods.

SEC. 112.05. MAXIMUM NOISE LEVEL OF POWERED EQUIPMENT OR POWERED HAND TOOLS Between the hours of 7:00 A.M. and 10:00 P.M., in any residential zone of the City or within 500 feet thereof, no person shall operate or cause to be operated any powered equipment or powered hand tool that produces a maximum noise level exceeding the following noise limits at a distance of 50 feet therefrom:

(a) 75 dBA for construction, industrial, and agricultural machinery including crawler tractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, off-highway trucks, ditchers, trenchers, compactors, scrapers, wagons, pavement breakers, compressors and pneumatic or other powered equipment;

(b) 75 dBA for powered equipment of 20 HP or less intended for infrequent use in residential areas, including chain saws, log chippers and powered hand tools;

(c) 65 dBA for powered equipment intended for repetitive use in residential areas, including lawn mowers, backpack blowers, small lawn and garden tools and riding tractors. Said noise limitations shall not apply where compliance therewith is technically infeasible. The burden of proving that compliance is technically infeasible shall be upon the person or persons charged with a violation of this section. Technical infeasibility shall mean that said noise limitations cannot be complied with despite the use of mufflers, shields, sound barriers and/or other noise reduction device or techniques during the operation of the equipment.

Section 112.01 of the LAMC prohibits any amplified noises, especially those from outdoor sources (e.g., outdoor speakers, stereo systems, etc.) from exceeding the ambient noise levels of adjacent properties by more than 5 dBA. Amplified noises are also prohibited from being audible at any distance greater than 150 feet from the property line of the source.

SEC.112.01. RADIOS, TELEVISION SETS, AND SIMILAR DEVICES

(a) It shall be unlawful for any person within any zone of the City to use or operate any radio, musical instrument, phonograph, television receiver, or other machine or device for the producing, reproducing or amplification of the human voice, music, or any other sound, in such a manner, as to disturb the peace, quiet, and comfort of neighbor occupants or any reasonable person residing or working in the area.

(b) Any noise level caused by such use or operation which is audible to the human ear at a distance in excess of 150 feet from the property line of the noise source, within any residential zone of the City or within 500 feet thereof, shall be a violation of the provisions of this section.

(c) Any noise level caused by such use or operation which exceeds the ambient noise level on the premises of any other occupied property, or if a condominium, apartment house, duplex, or attached business, within any adjoining unit, by more than five (5) decibels shall be a violation of the provisions of this section.

Section 112.02(a), below, prohibits heating, ventilation, and air conditioning (HVAC) systems and other mechanical equipment from elevating ambient noise levels at neighboring residences by more than 5 dBA.

SEC.112.02. AIR CONDITIONING, REFRIGERATION, HEATING, PLUMBING, FILTERING EQUIPMENT (a) It shall be unlawful for any person, within any zone of the city, to operate any air conditioning, refrigeration or heating equipment for any residence or other structure or to operate any pumping, filtering or heating equipment for any pool or reservoir in such manner as to create any noise which would cause the noise level on the premises of any other occupied property ... to exceed the ambient noise level by more than five decibels.

Moreover, any noise level caused by such use or operation which exceeds the ambient noise level on the premises of any other occupied property, or if a condominium, apartment house, duplex, or attached business, within any adjoining unit, by more than five (5) decibels shall be a violation of the provisions of this section. This provision of the Noise Ordinance would apply to any noise concerns associated with Outdoor Dining operations.

DBS and LAPD's enforcement power is codified in Section 111.05 of the Noise Ordinance. Non-compliance with the outdoor dining area standards may result in enforcement actions pursuant to Section 12.27.1 (Administrative Nuisance Abatement Proceedings) of Chapter I or Article 13 of Chapter 1A of the LAMC, as applicable.

Outdoor Dining Ordinance and Applicable Operation-Related Restrictions

The proposed Ordinance includes several "standards" that serve to limit the types of uses, including the following restrictions:

- (i) Music, television monitors, screens and speakers are prohibited in Outdoor Dining Areas.
- (ii) Live entertainment, dancing, pool tables, billiard tables, and adult entertainment uses are prohibited in Outdoor Dining Areas.
- (iii) An Outdoor Dining Area shall operate no later than 11:00 p.m. if within 250 feet of a residential zone, not including the RAS zone.

The proposed Project retains all of the same prohibitions that are currently restricted under the Temporary Authorization Program, except for the prohibition of private events, cover charges, and ambient music (limited to allow patrons to speak at normal conversational levels), which will be permitted under the permanent program enforced pursuant to Section 112.01 of the LAMC.

Consideration of the applicable regulatory framework and above-referenced assumptions, the following analyzes the applicable noise thresholds in the context of the proposed Project.

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than Significant Impact. A significant impact may occur if the Proposed Project would generate excess noise that would cause the ambient noise environment to exceed noise level standards set forth in the City of Los Angeles General Plan Noise Element (Noise Element) and the City of Los Angeles Noise Ordinance (Noise Ordinance). The implementation of the Proposed Project would not result in a substantial increase in ambient noise levels during either construction or operation, as discussed in further detail below. A significant impact could occur if the Proposed Project were to result in a substantial temporary or periodic increase or a substantial permanent increase in ambient noise levels above existing ambient noise levels without the Proposed Project, however, based on the information that has been presented in the administrative record, as well as the listed operations restrictions set forth in the proposed Project, namely the ordinances restricted on live entertainment, dancing, pool tables, loud music, television monitors, screens and speakers, there is no evidence that has been presented a likelihood of a substantial noise impact. The Project covers several commercial zones that also allow residential uses, and involve sites that are zoned for restaurant use, and as outlined above, are generally located in a busy commercial environment with high ambient noise levels. Permitted uses in these zones include for-profit businesses such as restaurants, retail stores, and offices, in addition to multifamily residences. As a result, commercial and residential uses often coexist but do not conflict, such as in mixed-use development where these uses complement one another. The Project creates new administrative processes for having outdoor dining on private property for eligible restaurants that are already permitted uses in the zones in question. Moreover, regardless of any structures or activities allowed by the Project, outdoor dining establishments would still be required to follow the LAMC Noise Ordinance, keeping noise to within legal limits and thus below noise impact thresholds. LAPD is the City department that oversees compliance with the Noise Ordinance and enforces any noise complaints that are made throughout the City. Any noise calls are logged and are public records.

Typical operational noise levels generated by outdoor dining would be approximately 60 dBA for normal conversation, to 65 dBA for a somewhat more lively dining atmosphere. As noted in Attachment A, the vast majority of the City's restaurants (90.1%) are within 150 feet of a major roadway, which themselves typically generate approximately 65 to 70 dBA of noise. Most Outdoor Dining Areas, then, would generate noise within the normal range of ambient noise levels for the environments in which they are located. Further standards aimed at limiting noise in participating restaurants include limiting entertainment to outdoor ambient background music at low volume and restricting hours of operations past 11:00 PM within 250 feet of any residential zone. Schools, which are sensitive noise receptors, are also likely to be closed in the evening hours when outdoor dining noise would present. Furthermore, enforcement of the existing Noise Ordinance (LAMC Section 112.01 (c)) by the LAPD's dedicated Noise Enforcement Team would prohibit a restaurant's Outdoor Dining Area from exceeding an increase of 5 dBA over the ambient noise level at any nearby residence or business, preventing noise from reaching the threshold of significance. As noted above, the proposed Project allows for the use of ambient music within the Outdoor Dining Area. There is no evidence in the record that supports a causal connection between the use of ambient music and increased noise levels. In fact, the testimony throughout the administrative proceedings is that the ambient noise levels would be limited to normal conversational levels) and cannot be heard once a patron leaves the Outdoor Dining

Area. There is no evidence in the record that supports a causal connection between the use of ambient music and increased noise levels. Based on the information provided above in the “Overview of Noise Analysis for Outdoor Dining Ordinance and Characteristics of Sound” section, ambient music and normal Outdoor Dining uses will fall within the 5 dBA threshold, consistent with the City’s Noise Ordinance. Therefore, impacts in this regard would be less than significant.

An argument could be made that the proposed Project could generate additional traffic traveling to and from the participating restaurants. This argument, however, is highly speculative as (1) the restaurant is existing and has an indoor dining component, and (2) with the parking relief that is also contemplated as part of the proposed Project, many patrons will be encouraged to consider other non-automobile forms of travel to and from the restaurant. Moreover, the Project’s individual contribution to permanent off-site ambient noise level increases would be minimal. Therefore, without the addition of Outdoor Dining-specific traffic, future roadside ambient noise levels would not increase by 3 dBA to or within their respective “Normally Unacceptable” or “Clearly Unacceptable” noise categories, or by 5 dBA or greater overall. Therefore, the Project’s cumulative operational noise impact would be less than significant.

With regard to construction noise, the City’s Noise Ordinance (LAMC Section 112.05) sets forth a maximum noise level for construction equipment of 75 dBA at a distance of 50 feet when operated within 500 feet of a residential zone. Compliance with this standard does not apply where compliance therewith is technically infeasible.⁸ In addition, LAMC Section 41.40 prohibits construction between the hours of 9:00 P.M. and 7:00 A.M. Monday through Friday, before 8:00 A.M. and after 6:00 P.M. on Saturday or any national holiday, and at any time on Sunday (i.e., construction is allowed Monday through Friday between 7:00 A.M. and 9:00 P.M. and Saturdays and national holidays between 8:00 A.M. and 6:00 P.M.). Construction may be permitted outside of these hours if a temporary noise variance is approved by the Los Angeles Board of Police Commissioners. Any new development authorized by the Project would be minor structures and only as accessory uses to restaurants. Nothing in the Project allows applicants to perform construction activities in violation of the LAMC.

Moreover, as stated above, any construction-related noise impacts⁹ would be minimal given the limited, and often non-permanent nature of the improvements that would be erected to the outdoor dining space. Given the limited nature of the construction at issue, the possibility of vibration related noise impacts is minimal and unlikely. Therefore, impacts in this regard would be less than significant.

⁸ In accordance with the City’s Noise Regulations, “technically feasible” means that the established noise limitations can be complied with at a project site, with the use of mufflers, shields, sound barriers, and/or other noise reduction devices or techniques employed during the operation of equipment.

⁹ Furthermore, a Notice of Exemption (ENV-2022-8180-CE) has also been prepared for the proposed Project’s construction-specific component, in reliance on a Class 3 and Class 11 for small structures and accessory structures, and as separately analyzed in the corresponding Notice of Exemption, there are no exceptions that would apply under CEQA Guidelines Section 15300.2.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses, nor is it anticipated to result in substantial development that would generate excessive groundborne vibration or groundborne noise levels. Furthermore, the Project would only consist of the construction, installation, or conversion of small new structures from one use to another where only minor modifications are made in the exterior of the structure, and only as accessory uses to restaurants. These minor structures would be unlikely to require heavy construction equipment or any invasive excavation or piledriving that could generate excessive groundborne vibration or groundborne noise. Moreover, as stated above, any construction-related noise impacts¹⁰ would be minimal given the limited, and often non-permanent nature of the improvements that would be erected to the outdoor dining space. Given the limited nature of the construction at issue, the possibility of vibration related noise impacts are minimal and unlikely. Therefore, impacts related to this issue would be less than significant.

c) For a project located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Less Than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, approve any development projects, or introduce any new land uses, nor is it anticipated to result in development that would expose people residing or working within the vicinity of a private airstrip or an airport land use plan or within two miles of a public airport or public use airport to excessive noise levels.

The Project is available Citywide, but only where restaurants are an allowed use by-right. The addition of the opportunity to build Outdoor Dining Areas near airports would not create an additional safety hazard. All restaurants must comply with citywide noise regulations and are subject to nuisance abatement and revocation proceedings. Any additional exposure to airport noise for restaurant patrons or staff would be limited. Therefore, impacts related to this issue would be less than significant.

¹⁰ Furthermore, a Notice of Exemption (ENV-2022-8180-CE) has also been prepared for the proposed Project's construction-specific component, in reliance on a Class 3 and Class 11 for small structures and accessory structures, and as separately analyzed in the corresponding Notice of Exemption, there are no exceptions that would apply under CEQA Guidelines Section 15300.2.

XIV. POPULATION AND HOUSING

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No Impact. The Project will not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses that would induce substantial unplanned growth in an area either directly or indirectly or foreseeably result in substantial new development, beyond the minor development of Outdoor Dining Areas, which would only be an accessory use to restaurants. Furthermore, it is not reasonably foreseeable that the Project will, nor does the Project intend to, induce substantial unplanned population growth. The Project does not propose to change or add roads or other infrastructure that would induce such growth. Therefore, no impacts related to this issue would occur.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses, or foreseeably result in substantial new development that would displace substantial numbers of existing people or housing. Furthermore, there would not be a necessity to construct replacement housing.

The Project covers several commercial zones that also allow residential uses. Permitted uses in these zones include for-profit businesses such as restaurants, retail stores, and offices, in addition to multifamily residences. As a result, commercial and residential uses often coexist but do not conflict, such as in mixed-use development where these uses complement one another. The Project creates new administrative processes for having outdoor dining on private property for restaurants that are already permitted uses in the zones in question. As a result, no impact on the number of residential units is expected to result from the Project. Therefore, no impacts related to this issue would occur.

XV. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Fire protection?

Less Than Significant Impact. A project would normally have a significant impact on fire protection if it requires the addition of a new fire station or the expansion, consolidation or relocation of an existing facility to maintain service that would result in a physical adverse impact upon the environment. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses, nor is it anticipated to result in new development that would increase demands on fire protection services as to require the construction of new or expanded facilities.

Furthermore, the City of Los Angeles Fire Department (LAFD) considers fire protection services for a project adequate if a project is within the maximum response distance and has the minimum fire flow required for the land use proposed. Pursuant to Section 57.507.3.3, Table 507.3.3, of the City of Los Angeles Fire Code, the maximum response distance between commercial land uses and a LAFD fire station that houses an engine company or truck company is one mile or 1.5 miles, respectively. If either of these distances were exceeded, all structures located in the applicable residential or commercial area would be required to install automatic fire sprinkler systems. With such systems installed, fire protection would be considered adequate even if the project were located beyond the maximum response distance.

The proposed Project involves an Ordinance that amends 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. As proposed, outdoor dining that complies with the applicable standards would be permitted as a by-right use in any zones where restaurants are currently permitted. Any outdoor alcohol service would continue to require compliance with all applicable zoning regulations as stated in an existing or new discretionary approval or in compliance with the proposed new ministerial approval. Specifically, the Ordinance contains new zoning regulations which provide a pathway for restaurants to move forward with the approval process for outdoor dining, including restaurants who are currently offering outdoor dining on private property under an L.A. Al Fresco Temporary Use Authorization (Temporary Authorization), as well as restaurants who would like to newly expand their outdoor dining operations. Similarly to the Temporary Authorizations, the Project would allow applicants to submit applications to provide outdoor dining and use their existing valid alcohol approval for their outdoor dining area on private property and/or the public right-of-way. The eligible restaurants will also be subject to a number of minimum operating standards that currently apply to the Temporary Authorizations such as having all required permits to operate a restaurant, be located in an eligible zone, and prohibit elements that could create additional noise and nuisances such as prohibiting dancing and adult entertainment uses. In addition to these operating standards, the Project proposes applicable standards when alcohol service is provided in an outdoor dining area on private property. These standards are the following:

- All alcohol that is served shall be delivered and served at tables by employees.
- All patrons shall be seated.
- Only fixed or portable bars not used as a point of sale are permitted in an Outdoor Dining Area.

Furthermore, the Project also proposes the same applicable standards for those eligible businesses that have a Revocable Permit for outdoor dining in the public right-of-way from LADOT and/or the Bureau of Engineering (BOE) and who are proposing alcohol service. These standards are necessary to ensure alcohol is monitored and regulated. Regardless of whether alcohol service is occurring in private property or in the public right-of-way, the alcohol service standards will be enforced by the Department of Building and Safety (LADBS). The proposed Project is creating a streamlined process for those eligible restaurants that would like to continue or expand their dining facilities to their outdoor private property. The Project does not approve the construction of new restaurants. As such, compliance with the Los Angeles Building Code and LAFD standards continues to be mandatory and routinely conditioned upon projects when they are approved. During plan check, individual projects work with the LAFD and incorporate the LAFD's recommendations relative to fire safety into the building plans. Nonetheless, it's standard practice that compliance with regulatory compliance measures regarding fire protection and safety, including installation of fire sprinklers, would ensure that any impacts upon fire services inadvertently created by the proposed Project would be less than significant.

b) Police protection?

Less Than Significant Impact. A significant impact may occur if the City of Los Angeles Police Department (LAPD) could not adequately serve a project, necessitating a new or physically altered station that would result in a physical adverse impact upon the environment. The Project does not change zoning or General Plan designations, create any zoning entitlements, approve any development projects, or introduce any new land uses, or foreseeably result in substantial new development that would significantly increase demands on police protection services.

The Los Angeles Police Department's involvement in the Project only extends to issuing citations for violations of the Project by participating restaurants or patrons wherever they may be applicable. The Project includes operational standards that eligible restaurants must follow to ensure police protection service demands are not significant. These requirements are aimed at preventing loitering, noise, and other activities on the premises that may adversely affect or detract from the quality of life for the adjoining residents, property owners, and businesses. The proposed Project contains new zoning regulations which provide a pathway for restaurants to move forward with the approval process for outdoor dining, including restaurants who are currently offering outdoor dining on private property under an L.A. Al Fresco Temporary Use Authorization (Temporary Authorization), as well as restaurants who would like to newly expand their outdoor dining operations. Similarly to the Temporary Authorizations, the Project would allow applicants to submit applications to provide outdoor dining and use their existing valid alcohol approval for their outdoor dining area on private property and/or the public right-of-way. The eligible restaurants will also be subject to a number of minimum operating standards that currently apply to the Temporary Authorizations such as having all required permits to operate a restaurant, be located in an eligible zone, and prohibit elements that could create additional noise and nuisances such as prohibiting dancing and adult entertainment uses. In addition to these operating standards, the Project proposes applicable standards when alcohol service is provided in an outdoor dining area on private property. These standards are the following:

- All alcohol that is served shall be delivered and served at tables by employees.

- All patrons shall be seated.
- Only fixed or portable bars not used as a point of sale are permitted in an Outdoor Dining Area.

Furthermore, the Project also proposes the same applicable standards for those eligible businesses that have a Revocable Permit for outdoor dining in the public right-of-way from LADOT and/or the Bureau of Engineering (BOE) and who are proposing alcohol service. These standards are necessary to ensure alcohol is monitored and regulated. Regardless of whether alcohol service is occurring in private property or in the public right-of-way, the alcohol service standards will be enforced by the Department of Building and Safety (LADBS).

There is no evidence that the Project would increase demands on police protection services as to require the construction of new or expanded facilities. Therefore, a less than significant impact would occur.

c) Schools?

No Impact. A significant impact may occur if a project includes substantial employment or population growth, which could generate a demand for school facilities that would exceed the capacity of a school district. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses, or foreseeably result in substantial new development that would increase demands on schools as to require the construction of new or expanded facilities. Therefore, no impacts related to this issue would occur.

d) Parks?

No Impact. A significant impact would occur if the recreation and park services available could not accommodate the projected population increase resulting from implementation of a project or if a project resulted in the construction of new recreation and park facilities that create significant direct or indirect impacts to the environment. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses, or foreseeably result in substantial new development that would increase demands on parks as to require the construction of new or expanded facilities. Therefore, no impacts related to this issue would occur.

e) Other public facilities?

Libraries

No Impact. A significant impact may occur if a project includes substantial employment or population growth that could generate a demand for other public facilities (such as libraries), which would exceed the capacity available to serve the Project. The Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses, or foreseeably result in substantial new development that would increase demands on libraries to require the construction of new or expanded facilities. Therefore, no impacts related to this issue would occur.

XVI. RECREATION

	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?

Less than Significant Impact. For the purpose of this Initial Study, a significant impact may occur if the project would include substantial employment or population growth, which would increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated.

The determination of whether the project results in a significant impact on recreation and parks shall be made considering the following factors: (a) the net population increase resulting from the proposed Project; (b) the demand for recreation and park services anticipated at the time of project operation compared to the expected level of service available. The proposed Project is creating a streamlined process for those eligible restaurants that would like to continue or expand their dining facilities to their outdoor private property. The Project does not approve the construction of new restaurants. The Project has the potential to consist of the construction or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities. The existing structures in place for outdoor dining have been temporarily approved under the L.A. AI Fresco Temporary Authorizations and could be replaced under this program. New outdoor dining areas would all be required to be accessory uses to restaurants approved under standard zoning regulations and the LADBS Plan Check and Permit Compliance process, and any new outdoor dining structures would be required to not be enclosed, and be further restricted to dining uses. The proposed Project, then, would authorize the construction or replacement of minor structures accessory to existing commercial facilities.

No residential units are proposed, and thus, the proposed Project would not directly increase residential population in the area. The proposed Project has the potential to generate new jobs and would thus increase the number of visitors and patrons to the area but that increase would be consistent with normal operational characteristics of a restaurant in the City of Los Angeles. Further, the proposed Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses, or foreseeably result in substantial new development that would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated. Therefore, impacts related to this issue would be less than significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. A significant impact may occur if a project includes or requires the construction or expansion of park facilities and if such construction would have a significant adverse effect on the environment. As noted above, the proposed Project does not include a residential component and would not directly result in the increase of residential population in the area. The proposed Project involves an Ordinance to create a streamlined process for those eligible restaurants that would like to continue or expand their dining facilities to their outdoor private property. The Project does not approve the construction of new restaurants. The construction of new restaurants would be subject to CEQA review on a case-by-case basis. Moreover, the Project does not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses, or foreseeably result in substantial new development that would

include any recreational facilities or require the construction or expansion of recreational facilities. Therefore, no impact related to this issue would occur.

XVII. TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less Than Significant Impact. The Project does not change zoning or General Plan designations, create any zoning entitlements, approve any development projects, or introduce any new land uses that would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of a circulation system.

There is a possibility the Project may lead to an increase in the number of restaurants in the City given it provides eligible restaurants an opportunity to build Outdoor Dining Areas. Furthermore, potential business owners may become motivated to open restaurants who would have otherwise not been able to without the Program due to time or financial restraints. However, the allowance of outdoor dining on private property would not conflict or impede the mobility goals as set forth in the City's Mobility Plan.

As described above, the opportunity to build Outdoor Dining Areas that the Project provides to eligible restaurants may result in an increase in restaurants in the City. This increase could lead to an increase in transit, roadway, bicycle, or pedestrian traffic near or around Project locations, however, there is no evidence in the record that any associated increase would conflict with the City's transit-related programs or plans.

While the Project would also provide relief from parking requirements for participating restaurants, CEQA generally does not consider the adequacy of a project's parking or its "impacts on parking" unless it will result in a significant secondary effect on the physical environment. (*Save Our Access – San Gabriel Mountains v. Watershed Conservation Authority* (2021) 68 Cal.App.5th 8 citing to *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656 ["Parking deficits are always inconvenient for drivers, but they do not always cause a significant adverse impact on the environment"]). The California Legislature has also exempted certain infill projects in transit priority areas. (See Pub. Resources Code, § 21099(d)(1)). In the context of infill development near transit, the Legislature confirmed that parking impacts are not significant impacts on the physical environment.

However, any alleged increase is speculative and is expected to not be significant, as any increases would only be accessory uses to restaurants, and those eligible restaurants must be in locations where restaurants are an allowed use. The City has no evidence that this Project would result in a substantial number of new restaurants or new dining traffic. Therefore, a less than significant impact related to this issue would occur.

b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Less Than Significant Impact. State CEQA Guidelines Section 15064.5 defines a criteria for analyzing transportation impacts for land use projects where 1) vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact; 2) projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact; and 3) projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.

The Project will not change zoning or General Plan designations, create any zoning entitlements, approve any development projects, or introduce any new land uses that would substantially increase vehicle miles traveled. The Project applies citywide in areas where restaurants are an allowed use, so it is likely that many Project locations may be located within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor and would, therefore, be presumed to have a less than significant impact if evaluated separately.

There is a possibility the Project may lead to an increase in the number of restaurants in the City given it provides eligible restaurants an opportunity to build Outdoor Dining Areas. Furthermore, potential business owners may become motivated to open restaurants who would have otherwise not been able to without the Program due to time or financial restraints. However, the allowance of outdoor dining on private property would be unlikely to lead to a significant increase in VMT.

As described above, the opportunity to build Outdoor Dining Areas that the Project provides to eligible restaurants may result in an increase in restaurants in the City. This increase could lead to an increase in VMT near or around Project locations, however, there is no evidence in the record that any associated increase would constitute a significant increase in VMT.

However, any increase is speculative and is not expected to be significant, as any increases would only be accessory uses to restaurants, and those eligible restaurants must be in locations where restaurants are an allowed use. The City has no evidence that this Project would result in a substantial number of new restaurants or new dining traffic. Therefore, a less than significant impact related to this issue would occur.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The Project will not change zoning or General Plan designations, create any zoning entitlements, approve any development projects, or introduce any new land uses or foreseeably result in substantial new development that would substantially increase hazards due to a geometric design feature or incompatible uses. Furthermore, the Project does not permit or propose activity that will result in changes to roads. Therefore, no impact related to this issue would occur.

d) Result in inadequate emergency access?

Less Than Significant Impact. The Project will not change zoning or General Plan designations, create any zoning entitlements, approve any development projects, or introduce any new land uses or foreseeably result in substantial new development that would result in inadequate emergency access or substantially impair an adopted emergency response plan or emergency evacuation plan.

As described above, the opportunity to build Outdoor Dining Areas that the Project provides to eligible restaurants may result in an increase in restaurants in the City. This increase could lead to an increase in transit, roadway, bicycle, or pedestrian traffic near or around Project locations.

However, any increase is speculative and is expected to be insignificant, as any increases would only be accessory uses to restaurants, and those eligible restaurants must be in locations where restaurants are an allowed use. Additionally, there are numerous additional factors and

expenses that go into opening new restaurants. The City has no evidence that this Project would result in a substantial number of new restaurants or new dining traffic. Therefore, a less than significant impact related to this issue would occur.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k)?

Less than Significant Impact. Public Resources Code Section 21084.2 establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” A project would cause a substantial adverse change in the significance of a tribal cultural resource with cultural value to a California Native American tribe if such resource is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or if such resource is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. Public Resources Code 5024.1(c) states that “[a] resource may be listed as an historical resource in

the California Register if it meets any of the following National Register of Historic Places criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. Is associated with the lives of persons important in our past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history.

The Project will not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses or foreseeably result in substantial new development that would result in a substantial adverse change in the significance of a tribal cultural resource. Additionally, most tribal cultural resources are expected with buried resources and in land associated with tribal practices and the Project is not anticipated to result in any new development that would require substantial soil excavation or ground disturbance. Therefore, impacts related to this issue would be less than significant.

b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Less Than Significant Impact. The project will not change zoning or General Plan designations, create any zoning entitlements, or introduce any new land uses or foreseeably result in substantial new development that would result in a substantial adverse change in the significance of a tribal cultural resource. Additionally, most tribal cultural resources are expected with buried resources and in land associated with tribal practices. This Project will not result in substantial excavation of soils or ground disturbance on undisturbed land. Therefore, impacts are anticipated to be less than significant.

Assembly Bill 52 (AB 52) established a formal consultation process for California Native American Tribes to identify potential significant impacts to Tribal Cultural Resources, as defined in Public Resources Code §21074, as part of CEQA. As specified in AB 52, lead agencies must provide notice inviting consultation to California Native American tribes that are traditionally and culturally affiliated with the geographic area of a proposed ordinance if the Tribe has submitted a request in writing to be notified of proposed ordinances. The Tribe must respond in writing within 30 days of receipt of the City's AB52 notice. In accordance with AB 52, on April 10, 2023, notice of the Ordinance has been provided to tribes who have requested such notice in the City of Los Angeles, and no tribes have requested consultation as of the time of publication of this Negative Declaration. Therefore, impacts related to this issue would be less than significant.

XIX. UTILITIES AND SERVICE SYSTEMS

	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
<p>Would the project:</p> <p>a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less Than Significant Impact. Wastewater generated in the City is primarily treated at the Hyperion Treatment Plant in Playa del Rey. Wastewater reclamation plants that comprise the Hyperion Service Area have a total design capacity of 580 million gallons of wastewater per day (MGD). The Regional Water Quality Control Board (RWQCB) regulates the treatment of wastewater at treatment plants and the discharge of the treated wastewater into receiving waters. The Hyperion Treatment Plant is responsible for adhering to RWQCB regulations as they apply to wastewater generated in the City. LADWP is the primary provider of water and electric services for the City of Los Angeles, servicing more than four million customers.

Implementation of the Project would not substantially increase demand for water, wastewater treatment, electrical power, natural gas, or telecommunications facilities. Nor would the Project increase storm water runoff. The Project involves authorizing outdoor dining areas on private property as appropriate accessory uses to existing restaurants and future restaurants that are eligible and meet the application requirements.

The opportunity to build Outdoor Dining Areas that the Project provides to eligible restaurants may result in an increase in restaurants in the City. This increase could lead to an increase in water, electric power, natural gas, or telecommunications facilities usage at Project locations. However, any increase is speculative and is expected to be insignificant, as any increases would only be accessory uses to restaurants, and those eligible restaurants must be in locations where restaurants are an allowed use. Additionally, there are numerous additional factors and expenses that go into opening new restaurants. The City has no evidence that this Project would result in a substantial number of new restaurants or new utility use substantial enough to result in the construction of new or expanded utility facilities. Therefore, a less than significant impact related to this issue would occur.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less Than Significant Impact. Implementation of the Project would not substantially increase demand for water. The Project involves authorizing outdoor dining areas on private property as appropriate accessory uses to existing restaurants and future restaurants that are eligible and meet the application requirements.

The opportunity to build Outdoor Dining Areas that the Project provides to eligible restaurants may result in an increase in restaurants in the City. This increase could lead to a negligible increase in water usage at Project locations. However, any increase is speculative and is expected to be insignificant, as any increases would only be accessory uses to restaurants, and those eligible restaurants must be in locations where restaurants are an allowed use. Additionally, there are numerous additional factors and expenses that go into opening new restaurants. The City has no evidence that this Project would result in a substantial number of new restaurants or expanded water usage that would strain water supplies. The Project is expected to have sufficient water supplies available during normal, dry, or multiple dry years. Therefore, a less than significant impact related to this issue would occur.

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less Than Significant Impact. Implementation of the Project would not substantially increase generation of wastewater. The Project involves authorizing outdoor dining areas on private property as appropriate accessory uses to existing restaurants and future restaurants that are eligible and meet the application requirements.

The opportunity to build Outdoor Dining Areas that the Project provides to eligible restaurants may result in an increase in restaurants in the City. This increase could lead to an increase in wastewater generation at Project locations. However, any increase is speculative and is expected to be insignificant, as any increases would only be accessory uses to restaurants, and those eligible restaurants must be in locations where restaurants are an allowed use. Additionally, there are numerous additional factors and expenses that go into opening new restaurants. The City has no evidence that this Project would result in a substantial number of new restaurants or expanded wastewater generation that would strain wastewater treatment capacity. The Project is expected to have sufficient wastewater treatment capacity for the foreseeable future. Therefore, a less than significant impact related to this issue would occur.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less Than Significant Impact. Implementation of the Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. The Project involves authorizing outdoor dining areas on private property as appropriate accessory uses to existing restaurants and future restaurants that are eligible and meet the application requirements.

The opportunity to build Outdoor Dining Areas that the Project provides to eligible restaurants may result in an increase in restaurants in the City. This increase could lead to an increase in the generation of solid waste at Project locations. However, any increase is speculative and is expected to be insignificant, as any increases would only be accessory uses to restaurants, and those eligible restaurants must be in locations where restaurants are an allowed use. Additionally, there are numerous additional factors and expenses that go into opening new restaurants. The City has no evidence that this Project would result in a substantial number of new restaurants or expanded solid waste generation that would strain local infrastructure capacity. The Project is expected to have sufficient solid waste disposal capacity for the foreseeable future. Therefore, a less than significant impact related to this issue would occur.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less Than Significant Impact. Implementation of the Project would not generate solid waste that would conflict with federal, state, and local management and reduction statutes and regulations related to solid waste. The Project involves authorizing outdoor dining areas on private property as appropriate accessory uses to existing restaurants and future restaurants that are eligible and meet the application requirements.

The opportunity to build Outdoor Dining Areas that the Project provides to eligible restaurants may result in an increase in restaurants in the City. This increase could lead to an increase in wastewater generation at Project locations. However, any increase is speculative and is expected to be insignificant, as any increases would only be accessory uses to restaurants, and those eligible restaurants must be in locations where restaurants are an allowed use. Additionally, there are numerous additional factors and expenses that go into opening new restaurants. The City has no evidence that this Project would result in a substantial number of new restaurants or expanded solid waste generation that would conflict with solid waste reduction regulations. Any development pursuant to the Project would be required to comply with all statutes and regulations related to solid waste. Therefore, a less than significant impact related to this issue would occur.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a.Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The Project will change zoning or General Plan designations, create any zoning entitlements, approve any development projects, or introduce any new land uses or foreseeably result in substantial new development that would substantially impair an adopted emergency response plan or emergency evacuation plan.

As described above, the opportunity to build Outdoor Dining Areas that the Project provides to eligible restaurants may result in an increase in restaurants in the City.

However, any increase is speculative and is not expected to be significant, as Outdoor Dining Areas would only be accessory uses to restaurants, and those eligible restaurants must be in locations where restaurants are an allowed use. Additionally, there are numerous additional factors and expenses that go into opening new restaurants. The City has no evidence that this Project would result in a substantial number of new restaurants. Therefore, a less than significant impact related to this issue would occur.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Less than Significant Impact. The Project will not change zoning or General Plan designations, create any zoning entitlements, approve any development projects, or introduce any new land uses or foreseeably result in substantial new development that would exacerbate wildfire risks, expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Some restaurants participating in the Temporary Authorization Program are located in the Very High Fire Hazard Severity Zone (VHFHSZ), and additional restaurants located in the VHFHSZ may participate in the Project. However, Because the Project is not anticipated to result in anything more than a minor amount of new development and is limited to an accessory use to already-permitted restaurants, there is little reasonably foreseeable increased risk involving wildland fires. Therefore, impacts related to this issue would be less than significant.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact. The Project will not change zoning or General Plan designations, create any zoning entitlements, approve any development projects, or introduce any new land uses or foreseeably result in substantial new development that would require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts on the environment. Therefore, no impact related to this issue would occur.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. The Project will not change zoning or General Plan designations, create any zoning entitlements, approve any development projects, or introduce any new land uses or foreseeably result in substantial new development that would expose people or structures to significant risks,

such as flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, no impacts related to this issue would occur.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less than Significant Impact. For the reasons stated in this Initial Study, the Project would not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Any new development authorized by the Project would be an accessory to a restaurant use and limited in scope.

As discussed in Section V (Cultural Resources) and Section XVIII (Tribal Cultural Resources), the Project would have less than significant impacts on archaeological and paleontological resources and tribal cultural resources. No further analysis is required. Impacts related to this issue would be less than significant.

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Less than Significant Impact. For the reasons stated in this Initial Study, the Project would not potentially result in any significant impacts and would not have the potential to contribute to cumulative impacts. Any new development authorized by the Project would be an accessory to a restaurant use and limited in scope. The project is not anticipated to result in substantial new development and as such will not contribute to cumulative impacts or have cumulatively considerable impacts. Impacts related to this issue would be less than significant.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant Impact. For the reasons stated in this Initial Study, the Project would not potentially cause substantial adverse effects on human beings, either directly or indirectly. Any new development authorized by the Project would be an accessory to a restaurant use and limited in scope. Impacts related to this issue would be less than significant.

5 CONCLUSION

Based upon the information set forth above, in the staff report related to this Project, and the substantial evidence contained in the whole of the record of proceedings, the City has determined that the adoption of this ordinance will not have a significant effect on the environment and a Negative Declaration may be adopted.

Noise Measurement Samples - May 2023

Location	Daytime Ambient Noise Levels,* dBA	Street Class	Case No.	Year	Notes	Street Classes: Boulevard I Boulevard II Avenue I Avenue II Avenue III
Studio City Senior Living Center (SCSLC) 4141 Whitsett Avenue, Studio City, California, 91604	69.5	Avenue III	ENV 2001-1196-EIR	2012		
Christian Science Church, 4032 Whitsett Ave	68.6	Avenue III	ENV 2001-1196-EIR	2012		
District NoHo Project 5311-5430 Lankershim Boulevard, Los Angeles, California 91601	69.7	Boulevard II	ENV-2019-7241-EIR	2022		
Harvard-Westlake River Park Project 4047 N. Whitsett Avenue, Studio City, CA 91604	71.5	Boulevard II	ENV-2020-1512-EIR	2022	along Ventura Boulevard (between Coldwater Canyon Avenue and Whitsett Avenue).	
Promenade 2035 Project 6100 N. Topanga Canyon Boulevard, Woodland Hills, CA 91367	70	Boulevard II	ENV-2016-3909-EIR	2018		
Wilshire Boulevard Temple Project 3663 Wilshire Blvd, Los Angeles, CA 90010	62	Avenue I	ENV-2010-1407-EIR	2011		
Wilshire Blvd between Western Ave and Hobart Blvd	67.6	Avenue I	ENV-2010-1407-EIR	2011		
Wilshire Blvd between Harvard Blvd and Normandie Ave	66.6	Avenue I	ENV-2010-1407-EIR	2011		
Wilshire between Hobart Blvd and Harvard Blvd	67.5	Avenue I	ENV-2010-1407-EIR	2011		
Wilshire Grand Redevelopment Project 930 Wilshire Boulevard, Los Angeles, California 90017 (Downtown)	78.8 78.5 80.8	Avenue I / Avenue II	ENV-2009-1577-EIR	2009	near 110 fwy	
1001 Wilshire Blvd PMB 2099, Los Angeles, CA 90017	68.6	Avenue I	ENV-2009-1577-EIR	2009		
1100 Wilshire Blvd, Los Angeles, CA 90017	72.2	Avenue I	ENV-2009-1577-EIR	2009		
Good Samaritan Hospital, 1225 Wilshire Blvd, Los Angeles, CA 90017	66.2	Avenue I	ENV-2009-1577-EIR	2009		
Glendale Blvd. - Between Temple St. and Beverly Blvd	73.2	Boulevard II	ENV-2009-1577-EIR	2009		
Wilshire Blvd. - Between Alvarado St. and Lucas Ave	71.6	Avenue II	ENV-2009-1577-EIR	2009		
Venice Place Project 1047-1051 South Abbot Kinney Boulevard, Los Angeles, CA 90291	68.3	Avenue III	ENV-2016-4321-EIR	2017		
Venice Blvd. east of Abbot Kinney Blvd.	68	Boulevard II	ENV-2016-4321-EIR	2017		

AL FRESCO ORDINANCE ERRATA TO INITIAL STUDY / NEGATIVE DECLARATION

Case Number: ENV-2023-3278-ND

1. INTRODUCTION

The Al Fresco Ordinance contains new zoning regulations and standards that provide a pathway for restaurants to move forward with a streamlined approval process for outdoor dining on privately-owned property (Proposed Ordinance or Proposed Project).

The City of Los Angeles (City) has prepared this Errata to the Initial Study/Negative Declaration (IS/ND), Case No. ENV-2023-3278-ND, dated May 2023, for the Proposed Ordinance. The IS/ND evaluated environmental impacts associated with the Proposed Ordinance that would allow ambient music in outdoor dining areas and concluded that the Proposed Ordinance with ambient music would result in less-than-significant impacts. The 30-day circulation period for public review and comment on the IS/ND was from May 18, 2023 to June 20, 2023.

After the IS/ND was circulated, the Proposed Ordinance was modified to incorporate instructions from the Planning and Land Use Management (PLUM) Committee of the City Council, including but not limited to the imposition of a curfew for restaurants abutting residential zones, as well as the addition of reasonable enforcement provisions on ambient background music. The modified Proposed Ordinance is referred to as the Draft Al Fresco Ordinance.

In October 2023, Michael Baker International (MBI)¹, a qualified noise expert, reviewed Chapter XIII: Noise of the published IS/ND, Draft Al Fresco Ordinance (that would allow ambient background music by-right), and public comments received on the IS/ND and the Ordinance and provided a Peer Review² of the noise impact analysis in the IS/ND. MBI recommends minor revisions to the IS/ND to clarify the noise impact analyses and best management practices (BMP) to be incorporated in the IS/ND and the Draft Al Fresco Ordinance (**Exhibit A**).

This Errata provides minor corrections and clarifications to the Proposed Project resulting from the modifications to the Proposed Ordinance, and recommended changes to the IS/ND and Draft Al Fresco Ordinance and BMPs in MBI's Peer Review. The Errata also contains minor revisions to the IS/ND resulting from the inadvertent omission of Attachment B and mislabeling of Attachments in the IS/ND, while providing supplemental information and environmental impact analysis for the City decision-makers and the public.

¹ MBI is a full-service firm that provides a wide range of engineering and consulting services, including planning and environmental. MBI has extensive experience evaluating environmental impacts of projects and preparing documentation pursuant to the CEQA and NEPA, with qualifications of reviewing noise professionals attached as Exhibit A to the Peer Review.

² MBI states that "ambient music" is not a recognized term of art among noise professionals and recommends changing all references to "ambient music" to "background music." As such, all documents, including the Proposed Ordinance, use the term "background music" from this point on.

Furthermore, the Department of City Planning (City Planning) prepared an alternative version of the Draft AI Fresco Ordinance that includes all of the PLUM's instructions in the June 28, 2023 Letter, except those related to the allowance and enforcement of background music (Alternative Ordinance). The Alternative Ordinance prohibits background music in outdoor dining areas unless a Conditional Use Permit is granted by City Planning through a discretionary review process (**Alternative Ordinance; attached as Exhibit A to City Planning's Supplemental Report, dated 11/2/2023, CF 20-1074-S4**). This Errata provides minor modifications to the IS/ND, as well as an analysis of noise impacts from the Alternative Ordinance.

The modifications to the Proposed Project and minor revisions and clarifications to the IS/ND included in this Errata do not represent substantial revisions that would require recirculation of the negative declaration, and the Proposed Project will continue to have less-than-significant impacts from both Draft AI Fresco Ordinance and Alternative Ordinance.

2. BACKGROUND

An initial draft of the Proposed Ordinance, which initially did not allow background music, along with Exemptions from CEQA prepared for the Ordinance pursuant to California Public Resources Code Section 21080.25 and State CEQA Guidelines Section 15303, Class 3 (New Construction or Conversion of Small Structures) and Section 15311, Class 11 (Accessory Structures), were presented to the City Planning Commission (CPC) on April 27, 2023. As the draft Proposed Ordinance considered by the CPC did not allow background music, the corresponding environmental documents for the proposed project did not include an analysis of such an additional project feature at that time.

On April 27, 2023, CPC approved and recommended adoption of the Proposed Ordinance to the City Council. As part of their action on the Proposed Ordinance, CPC instructed City Planning to report to the City Council with recommendations for allowing background music to be played in outdoor dining areas with an analysis of any potential noise impacts resulting from the Proposed Ordinance under CEQA. In response, City Planning prepared an IS/ND under Case No. ENV-2023-3278-ND in accordance with CEQA (Public Resources Code §21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations, §15000 et seq.) in May 2023 for the Proposed Ordinance that would allow background music in outdoor dining areas. City Planning also prepared a report to the PLUM Committee dated May 26, 2023 to include the Department's recommendations for background music in outdoor dining areas per CPC's instruction (PLUM Report).

The IS/ND evaluated environmental impacts associated with the Proposed Ordinance that would allow background music in outdoor dining areas, as well as other potential noise impacts associated with outdoor dining, and concluded that the Proposed Ordinance with background music would result in less-than-significant impacts. The 30-day circulation period for public review and comment on the IS/ND was from May 18, 2023 to June 20, 2023, during which 44 total public comments were received via email and submitted to the Council File, with 33 of those comments including reference to noise at an AI Fresco business.³ A summary of public comments and responses to the comments are included in **Exhibit B** attached to this Errata.

³ 25 comments related to the topic of noise were received prior to the commencement of the IS/ND circulation period on May 18, 2023, and another 17 comments were received after the close of the IS/ND circulation period in June 20, 2023.

After the IS/ND was circulated, the PLUM Report and the IS/ND were presented to the PLUM Committee for consideration at its meeting on June 6, 2023 (CF 20-1074-S4). At the meeting, PLUM took a total of nine actions, which can be found in the Committee Clerk Letter dated July 28, 2023 in CF 20-1074-S4. The following five actions necessitated modifications to the proposed Ordinance.

4. *Instructed the Department of City Planning (DCP) that the ordinance be incorporated into the New Zoning Code (future Chapter 1A of the LAMC) subject to changes to conform to the format and style of the new Zoning Code.*
5. *Instructed the DCP to amend the proposed ordinance to limit the application of the curfew (hours provided below) to restaurants abutting and across from an alley to a residential zone, not including the Residential/Accessory (RAS) Zone. Amend the proposed curfew hours from 11:00 p.m. across the board to 10:30 p.m. (Sunday – Thursday); and 11:00 p.m. (Friday/Saturday).*
6. *Instructed the DCP to include reasonable enforcement provisions in the final draft of the ordinance with regard to ambient music.*
8. *Instructed the Los Angeles Department of Building and Safety (LADBS) as follows:*
 - a. *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 AI Fresco Ordinance.*
 - b. *A hotline phone number and contact information of the LADBS Code Enforcement shall be provided for complaints or concerns regarding the operation of the outdoor dining area.*
9. *Requested the City Attorney to prepare and present the draft AI Fresco Ordinance approved as to form and legality to clarify and streamline LAMC regulations regarding outdoor dining on private property, as recommended in the May 11, 2023 LACPC report, and the May 26, 2023 DCP report which recommends that the proposed AI Fresco Ordinance be modified to allow ambient music in outdoor dining areas in compliance with LAMC Section 112.01 (Noise Regulation).*

Accordingly, City Planning modified the Proposed Ordinance and prepared another version of the Ordinance, hereafter referred to as the Draft AI Fresco Ordinance, that reflects the nine PLUM instructions, including allowing background music to be played in outdoor dining areas by-right and reasonable enforcement provisions with regard to background music. Detailed information on the modifications to the Draft AI Fresco Ordinance are provided in **Section 3** below.

Additionally, in October 2023, MBI reviewed Chapter XIII: Noise of the published IS/ND, Draft AI Fresco Ordinance (that would allow background music by-right) and public comments received on the IS/ND and the Ordinance and provided a Peer Review of the noise impact analysis in the IS/ND. MBI recommends minor revisions to the IS/ND to refine the analyses and best management practices (BMP) to be incorporated in the IS/ND and the Draft AI Fresco Ordinance. MBI concludes that the noise impacts of the Draft AI Fresco Ordinance would remain less than significant with incorporation of these BMPs in the Draft AI Fresco Ordinance and their comments addressed in the IS/ND, Chapter XIII: Noise, consistent with the conclusion of the IS/ND prepared

in May 2023. Accordingly, the Draft AI Fresco Ordinance has been updated to include MBI's BMPs.

Section 3 of this Errata documents all necessary revisions to the IS/ND resulting from modifications to the Proposed Ordinance through the Draft AI Fresco Ordinance based on PLUM instructions as well as MBI's Peer Review. **Section 3** also contains minor revisions to the IS/ND resulting from the inadvertent omission of **Attachment B** and mislabeling of Attachments in the IS/ND, while providing supplemental information and environmental impact analysis for the City decision-makers and the public.

After considering the Council File, public comments and challenges with maintaining the original policy intent of the Proposed Ordinance, which is to establish a streamlined approval process, City Planning prepared an alternative version of the Draft AI Fresco Ordinance that includes all of the PLUM's instructions in the June 28, 2023 PLUM Report, except those related to the allowance and enforcement of background music (**Alternative Ordinance; attached as Exhibit A to City Planning's Supplemental Report, dated 11/2/2023, CF 20-1074-S4**). The Alternative Ordinance prohibits background music in outdoor dining areas unless a Conditional Use Permit is granted by City Planning. Per the Supplemental Report titled "Revised Recommendations Pursuant to PLUM Instruction Regarding Council File No. 20-1074-S4" and dated November 2, 2023, City Planning recommends that the City Council adopt the Alternative Ordinance in lieu of the Draft AI Fresco Ordinance due to the reasons explained in the Supplemental Report. Per the Peer Report, MBI reviewed the Alternative Ordinance and determined that the Alternative Ordinance would have lesser impacts than the Draft AI Fresco Ordinance given that the background music will not be permitted by-right and each individual establishment obtaining a Conditional Use Permit would need its own CEQA analysis for noise impacts. Section 3 of this Errata provides more information on the Alternative Ordinance and a noise impact analysis of the Alternative Ordinance. Section 4 of this Errata provides minor modifications to the noise impact analysis in the IS/ND regarding the Alternative Ordinance.

3. MODIFICATIONS TO THE PROPOSED ORDINANCE (DRAFT AI FRESCO ORDINANCE) AND REVISIONS TO THE IS/ND

MODIFICATIONS TO THE PROPOSED PROJECT

As previously mentioned, City Planning modified the Proposed Ordinance and prepared another version of the Ordinance, hereafter referred to as the Draft AI Fresco Ordinance, that reflects the nine PLUM instructions, including allowing background music to be played in outdoor dining areas by-right and reasonable enforcement provisions with regard to background music. Modifications to the Proposed Ordinance are as follows, and these modifications in this Errata supersede all conflicting project information in the IS/ND.

Additional Outdoor Dining Area Standards and Parking Relief in Los Angeles Municipal Code (LAMC) Sec. 12.21 A.24(d):

1. 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.
2. Television monitors and similar audiovisual devices are prohibited in Outdoor Dining Areas.

3. 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.
4. 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.
5. 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.
6. 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).
7. Outdoor Dining Areas shall be cleaned nightly and adjoining sidewalk areas shall be kept free of debris, litter and graffiti.
8. 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 AI Fresco Ordinance. A hotline phone number and contact information for LADBS Code Enforcement 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.
9. A sign reminding guests to be respectful of surrounding neighbors shall be posted in the Outdoor Dining Area.
10. 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:
 - a. Outdoor speakers shall be oriented towards the center of the Outdoor Dining Area.
 - b. Outdoor background music shall be played no later than 10:00 p.m.
 - c. Noise Monitoring Device. The restaurant operator shall install a noise monitoring device in the Outdoor Dining Area in accordance with the following requirements.
 - i. Device Standards. The noise monitoring device shall be capable of:
 1. Continuously monitoring dBA levels for the duration of the Outdoor Dining Area.
 2. Sending notification to the restaurant operator in the event the dBA level exceeds the notification threshold set forth below.
 3. Maintaining decibel readings that can be made available upon request.
 - ii. 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 restaurant 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/or Certificate of Occupancy for the Outdoor Dining Area. The noise monitoring device shall remain in the approved location for the life of the Outdoor Dining Area. In no event shall the noise monitoring device be covered, blocked or altered.
 - iii. Device Log. The restaurant 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.
11. 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.

Expansion of Administration Provisions in Sec. 12.21 A.24(e):

1. Deemed approved alcohol authorizations must continuously abide by all the following:
 - 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; and
 - 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. Expanded Outdoor Dining Area clearance alcohol authorizations for those operators that do not have a deemed approved alcohol authorization must continuously abide by the following:
 - 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.

Changes to the Enforcement Provisions - moved from Sec. 12.21 A.24(e)(3) to Sec. 12.21 A(24)(f):

1. Enforcement
 - a. Failure to comply with any of the regulations and standards set forth herein shall constitute a violation of the AI 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.
 - b. 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.
 - c. Enforcement of the requirements pursuant to LAMC Section 12.21 A.24 is not exhaustive and the City may pursue other remedies.
 - d. 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.
 - i. The terms Administrative Citation, Enforcement Officer, and Responsible Party shall have the same meanings as in Sec. 11.2.02 of this Code.

- ii. An Enforcement Officer may issue an Administrative Citation to the property owner and/or Responsible Party for any violation of Sec. 12.21 A.24.
- e. Fines and Penalties for Violations. A property owner and/or Responsible Party issued an Administrative Citation in violation of Sec. 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.
 - iv. Upon the successful imposition of an administrative fine for a third violation of LAMC Section 12.21 A.24(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 with no violations.
- f. Administrative Process Applicable to Citations. Unless otherwise specified herein, all Administrative Citations issued for violations of Sec. 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, the administrative hearing and appeal process and the City's authority to use any civil remedy available to collect any unpaid administrative fine.
- g. Revocation of Outdoor Dining Areas.
 - i. Definitions. As used in this subsection, the following terms are defined as follows:
 - 1. BOARD. The Board of Building and Safety Commissioners.
 - 2. DEPARTMENT. The Los Angeles Department of Building and Safety.
 - 3. 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 and 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:
 - 1. The date and place of the revocation hearing, which shall be scheduled at least 15 days and not more than 90 days from the date of issuance of the Notice.
 - 2. 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 Department.
3. 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.
 4. 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 Notice 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 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. Permits 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.
- h. 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 LAMC Section 11.00 (m), and not the administrative fines authorized by this section.

MBI PEER REVIEW

MBI's Peer Review dated October 2023 recommends minor revisions to the IS/ND to further refine the ND's analysis of noise impacts related to the Draft AI Fresco Ordinance, which are explained in the Revisions to the IS/ND for the Draft AI Fresco Ordinance Section below. MBI also included the following BMPs to be incorporated into the IS/ND and the Draft AI Fresco Ordinance. MBI also clarified in the Peer Review that BMPs are not the same as mitigation measures. Mitigation measures are required to be implemented by projects potentially causing significant environmental impacts to reduce to a level of less than significant while implementation of best management practices would be required as regulations in the proposed Ordinance and do not affect the significance findings of the IS/ND.

The BMPs that would apply to the AI Fresco Ordinance include, the following::

- Outdoor background music shall be played no later than 10:00 p.m.
- Outdoor speakers shall be oriented toward the center of the Outdoor Dining Area and shall not face or be directed to adjacent uses.
- Noise level from the Outdoor Dining Area at the perimeter of the Outdoor Dining Area that is closest to the most sensitive zone or use shall comply with the City of Los Angeles Municipal Code.
- No live music or live entertainment (including disk jockeys) shall be allowed in the outdoor dining areas.
- A telephone number of the business operator or manager shall be provided for complaints or concerns regarding the operation of the Outdoor Dining Area.
- A sign reminding guests to be respectful of surrounding neighbors shall be posted in the Outdoor Dining Area.
- The operator shall maintain a log of the following that shall be subject to inspection by City staff upon request:
 - a. The noise level shall be measured at the perimeter of the Outdoor Dining Area that is closest to the most sensitive zone or use every day prior to the opening of the restaurant's Outdoor Dining Area with background music playing at the volume to be kept throughout the operating hours of the Outdoor Dining Area.
 - b. The background music shall be played at no more than 5 dBA above ambient noise levels.
- Notwithstanding any provisions to the contrary, the noise levels of the Outdoor Dining Area shall not exceed the standards within the Noise Ordinance, Ord. 156,363.

All of these best management practices have been incorporated into the Draft AI Fresco Ordinance. The best management practice requiring a log of the noise level in the outdoor dining area is incorporated into the Ordinance in the form of a noise monitoring device that is capable of maintaining a log of decibel readings. The Peer Review concludes that with these BMPs incorporated in the Draft AI Fresco Ordinance and their recommendations addressed in this Errata to the IS/ND, noise impacts of the Draft AI Fresco Ordinance would remain less than significant, consistent with the conclusion of the IS/ND prepared in May 2023.

REVISIONS TO THE IS/ND FOR THE DRAFT AI FRESKO ORDINANCE

This Section documents all necessary revisions to the IS/ND resulting from modifications to the Draft AI Fresco Ordinance and MBI's Peer Review. This Section also contains minor revisions to the IS/ND resulting from inadvertent omission of Attachment B and mislabeling of Attachments in the IS/ND while providing supplemental information and environmental impact analysis for the City decision-makers and the public. Changes to the IS/ND are listed by section, page number,

and paragraph number, if applicable. Deleted text is shown with a ~~strike through~~ line, and added text is underlined.

Chapter 3; Section 3.3.1 Project Background & Overview; Page 26; Paragraph 1

[...] To reduce the possibility of noise and other nuisances, the Temporary Authorization Program prohibits the following activities: loud music, television monitors, screens and speakers, live entertainment, dancing, pool tables, billiard tables, adult entertainment uses, private events, and cover charges. The proposed Project retains all these prohibitions, except for the prohibition of private events, cover charges, and ~~ambient~~ background music, which will be permitted under the permanent program.

Chapter 3; Section 3.3.1 Project Background & Overview; Page 26; Paragraph 2

In addition, the operational standards require that all outdoor dining areas not operate any later than ~~11:00 p.m. if the restaurant site falls within 250 feet of a residential zone, not including the RAS zone or other commercial zones~~ 10:30 p.m. on Sunday-Thursday and 11 p.m. on Friday-Saturday if abutting or across an alley from a residential zone, not including the RAS zone. Moreover, the Project includes a set of security, monitoring, and maintenance standards that require restaurants to take proactive measures to clean litter and debris, as well as require restaurants to post a City-issued identification on the premises that includes instructions on how patrons or community members can submit complaints or concerns regarding the operation of the outdoor dining area. These eligibility criteria and operational standards align with what is required of current temporary Al Fresco Program participants and provides a path for the City to better review and verify the businesses that can provide outdoor dining on private property.

Furthermore, restaurants are required to comply with additional operational standards for background music in outdoor dining areas, which are best management practices recommended by Michael Baker International (MBI) in their Peer Review dated October 2023. Specifically, all operators who want to play background music must install a noise monitoring device in the outdoor dining area and background music cannot exceed 5dBA above ambient noise levels or the thresholds set forth in the City's Noise Ordinance. The noise monitoring device must be capable of continuously monitoring dBA levels for the duration of the Outdoor Dining Area and maintain decibel readings that can be made available upon request. Continuous monitoring and maintenance of a log will ensure that documentation is made available and be used to verify violation of the noise regulations in the event a complaint is made. The documentation and verification of any violation of the noise regulations can be used by the City's enforcement agencies to issue citations and/or notices of violation, which can ultimately lead to revocation of all permits issued to authorize the outdoor dining area.

The noise monitoring device needs to be located along the perimeter of the outdoor dining area that is closest to the most sensitive zone or use. This placement requirement would ensure that the operators monitor noise levels close to sensitive uses and zones while also ensuring that they comply with the noise regulations. The location of the device must be approved by the Department of Building and Safety and cannot be altered. Lastly, the operator must maintain the noise monitoring data for a minimum of 12 consecutive months and provide the data to the City upon request. These provisions in the Ordinance would ensure that the data is available for verification of violation in the event a complaint is made.

In addition to the device, outdoor speakers must be oriented toward the center of the outdoor dining area, and outdoor background music shall be played later than 10:00 p.m. All operators

also need to post a sign in the outdoor dining area reminding guests to be respectful of surrounding neighbors. Lastly, in no event the restaurant's outdoor dining area can exceed the noise limits in the Noise Ordinance set forth in the Los Angeles Municipal Code.

Any ~~d~~ Deviations from the outdoor dining area standards of the proposed Project will be considered through a Plan Approval of the original discretionary entitlement pursuant to Section 12.24 M of Chapter I or Article 13 of Chapter 1A of the LAMC, as applicable, or a variance pursuant to Section 12.27 of Chapter I or Section 13B.5.3 of Chapter 1A of the LAMC. Non-compliance with the outdoor dining area standards may result in administrative citations and/or notices of violation issued by LADBS, and violations of the City's Noise Ordinance may result in administrative citations issued by LAPD. When an operator is issued an administrative citation, enforcement agencies will charge a series of escalating monetary fines and penalties. Additionally, any combination of four or more Notice of Appear Citations, Orders to Comply, Notices of Violation and/or Administrative Citations issued by an enforcement agency may result in revocation proceedings for any Certificate of Occupancy and/or permits issued to authorize an outdoor dining area. When the Board of Building and Safety Commissioners (Board) determines that the Certificate of Occupancy and/or permits must be revoked, the Board may determine that the operators must obtain all necessary permits to restore the use and condition that existed prior to the Outdoor Dining Area improvements and permit issuance. Furthermore, the Board may determine that no new permits authorizing an outdoor dining area can be issued for a period of up to 12 consecutive months. These enforcement mechanisms would require operators to comply with the Draft AI Fresco Ordinance.

Chapter 3; Section 3.3.1 Project Background & Overview; Page 31; Paragraph 1

Any deviations from the outdoor dining area standards of the proposed Project will be considered through a Plan Approval of the original discretionary entitlement pursuant to Section 12.24 M of Chapter I or Article 13 of Chapter 1A of the LAMC, as applicable or a variance. Non-compliance with the outdoor dining area standards may result in administrative citations and notices to comply issued by LADBS and/or LAPD (insomuch as LAPD is responsible for enforcing the Noise Ordinance) with a series of escalating monetary fines and penalties, including revocation of all permits issued to authorize an outdoor dining area.~~enforcement actions pursuant to Section 12.27.1 (Administrative Nuisance Abatement Proceedings) of Chapter I or Article 13 of Chapter 1A of the LAMC, as applicable. [...]~~

Chapter 3; Section 3.3.1 Project Background & Overview; Page 33; New Paragraph After Paragraph 3

Outdoor Dining Area applicants may obtain case management services by utilizing LADBS' complementary Restaurant and Small Business Express Program (RSBEP). The goal of the RSBEP is to make the permitting and inspection process more efficient by enhancing the coordination of permitting, construction, and inspection. Additional information on the RSBEP can be obtained via the LADBS.org website by searching RSBEP.

LADBS also has authority to issue a citation for violating LAMC Section 12.21 A.24, requiring a series of escalating monetary fines and penalties. Such citations are subject to the administrative process provisions set forth in Article 1.2 of Chapter I of the LAMC, including, but not limited to, the administrative hearing and appeal process and the City's authority to use any civil remedy available to collect any unpaid administrative fine.

Chapter 4; Section XIII. Noise; Page 74; Paragraph 3

To assess the existing ambient noise conditions in the area, the City Planning's Geographic Information Systems Unit gathered data (see ~~Attachment A~~ Attachment B to the Negative Declaration) that displays the total number of restaurants within the City of Los Angeles that are within 150 feet, 250 feet, and 500 feet of a freeway, boulevard, or avenue.

Chapter 4; Section XIII. Noise; Page 74; Paragraph 4

A sample review of noise impact analyses for previously analyzed development projects in the City (see Attachment A to the Negative Declaration) have found that existing typical daytime ambient noise levels along major roadways in the City is generally in the range of 65₂ to 70₅ dBA.

Chapter 4; Section XIII. Noise; Page 77; Paragraph 3

LADBS and LAPD's enforcement power is codified in Section 111.05 of the Noise Ordinance. Non-compliance with the outdoor dining area standards may result in ~~enforcement actions pursuant to Section 12.27.1 (Administrative Nuisance Abatement Proceedings) of Chapter I or Article 13 of Chapter 1A of the LAMC, as applicable.~~ administrative citations issued by LADBS and/or LAPD that are subject to a series of escalating monetary fines and penalties as follows:

- (1) Fines and Penalties for Violations. An owner and/or Responsible Party 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.
- (2) Upon the successful imposition of an administrative fine for a third violation of LAMC Section 12.21 A.24(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 with no violations.

Such citations are subject to the administrative process provisions set forth in Article 1.2 of Chapter I of the LAMC, including, but not limited to, the administrative hearing and appeal process and the City's authority to use any civil remedy available to collect any unpaid administrative fine.

Additionally, any combination of four or more Notice of Appear Citations, Orders to Comply, Notices of Violation and/or Administrative Citations issued by an enforcement agency may result in revocation proceedings for any Certificate of Occupancy and/or permits issued to authorize an outdoor dining area. When the Board of Building and Safety Commissioners (Board) determines that the Certificate of Occupancy and/or permits must be revoked, the Board may determine that the operators must obtain all necessary permits to restore the use and condition that existed prior to the Outdoor Dining Area improvements and permit issuance. Furthermore, the Board may determine that no new permits authorizing an outdoor dining area can be issued for a period of up to 12 consecutive months. These enforcement mechanisms would require operators to comply with the Draft AI Fresco Ordinance.

Chapter 4; Section XIII. Noise; Page 77; Paragraph 5

The proposed Ordinance includes several “standards” that serve to limit the types of uses, including the following restrictions:

- (i) Music, television monitors, and other similar audiovisual devices screens and speakers are prohibited in Outdoor Dining Areas.
- (ii) 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.
- (iii) An Outdoor Dining Area shall operate no later than 11:00 p.m. if within 250 feet of a residential zone, not including the RAS zone. 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.

Chapter 4; Section XIII. Noise; Page 77; Paragraph 6

The proposed Project retains all of the same prohibitions that are currently restricted under the Temporary Authorization Program, except for the prohibition of private events, cover charges, and ambient background music, which is generally described as around 62 dBA at one meter (3.28 feet) from the speaker pursuant to the Peer Review prepared by Michael Baker International (MBI) and dated October 2023. (limited to allow patrons to speak at normal conversational levels), Background music which will be permitted under the permanent program in compliance with additional standards described below and enforced pursuant will be subject to noise regulations set forth in Section 112.01 of the LAMC, enforced by LAPD. Violation of noise regulations in LAMC Section 112.01 may result in administrative citations with escalating monetary fines and penalties, including revocation of all permits issued for an outdoor dining area.

The proposed Project includes the following background music standards, recommended by MBI as best management practices in their Peer Review:

(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.

(iv) Noise Monitoring Device. The restaurant 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 restaurant 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 restaurant 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/or 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.

Incorporation of these best management practices does not affect the analysis and conclusion of this IS/ND that the proposed Project would not have a significant impact related to noise.

Chapter 4; Section XIII. Noise; Page 78; Paragraph 2

[...] The Project creates new administrative processes for having outdoor dining on private property for eligible restaurants that are already permitted uses in the zones in question. Moreover, regardless of any structures or activities allowed by the Project, outdoor dining establishments would still be required to follow the LAMC Noise Ordinance, keeping noise to within legal limits and thus below noise impact thresholds. LAPD is the City department that oversees compliance with the Noise Ordinance and enforces any noise complaints that are made throughout the City. Any noise calls are logged and are public records. Furthermore, LADBS will enforce the aforementioned operation standards, as well as the background music standards included in the proposed Project.

Chapter 4; Section XIII. Noise; Pages 78-79; Paragraph 3

Typical operational noise levels generated by outdoor dining would be approximately 60 dBA for normal conversation, to 65 dBA for a somewhat more lively dining atmosphere. As noted in Attachment A B, dated August 2023, the vast majority of the City's restaurants (90.4%) are within 150 feet of a major roadway, which themselves typically generate approximately 65 to 70 dBA of noise generally located in a busy commercial environment, with 90.1% located within 150 feet of a major roadway. In comparing this information with the updated Attachment A, dated August 2023, which illustrates a selection of daytime ambient noise measurements taken along or near high traffic commercial corridors across the city, ambient noise levels ranging from about 62 to 75 dBA are typical and would be the presumed baseline ambient noise level for a significant majority of restaurants. Most outdoor dining areas, then, would generate noise within the normal range of ambient noise levels for the environments in which they are located, and therefore, residential uses near outdoor dining areas that are located near major roadways tend to be subject to high ambient noise levels with or without outdoor dining.

It should be noted that residences that do not directly face major roadways may not be exposed to the high ambient noise levels from the roadways. Additionally, some restaurants may set up their outdoor dining area in rear patios that are located further away from major roadways but closer to the residences, in which case, the residences may potentially be exposed to higher noise levels from the outdoor dining areas rather than from a nearby major roadway.

However, all restaurants proposing outdoor dining areas would be required to comply with the outdoor dining area operation standards and background music requirements in the proposed

Ordinance. These Further standards aimed at limiting noise in participating restaurants include limiting entertainment to outdoor ambient background music in outdoor dining areas for all participating restaurants to no later than 10:00 p.m. at low volume and restricting hours of operations for outdoor dining areas past 10:30 PM on Sunday through Thursday and 11:00 PM in Friday through Saturday within 250 feet of any residential zone if the outdoor dining area is abutting or across an alley from a residential zone, not including the RAS zone. All participating restaurants will be required to orient speakers in outdoor dining areas toward the center and post a sign reminding guests to be respectful of surrounding neighbors in the outdoor dining area. Additionally, operators will be required to install a notice monitoring device that is capable of continuously monitoring dBA levels and maintaining decibel reading that can be made available upon request. This log must be provided upon request by City staff. The availability of the log and other operation and background music standards set forth in the Ordinance will be enforced by LADBS.

In the event an operator violates any of these standards, administrative citations may be issued by LADBS and/or LAPD (insomuch as LAPD is responsible for enforcing the Noise Ordinance) with a series of escalating monetary fines and penalties, including revocation of all permits issued for an outdoor dining area, as applicable. Furthermore, all restaurants and their outdoor dining areas will be subject to the City's noise regulations set forth in LAMC Section 112.01, which is enforced by LAPD. Specifically, LAMC Section 112.01(c) prohibits a restaurant's outdoor dining area from exceeding the ambient noise level of other occupied properties or an increase of more than 5 dBA within any adjoining residential unit or attached business.

Schools, which are sensitive noise receptors, are also likely to be closed in the evening hours when outdoor dining noise would be present. Furthermore, enforcement of the existing Noise Ordinance (LAMC Section 112.01 (c)) by the LAPD's dedicated Noise Enforcement Team would prohibit a restaurant's outdoor dining area from exceeding an increase of 5 dBA over the ambient noise level at any nearby residence or business, preventing noise from reaching the threshold of significance. As noted above, the proposed Project allows for the use of ambient music within the outdoor dining area. There is no evidence in the record that supports a causal connection between the use of ambient music and increased noise levels. In fact, the testimony throughout the administrative proceedings is that the ambient noise levels would be limited to normal conversational levels) and cannot be heard once a patron leaves the outdoor dining area. There is no evidence in the record that supports a causal connection between the use of ambient music and increased noise levels. Based on the information provided above in the "Overview of Noise Analysis for Outdoor Dining Ordinance and Characteristics of Sound" section, ambient music and normal Outdoor Dining uses will fall within the 5 dBA threshold, consistent with the City's Noise Ordinance. Compliance with these regulatory compliance measures and the City's enforcement measures implemented by LAPD and LADBS will ensure that restaurants and their outdoor dining areas would not have a significant impact on noise. Therefore, impacts in this regard would be less than significant.

Chapter 4; Section XXI. Mandatory Findings of Significance; Page103; Paragraph 1

Less than Significant Impact. For the reasons stated in this Initial Study, the Project would not potentially result in any significant impacts and would not have the potential to contribute to cumulative impacts. Any new development authorized by the Project would be an accessory to a restaurant use and limited in scope. The project is not anticipated to result in substantial new development and as such will not contribute to cumulative impacts or have cumulatively considerable impacts.

The scope of the Permanent Al Fresco Ordinance, and the project description in this IS/ND, is limited to Outdoor Dining Areas on private property. The City's program for dining in the public rights-of-way (Sidewalk Dining and On-Street Dining) was launched per the City's Temporary Al Fresco Program in May 2020 in response to the COVID-19 pandemic. Sidewalk Dining is overseen by the Bureau of Engineering (BOE) while On-Street Dining is overseen by the Los Angeles Department of Transportation (LADOT), and both are subject to a separate revocable permit application and authorization process. (Council File No. 20-1074.) In July 2023, LADOT released a revised Policy for On-Street Dining, and in June, 2023, the BOE updated its policy on Sidewalk Dining. These policies, similar to the Permanent Al Fresco Ordinance for private properties, seek to modify and extend temporary policies allowing outdoor dining in the public right-of-way to create permanent programs for On-Street Dining and Sidewalk Dining. LADOT and BOE's programs for dining in the public right-of-way, however, have not yet been defined and will follow a separate process, have independent utility, and therefore have not been considered as part of the current Al Fresco Ordinance. LADOT and BOE policies referenced herein are the latest policies listed in the LADOT and BOE Department websites.

Furthermore, in terms of the City's noise analysis, background music will continue to be prohibited in On-Street Dining and Sidewalk Dining areas. Thus, any Program for dining in the public right-of-way that is implemented at a later date would not create a cumulatively considerable noise impact because background music is not permitted in these public right-of-way outdoor dining areas; and the on-street program is subject to a revocable permitting scheme, issued by BOE and LADOT. Finally, all restaurant operators, regardless of if located on public or private property are subject to the City's Noise Ordinance's regulatory requirements. Therefore, there would not be any cumulatively considerable impact due to Noise. Impacts related to this issue would be less than significant.

Attachment A to the IS/ND (Exhibit C)

More information was added to Attachment A to specify zone, neighborhood, and other pertinent geographic context for the exact location of the samples of daytime ambient noise level measurements. Some samples referenced in the previous version of Attachment A have been omitted or revised due to redundancy or lack of an exact address of the noise level measurement location in order to maintain consistency, while presenting a diversity of samples representative of various neighborhoods in Los Angeles. In addition, daytime ambient noise level measurements were verified and corrected as reported in the respective Environmental Impact Reports (EIRs).

Attachment B to the IS/ND (Exhibit D)

The IS/ND erroneously referenced Attachment A when describing data collected by City Planning's Geographic Information Systems (GIS) Unit for restaurants located near major roadways, which are defined as roadways designated as a Boulevard I, Boulevard II, Avenue I, or Avenue II in the Mobility Element. Attachment B has been added to this Errata with data displaying the total number of restaurants in the City of Los Angeles and the total number of temporary Al Fresco authorizations that are located within 150 feet, 250 feet, and 500 feet from major roadways.

4. MODIFICATIONS TO PROPOSED ORDINANCE (ALTERNATIVE ORDINANCE) AND NOISE ANALYSIS

ALTERNATIVE ORDINANCE

For the policy reason stated in City Planning's Supplemental Report, dated November 2, 2023, and to ensure the overall success and long-term viability of the proposed Permanent AI Fresco Program, City Planning prepared an alternative version of the Draft AI Fresco Ordinance that includes all of the PLUM Committee's instructions from their June 6, 2023 meeting, except those related to the allowance and enforcement of background music (Alternative Ordinance). One of the main differences between the Draft AI Fresco Ordinance and the Alternative Ordinance is the prohibition on background music, unless a Conditional Use Permit is obtained. The following summarizes modifications to the Proposed Ordinance in the Alternative Ordinance. These modifications supersede all conflicting project descriptions in the IS/ND.

Prohibition on Background Music and Removal of Background Music Allowance Standards in Los Angeles Municipal Code (LAMC) Sec. 12.21 A.24(d):

1. 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.
2. Background music and speakers are prohibited in Outdoor Dining Areas.
3. Television monitors and other similar audiovisual devices are prohibited in Outdoor Dining Areas
4. 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.
5. 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.
6. 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).
7. Outdoor Dining Areas shall be cleaned nightly and adjoining sidewalk areas shall be kept free of debris, litter and graffiti.
8. 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 AI Fresco Ordinance. A hotline phone number and contact information for LADBS Code Enforcement 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.
9. A sign reminding guests to be respectful of surrounding neighbors shall be posted in the Outdoor Dining Area.

Expansion of Relief Provisions in Sec. 12.21 A.24(e):

1. Relief from the Outdoor Dining Area enclosure standard 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. If there is no original discretionary entitlement, relief may be requested through a Conditional Use Permit pursuant to LAMC Section 12.24 W.32.
2. Relief from the Outdoor Dining Area background music and speakers prohibition in LAMC Section 12.21 A.24(d)(1)(ii) may be requested through a Conditional Use Permit pursuant to LAMC Section 12.24 W.32.

Changes to Enforcement - Removal of Procedures and Fines Specific to ACE Citations for Background Music and Noise Regulations in Sec. 12.21 A(24)(f):

1. Enforcement
 - a. 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.
 - b. 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.
 - c. Enforcement of the requirements pursuant to LAMC Section 12.21 A.24 is not exhaustive and the City may pursue other remedies.
 - d. 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.
 - e. 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.
 - f. Revocation of Outdoor Dining Areas.
 - i. Definitions. As used in this subsection, the following terms are defined as follows:
 1. BOARD. The Board of Building and Safety Commissioners.
 2. DEPARTMENT. The Los Angeles Department of Building and Safety.
 3. 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 and a valid permit.
 - iii. (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:

1. The date and place of the revocation hearing, which shall be scheduled at least 15 days and not more than 90 days from the date of issuance of the Notice.
 2. 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 Department.
 3. 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.
 4. 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 Notice 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 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. Permits 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.
- g. 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 LAMC Section 11.00 (m), and not the administrative fines authorized by this section.

Modification to Conditional Use Permit Provisions in Sec. 12.24 W.32

Outdoor Dining Areas that Deviate from the Standards Set Forth in LAMC Section 12.21.A.24.(d)(1)(i) and (ii) But Maintain a Valid Certificate of Occupancy or Valid Permit Issued by LADBS for an Outdoor Dining Area in the RAS3, RAS4, CR, C1, C1.5, C2, C4, C5, CM, M1, M2, and M3 Zones or wherever restaurants are permitted.

Pursuant to the Supplemental PLUM Report dated November 2, 2023, City Planning recommends that the City Council adopt the Alternative Ordinance in lieu of the Draft AI Fresco Ordinance due to the reasons explained in the Supplemental Report.

NOISE ANALYSIS

The Alternative Ordinance would be more restrictive than the Draft AI Fresco Ordinance in terms of background music in that music will not be permitted. Operators who want to play background music in an outdoor dining area must obtain a Conditional Use Permit from City Planning. Given that the Conditional Use Permit is a discretionary entitlement, the proposed outdoor dining area will be subject to further CEQA review, and as such, each individual outdoor dining area will have its own site-specific CEQA analysis completed. Noise impacts from the outdoor dining area, including background music, will be analyzed in CEQA, and in the event a significant impact is identified, appropriate mitigation measures will be imposed on the proposed outdoor dining area. Furthermore, the Zoning Code in the LAMC currently does not regulate background music in the outdoor dining area. By prohibiting background music in the outdoor dining area and requiring a Conditional Use Permit in the event an operator wants to play background music, the Alternative Ordinance would be lowering the impact level than as currently permitted. As such, the Alternative Ordinance would have lesser impacts related to noise than the Draft AI Fresco Ordinance, consistent with the comments provided by MBI in its Peer Review.

As for the noise impacts from the Alternative Ordinance, outdoor dining areas without background music will have operational noise resulting from the users of the outdoor dining area. However, Chapter XI, Noise Regulation (Noise Ordinance), of the LAMC regulates noise from non-transportation noise sources such as commercial or industrial operations, mechanical equipment, or residential activities, which are also thresholds of significance for noise impacts within the City of Los Angeles. All establishments subject to the Alternative Ordinance are required to comply with Chapter XI, Noise Ordinance of the LAMC. For example, Section 112.01 of the LAMC addresses noise from radios, television sets, and similar devices that are used for the producing, reproducing, or amplification of the human voice, music, or any other sound. This section states that any noise level caused by these devices that is audible to the human ear at a distance in excess of 150 feet from the property line of the noise source, within any residential zone of the City or within 500 feet thereof, would be a noise violation. Additionally, these devices may not generate noise that exceeds the ambient noise level at any adjacent property by more than 5 dBA.

Pursuant to Section 111.05 of the LAMC, the Los Angeles Police Department (LAPD) implements some of the noise regulations that apply to restaurant establishments, such as Section 112.01 of the LAMC. The Commission Investigation Division (CID) of LAPD is the regulatory arm of the Board of Police Commissioners and includes the Investigative Enforcement Section that has a Noise Enforcement Team. In the event an establishment exceeds the thresholds in the Noise Ordinance, LAPD has the authority to issue citations. Per the Alternative Ordinance, these

citations can count toward a combination of four or more citations and/or orders to comply that may result in revocation proceedings for any Certificate of Occupancy and/or permits issued to authorize an outdoor dining area. Once the permits are revoked by LADBS, the establishment may be required to obtain all necessary permits to remove all improvements and restore the use and condition that existed prior to the permitted outdoor dining area. Furthermore, the establishment may not be able to obtain new permits to open a new outdoor dining area for a period of up to 12 months. As such, compliance with the regulatory compliance measures in the Noise Ordinance and enforcement mechanisms set forth in the proposed Alternative Ordinance would result in less-than-significant impacts for noise in the outdoor dining areas.

5. CONCLUSION

The IS/ND has been modified to reflect PLUM's direction to further modify the Proposed Ordinance to change curfew hours for outdoor dining areas, limit the application of the curfew hours, and include reasonable enforcement provisions (Draft AI Fresco Ordinance). The revisions to the IS/ND also include edits to the noise impact analyses as well as incorporation of BMPs as recommended by MBI in their Peer Review. As explained in the Peer Review, BMPs are different from mitigation measures, as mitigation measures are required to be implemented by projects potentially causing significant environmental impacts. The BMPs are incorporated into the Draft AI Fresco Ordinance and IS/ND to bolster the impact analyses and do not change the significance findings of the IS/ND. As supported by the Peer Review, noise impacts of the Draft AI Fresco Project would remain less than significant, consistent with the conclusion of the IS/ND prepared in May 2023. Therefore, all modifications to the proposed Ordinance and revisions to the IS/ND explained in **Section 3** above would not result in a new, avoidable significant effect and/or new mitigation measures or project revisions to reduce potential impacts to less than significance pursuant to State CEQA Guidelines Section 15073.5(b) of the State CEQA Guidelines.

Similarly, this Errata analyzes noise impacts from outdoor dining areas under the Alternative Ordinance which would require a Conditional Use Permit approval for all outdoor dining areas that will play background music. As supported by the Peer Review, noise impacts of the Alternative Ordinance would be less than significant. Therefore, all modifications to the proposed Ordinance explained in **Section 4** above would not result in a new, avoidable significant effect and/or new mitigation measures or project revisions to reduce potential impacts to less than significance pursuant to State CEQA Guidelines Section 15073.5(b) of the State CEQA Guidelines.

State CEQA Guidelines Section 15073.5(a) requires that a lead agency recirculate a negative declaration "when the document must be substantially revised." Pursuant to CEQA Guidelines Section 15073.5, a substantial revision of the negative declaration means: (1) identification of a new, avoidable significant effect requiring mitigation measures or project revisions and/or (2) determination that proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required. Recirculation is not required when new information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration. Based on these requirements and definitions, the City determined that the modifications to the Proposed Project and minor revisions and clarifications to the IS/ND included in this Errata do not represent substantial revisions that would require recirculation of the negative declaration. The original IS/ND, this Errata and Exhibits attached to this Errata comprise the Final IS/ND for the Proposed Ordinance.

EXHIBITS TO THE ERRATA

Exhibit A - MBI Peer Review

Exhibit B - Responses to Comments

Exhibit C - Attachment A to the IS/ND

Exhibit D - Attachment B to the IS/ND

Al Fresco Ordinance
Errata to Initial Study/Negative Declaration
ENV-2023-3278-ND

Exhibit A – MBI Peer Review

MEMORANDUM

To: Bonnie Kim, City of Los Angeles

From: Eddie Torres, Zhe Chen, and John Bellas, Michael Baker International

Date: October 26, 2023

Subject: City of Los Angeles Al Fresco Ordinance – Initial Study Noise Section Peer Review

INTRODUCTION

Michael Baker reviewed Chapter XIII: Noise of the Initial Study/Negative Declaration (IS/ND) for the Al Fresco Ordinance Project (Ordinance), prepared by the City of Los Angeles (City) in May 2023. Michael Baker also reviewed the Draft Al Fresco Ordinance, which would allow background music by-right, and public comments received on the IS/ND and the Ordinance. This memorandum summarizes our comments on the IS/ND and provides recommended Best Management Practices (BMP) for background music to be incorporated in the IS/ND and/or the Draft Al Fresco Ordinance, as appropriate. With the BMPs incorporated in the Al Fresco Ordinance and comments addressed in the IS/ND, Chapter XIII: Noise, noise impacts of the project would remain less than significant, consistent with the conclusion of the IS/ND prepared in May 2023. We also considered a proposed alternative Al Fresco Ordinance Project (Alternative Ordinance), which would allow background music pursuant to a discretionary Conditional Use Permit, and determined that noise impacts of the Alternative Ordinance would have lesser impacts than the Draft Al Fresco Ordinance given that background music will not be permitted by-right and each individual restaurant obtaining a Conditional Use Permit would need its own CEQA analysis for noise impacts, consistent with the conclusion of the Errata to the IS/ND prepared in October 2023.

Resumes of Michael Baker reviewers, John Bellas, Eddie Torres, and Zhe Chen, are included in [Attachment A, Resumes](#).

COMMENTS ON NOISE SECTION (Section 4.XIII. of IS/ND)

The following summarizes our comments on the IS/ND based on our review of the Draft Al Fresco Ordinance that would allow background music by-right:

On Page 77, Outdoor Dining Ordinance and Applicable Operation-Related Restrictions, Item (iii). In the Revised Draft Al Fresco Ordinance, operation hours restriction of outdoor dining area have been subsequently revised to “no later than 10:30 p.m. Sunday to Thursday and no later than 11:00 p.m. Friday and Saturday, if abutting or across an alley to a residential zone”. Please revise the IS/ND language accordingly.

On Page 77, Outdoor Dining Ordinance and Applicable Operation-Related Restrictions. In the IS/ND, ambient music is defined as “limited to allow patrons to speak at normal conversational levels.” The use of “ambient music” is not a recognized term of art among noise professionals. As such, MBI recommends changing all references to “ambient music” to “background music” and make the global revision throughout the IS/ND and the Ordinance. In addition, it is difficult to define the sound level that allows patrons to speak at normal conversational levels, and subsequently could be difficult for enforcement purposes.

As such, it is recommended to provide a numerical sound level limit of the background music. According to a research paper,¹ crowd noise is estimated at 60 dBA at one meter (3.28 feet) away for raised normal speaking. This noise level would have a +5 dBA adjustment for the impulsiveness of the noise source, and a -3 dBA adjustment for the random orientation of the crowd members.² Therefore, crowd noise would be approximately 62 dBA at one meter (3.28 feet) from the source. As such, the recommended sound level for background music is 62 dBA at one meter (3.28 feet) from the speaker. Note that this sound level recommendation is set to generally define “background music” for the purpose of CEQA analysis. Noise level standards at the perimeter of the Outdoor Dining Area that is closest to the most sensitive zone or use would be regulated by the City’s Municipal Code and subject to enforcement and revocation proceedings.

On Page 78, second paragraph, “[The Project] are generally located in a busy commercial environment with high ambient noise levels”. It is recommended to provide historic noise measurement results to show the ambient noise levels in busy commercial areas. **Attachment A** of the Draft IS/ND included historic noise measurements results, but it is difficult for the reader to understand which measurements were representative of the noise levels in busy commercial areas. It is recommended to add a column to the table in Attachment A to specify in which areas (commercial or residential) the measurements were taken, and revise the Draft IS/ND to “[The Project] are generally located in a busy commercial environment with high ambient noise levels ranging from [X] dBA to [Y] dBA, as shown in Attachment A.”

On Page 78, third paragraph. This paragraph discusses that most restaurants are located near major roadways which generate approximately 65 to 70 dBA of noise, and therefore the residences near the restaurants are also subject to high ambient noise levels. While true for the street-facing portions of such restaurants, certain residences may not directly face the major roadways and, thus, may not be exposed to the full high ambient noise levels from the roadways. At the same time, some restaurants set up their outdoor dining areas in rear patios that are located further away from the major roadways but closer to the residences. This type of setup makes residences potentially exposed to higher noise levels from the outdoor dining areas than from the nearby roadway. As such, it is recommended to include additional analysis of this condition, by acknowledging this condition, and then specifying that restaurants with outdoor dining areas directly adjacent to residential uses shall comply with the Best Management Practices and the City’s Noise Ordinance.

On Page 78, third paragraph, “standards aimed at limiting noise in participating restaurants include limiting entertainment to outdoor ambient background music at low volume”. As discussed above, it is recommended to provide numerical sound level of the background music, which is 62 dBA at one meter (3.28 feet) from the speaker for the purpose of CEQA analysis. Note that this sound level recommendation is set to generally define “background music.” Noise level standards at the perimeter of the Outdoor Dining Area that is closest to the most sensitive zone or use would be regulated by the City’s Municipal Code and subject to enforcement and revocation proceedings.

¹ M.J. Hayne, et al, *Prediction of Crowd Noise*, Acoustics, November 2006.

² Ibid.

RECOMMENDED BEST MANAGEMENT PRACTICES

Michael Baker reviewed outdoor dining regulations from other jurisdictions, and recommends the Best Management Practices (BMPs) below to be incorporated into the Draft Al Fresco Ordinance. It should be noted that BMPs are different than mitigation measures recommended in a CEQA document. Mitigation measures are required to be implemented by projects potentially causing significant environmental impacts to reduce to a level of less than significant, while implementation of BMPs would be required by the Al Fresco Ordinance and does not affect the significance findings of the IS/ND.

The recommended BMPs are:

- Outdoor background music shall be played no later than 10:00 p.m.
- Outdoor speakers shall be oriented toward the center of the Outdoor Dining Area and shall not face or be directed to adjacent uses.
- Noise level from the Outdoor Dining Area at the perimeter of the Outdoor Dining Area that is closest to the most sensitive zone or use shall comply with the City of Los Angeles Municipal Code.
- No live music or live entertainment (including disk jockeys) shall be allowed in the outdoor dining areas.
- A telephone number of the business operator or manager shall be provided for complaints or concerns regarding the operation of the Outdoor Dining Area.
- A sign reminding guests to be respectful of surrounding neighbors shall be posted in the Outdoor Dining Area.
- The operator shall maintain a log of the following that shall be subject to inspection by City staff upon request:
 - a. The noise level shall be measured at the perimeter of the Outdoor Dining Area that is closest to the most sensitive zone or use every day prior to the opening of the restaurant's Outdoor Dining Area with background music playing at the volume to be kept throughout the operating hours of the Outdoor Dining Area.
 - b. The background music shall be played at no more than 5 dBA above ambient noise levels.
- Notwithstanding any provisions to the contrary, the noise levels of the Outdoor Dining Area shall not exceed the standards within the Noise Ordinance, Ord. 156,363.

CONCLUSION

With the above-mentioned BMPs incorporated in the Draft Al Fresco Ordinance and comments addressed in the IS/ND, Chapter XIII: Noise, noise impacts of the project would remain less than significant, consistent with the conclusion of the IS/ND prepared in May 2023. We also considered the Alternative Ordinance and determined that noise impacts of the Alternative Ordinance would have lesser impacts than the Draft Al Fresco Ordinance given that background music will not be permitted by-right and each individual restaurant obtaining a Conditional Use Permit would need its own CEQA analysis for noise impacts. Noise impacts of the Alternative Ordinance would be less than significant, consistent with the conclusion of the Errata to the IS/ND prepared in October 2023.

Attachment A
Resumes

John M. Bellas, LEED AP

CEQA Technical Director/Associate Vice President

General Qualifications

With more than 20 years of experience, Mr. Bellas is a recognized expert in the environmental planning field in Southern California. He has managed the preparation of numerous CEQA and NEPA documents for a wide range of projects, including land development/entitlement projects, land use plans/programs, and capital improvement projects. In addition, he served as an in-house/on-call environmental administrator/coordinator for several prominent cities in Southern California. He has also conducted specialized CEQA training programs for client cities, served as an instructor in AEP's Advanced CEQA and CEQA Essentials series, contributed to a variety of AEP CEQA topic papers, and presented on CEQA topics at AEP and APA conferences and webinars.

CEQA Advice and Strategy Experience

Mr. Bellas has served as an in-house and/or on-call CEQA advisor to the Cities of Pasadena, Los Angeles, Santa Clarita, Laguna Woods, Blythe, and California City. In this role, he has reviewed numerous environmental documents for technical and legal adequacy and provided strategic guidance on countless CEQA matters. Notable assignments include:

City of Pasadena, Environmental Coordinator/Administrator. Mr. Bellas has served as the City of Pasadena's environmental coordinator/administrator for more than 12 years, where he is responsible for all of the City's environmental documents. Tasks include supervising the CEQA process for all projects in the City; reviewing CEQA and NEPA documents prepared by City staff and other consultants; providing recommendations on the appropriate procedures for complying with CEQA and other environmental regulations; strategizing with the City Attorney's Office on CEQA matters; reviewing technical studies for adequacy; drafting comment letters on behalf of the City for projects outside of the City's jurisdiction or for which the City is a responsible agency; overseeing the preparation, posting, and distribution of environmental notices; conducting CEQA training; and participating in public meetings and hearings.

City of Los Angeles, EIR Peer Review Services. Since 2017, Mr. Bellas has lead a team of senior/principal-level environmental planners that provide EIR Peer Review Services to the Los Angeles Department of City Planning. In this role, he provides technical review of initial studies, Sustainable Communities Environmental Assessments (SCEA), draft/final environmental impact reports (EIRs), and CEQA findings/statements of overriding considerations. He also regularly advises the City on CEQA matters. Examples include working with the City Attorney's Office to develop an approach to analyzing greenhouse gas emissions in CEQA documents; drafting/compiling standardized regulatory framework language for the City's EIRs; and contributing to the City's white paper on addressing the Friant Ranch case in CEQA documents.

Select Lectures and Course Instruction

Mr. Bellas regularly speaks/presents on CEQA matters. Select examples of past engagements include:

- "Advanced CEQA." Association of Environmental Professionals (Inland Empire Section). 2011, 2018, 2020, and 2023.
- "CEQA Essentials." Association of Environmental Professionals (Inland Empire Section). 2017, 2018, and 2019.
- "EIR Review: A How to Guide, Parts I-V" (City of Los Angeles CEQA Training). Los Angeles, CA. 2020/2021.

Years of Experience: 24

Degrees

BS, 1999, Environmental Resource Management, Penn State University

Professional Affiliations

Association of Environmental Professionals (AEP)

American Planning Association (APA)

LEED AP, U.S. Green Building Council/Green Building Certification Institute

- "Don't Start an Avalanche! Navigating Safe Mitigation Measures." AEP Conference. Lake Tahoe, CA. 2023. (Also presented) AEP Orange County Chapter Webinar. 2023.
- "CEQA Yoga: Bend, but Don't Break Your Project Description." APA Conference. Anaheim. 2022. (Also presented) APA/AEP Virtual Workshop. 2022. (Also presented) University of California Planners Workshop/Virtual Training Session. 2020.
- "CEQA 101 and Hot Topics." Los Angeles County Board of Education Facilities Network. 2023.
- "Power to the Program (EIR)." AEP Conference (Virtual). 2021.
- "CEQA Overview for the Pasadena City Council." Pasadena, CA. 2019.
- "CEQA Update for the Pasadena Planning Commission." Pasadena, CA. 2017.
- "CEQA Overview for the California City Planning Commission." California City, CA. 2019.
- "Mitigation Measures: A Rose by Any Other Name..." APA Conference. San Diego, CA 2018.
- "CEQA's Mid-Life Crisis." APA Conference. Pasadena, CA. 2016.
- "Blazing the Trail: Pasadena's Path to Adopting VMT Transportation Metrics." APA Conference. Pasadena, CA. 2016.
- "Successes and Challenges for Cities in Streamlining CEQA." AEP Conference. San Diego, CA. 2016.
- "City of Santa Clarita CEQA Training, Part I (CEQA Basics) and Part 11 (Advanced CEQA Topics)." Santa Clarita, CA. 2016.

CEQA Document Project Management Experience

Mr. Bellas has managed the preparation of numerous CEQA documents, ranging from program EIRs for community plans, specific plans, and other land use plans to project-level EIRs and initial study/mitigated negative declarations (IS/MND) for land development and public works projects. A limited list of his project management/project direction experience includes:

- City of Arcadia, Arroyo Pacific Academy Specific Plan IS/MND
- City of Industry, Puente Hills Mall Expansion Project IS/MND
- City of Laguna Woods, General Plan EIR
- City of Laguna Woods, Golden Rain Foundation GPA/ZC IS/MND
- City of Laguna Woods, Gate 12 Community Center Improvement Project IS/MND
- City of Manhattan Beach, Downtown Specific Plan IS/MND
- City of Pasadena, 39 Congress Medical Building IS/MND
- City of Pasadena, Urban Wildlife Management Plan IS/MND
- City of Rolling Hills Estates, General Plan EIR
- City of Rolling Hills Estates, The Village/Merrill Gardens Project IS/MND
- City of Rolling Hills Estates, Peninsula Center Revitalization Project IS/MND
- City of Santa Clarita, Blackhall Studios Project EIR
- City of Santa Clarita, Bouquet Canyon Project EIR
- City of Santa Clarita, Henry Mayo Hospital Master Plan Amendment SEIR
- City of Santa Clarita, Jobs Creation Overlay Zone IS/MND
- City of Santa Clarita, Canyon Country Community Center Project IS/MND
- County of Santa Barbara, Energy and Climate Action Plan EIR
- South Pasadena Unified School District, Mission Place Project EIR
- Santa Monica-Malibu Unified School District, Santa Monica High School Campus Plan EIR

TECHNICAL STUDIES MANAGER

Eddie G. Torres



Mr. Torres serves as the Director of Technical Studies, with a specialty in Acoustics, Air Quality, Climate Change, and Visual Impact Assessments. Mr. Torres leads Michael Baker's efforts to be at the forefront of Global Climate Change studies. Mr. Torres has prepared numerous analyses that are consistent with climate change legislation such as Assembly Bill 32, Senate Bill 97, Executive Order S-3-05, and Senate Bill 375. In addition to analyzing climate change impacts, Mr. Torres has led the development of numerous greenhouse gas inventory models which calculate greenhouse gas emissions from such sources as vehicular traffic, stationary sources, electricity consumption, water consumption, wastewater treatment, and construction processes.

RELEVANT EXPERIENCE

USS Iowa Project - Phase 1, Los Angeles, California. *Pacific Battleship Center.* Environmental Specialist. Responsible for technical studies. Michael Baker prepared an environmental impact report for the U.S.S. Iowa Project for the Pacific Battleship Center, a non-profit organization, in the Port of Los Angeles. The historic battleship was towed from San Francisco Bay, where it has remained in storage by the U.S. Navy, to the Port of Los Angeles. The battleship will be permanently moored at Berth 87 and open to the public as a tourist and educational attraction. Temporary structures will be placed at the berth for offices and restroom facilities. The second phase of the project includes construction of a permanent landside Visitors Center.

California State University, Long Beach Master Plan Update EIR. *California State University, Long Beach.* Technical Specialist. Led the preparation of air quality, greenhouse gas, energy, and noise EIR sections. Michael Baker is assisting the California State University, Long Beach with preparing an EIR for the

Master Plan Update. The Master Plan Update is a long-range planning document that will guide physical development on the CSULB campus through the horizon year 2035. The Master Plan Update addresses CSULB's current and future needs, focusing less on physical growth and more on optimizing the existing physical assets of the campus. The Master Plan Update also identifies priority projects to be implemented in the near term. The primary strategies for implementing the Master Plan Update include renovation of existing buildings (renovation), demolition and replacement of existing buildings in the same physical location (replacement), construction of new buildings (new construction), and leaving buildings in their existing location and configuration (building to remain). The Master Plan Update also identifies goals and strategies to improve open space, mobility and parking, and sustainability and resiliency.

Earvin "Magic" Johnson Recreation Master Plan, Los Angeles, California. *LA County Parks & Recreation.* Environmental Specialist. Technical Study Manager. The Earvin "Magic" Johnson Recreation Master Plan (EMJ) is approximately a 120-acre recreation area located within a disadvantaged urban community known as South Central-Willowbrook area where the community consists of 58% Hispanic or Latino and 35% African-American residents. The Project is a community-based and needs-based preliminary design of a state-of-the-art recreational facility in the EMJ Recreation Area. Given the project location consisting of minority and underserved residents, the project required developing and implementing an Outreach Strategic Plan that would consist of stakeholder meetings, special interest/ small group interviews, (3) community workshops and a final County Public Hearing. Michael Baker was contracted to provide development of a conceptual design alternatives plan for recreation facilities such as a bicycle and pedestrian trails, exercise stations, children play areas, picnic areas, and other public use areas. Michael Baker will prepare baseline conditions data such as mapping, demographic trends for parks & recreation needs, traffic study, title search material, CEQA (including Air/GHG/Noise, Jurisdictional Delineation, Biology, and Cultural Resources), and a regulatory compliance strategy & permit plan. Michael Baker will be apply County codes and be familiar with the necessary restrictions and processes to prepare the Final Recreation Master Plan and phasing plan.

Michael Baker INTERNATIONAL

Years with Michael Baker
24

Years of Experience
24

Education

B.A., 2000, Environmental Analysis and Design, University of California, Irvine

Certificate, 2000, Fundamentals of Mechanical Engineering, University of California, Irvine

Licenses/Certifications

Institute of Noise Control Engineering, 2002

2.1.1 Traffic Noise Analysis, California

2.2.1 Air Quality Analysis, California

Professional Affiliations

American Planning Association (APA)

Association of Environmental Professionals (AEP)

Institute of Noise Control Engineering

also need to post a sign in the outdoor dining area reminding guests to be respectful of surrounding neighbors. Lastly, in no event the restaurant's outdoor dining area can exceed the noise limits in the Noise Ordinance set forth in the Los Angeles Municipal Code.

Any ~~d~~ Deviations from the outdoor dining area standards of the proposed Project will be considered through a Plan Approval of the original discretionary entitlement pursuant to Section 12.24 M of Chapter I or Article 13 of Chapter 1A of the LAMC, as applicable, or a variance pursuant to Section 12.27 of Chapter I or Section 13B.5.3 of Chapter 1A of the LAMC. Non-compliance with the outdoor dining area standards may result in administrative citations and/or notices of violation issued by LADBS, and violations of the City's Noise Ordinance may result in administrative citations issued by LAPD. When an operator is issued an administrative citation, enforcement agencies will charge a series of escalating monetary fines and penalties. Additionally, any combination of four or more Notice of Appear Citations, Orders to Comply, Notices of Violation and/or Administrative Citations issued by an enforcement agency may result in revocation proceedings for any Certificate of Occupancy and/or permits issued to authorize an outdoor dining area. When the Board of Building and Safety Commissioners (Board) determines that the Certificate of Occupancy and/or permits must be revoked, the Board may determine that the operators must obtain all necessary permits to restore the use and condition that existed prior to the Outdoor Dining Area improvements and permit issuance. Furthermore, the Board may determine that no new permits authorizing an outdoor dining area can be issued for a period of up to 12 consecutive months. These enforcement mechanisms would require operators to comply with the Draft AI Fresco Ordinance.

Chapter 3; Section 3.3.1 Project Background & Overview; Page 31; Paragraph 1

Any deviations from the outdoor dining area standards of the proposed Project will be considered through a Plan Approval of the original discretionary entitlement pursuant to Section 12.24 M of Chapter I or Article 13 of Chapter 1A of the LAMC, as applicable or a variance. Non-compliance with the outdoor dining area standards may result in administrative citations and notices to comply issued by LADBS and/or LAPD (insomuch as LAPD is responsible for enforcing the Noise Ordinance) with a series of escalating monetary fines and penalties, including revocation of all permits issued to authorize an outdoor dining area. ~~enforcement actions pursuant to Section 12.27.1 (Administrative Nuisance Abatement Proceedings) of Chapter I or Article 13 of Chapter 1A of the LAMC, as applicable. [...]~~

Chapter 3; Section 3.3.1 Project Background & Overview; Page 33; New Paragraph After Paragraph 3

Outdoor Dining Area applicants may obtain case management services by utilizing LADBS' complementary Restaurant and Small Business Express Program (RSBEP). The goal of the RSBEP is to make the permitting and inspection process more efficient by enhancing the coordination of permitting, construction, and inspection. Additional information on the RSBEP can be obtained via the LADBS.org website by searching RSBEP.

LADBS also has authority to issue a citation for violating LAMC Section 12.21 A.24, requiring a series of escalating monetary fines and penalties. Such citations are subject to the administrative process provisions set forth in Article 1.2 of Chapter I of the LAMC, including, but not limited to, the administrative hearing and appeal process and the City's authority to use any civil remedy available to collect any unpaid administrative fine.

Chapter 4; Section XIII. Noise; Page 74; Paragraph 3

AIR AND NOISE MANAGER

Zhe Chen, MBA



Ms. Chen is a technical manager and senior environmental specialist focusing on air quality, climate change, and noise. She has rich experience in environmental consulting industry and a strong education background in science and engineering. Ms. Chen is qualified to prepare California Environmental Quality Act (CEQA) documents for public and private clients, especially air quality, greenhouse gas (GHG), energy, and noise technical analysis. She is an expert in air quality, GHG, and noise modeling, including California Emissions Estimator Model (CalEEMod), the AERMOD Atmospheric Dispersion Modeling System, the Federal Highway Administration Traffic Noise Model (TNM), etc. Ms. Chen also has rich experience in climate action planning, using her technical and analytical skills to provide climate change and environmental due diligence services to local governments and regional jurisdictions. She is proficient in utilizing climate change tools to develop GHG inventories and Climate Action Plans (CAP), recommending sustainability strategies and programs to local governments, and performing climate risk, vulnerability, and adaptation assessment.

RELEVANT EXPERIENCE

California State University, Long Beach Master Plan Update EIR. *California State University, Long Beach.* Technical Specialist. Led the preparation of air

quality, greenhouse gas, energy, and noise EIR sections. Michael Baker is assisting the California State University, Long Beach with preparing an EIR for the Master Plan Update. The Master Plan Update is a long-range planning document that will guide physical development on the CSULB campus through the horizon year 2035. The Master Plan Update addresses CSULB's current and future needs, focusing less on physical growth and more on optimizing the existing physical assets of the campus. The Master Plan Update also identifies priority projects to be implemented in the near term. The primary strategies for implementing the Master Plan Update include renovation of existing buildings (renovation), demolition and replacement of existing buildings in the same physical location (replacement), construction of new buildings (new construction), and leaving buildings in their existing location and configuration (building to remain). The Master Plan Update also identifies goals and strategies to improve open space, mobility and parking, and sustainability and resiliency.

Sevilla II Tentative Tract Map No. 38557 IS/MND, Coachella, California. Senior Air Quality and Noise Specialist. Michael Baker International is assisting City of Coachella with preparation of an IS/MND for the Sevilla II Tentative Tract Map No. 38557 Project. The proposed project would construct approximately 204 single-family residential dwellings. Typical lots would be approximately 5,000 square feet in size. The proposed project would include pedestrian sidewalks; landscaping; approximate 1.0-acre recreational park area; an approximate 1.37-acre water retention basin; an approximate 0.23-acre dedicated [future] well site; monumental signage; and street and utility improvements.

Tumbleweed Energy Storage Project Technical Studies. Kern County, California. Project Manager and Senior Air Quality and Noise Specialist. Michael Baker provided environmental services for the preparation of Air Quality, Health Risk Assessment, Greenhouse Gases, Energy, and Noise and Vibration technical studies for the project. The project would construct a 125 megawatt (MW) battery energy storage system (BESS), a 2 MW photovoltaic (PV) electric generating solar facility, a new one-mile overhead gen-tie line to the Desert Flower Substation located at the southwest corner of Holiday Avenue and 110th Street West. The project provides an electric energy storage service by receiving energy (charging), storing it, and later delivering the same energy (i.e., transmission) from and to the point of interconnection at the existing Southern California Edison (SCE)-owned Whirlwind Substation.

Heritage Square South Project, City of Pasadena, California. Senior Air Quality and Noise Specialist.

Michael Baker prepared an Environmental Assessment for the City in accordance with the U.S. Department of Housing and Urban Development's regulations. The project would construct a mixed-use structure with 70 units of permanent supportive housing for seniors as well as 15,000 square feet of retail/restaurant space. Ms. Chen prepared the air quality and noise technical studies for the project and conducted project's consistency analysis with the City's Climate Action Plan.

Michael Baker INTERNATIONAL

Years with Michael Baker
3

Years of Experience
8

Education

M.B.A., 2023, Business Administration, University of California, Irvine

M.S., 2015, Environmental Science and Engineering, Stanford University

B.S., 2013, Chemistry, Peking University

Licenses/Certifications

LEED Green Associate, 2019

Certified Associate in Project Management, 2018

FHWA Traffic Noise Modeling, 2016

Professional Affiliations

Association of Environmental Professionals (AEP)

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Exhibit B – Responses to Comments

Summary of Public Comments and Responses

This document includes a summary of public comments received regarding the Initial Study / Negative Declaration (IS/ND) for the proposed AI Fresco Ordinance (Proposed Ordinance) during the 30-day circulation period for public review from May 18, 2023 to June 20, 2023, prepared by the Los Angeles Department of City Planning (City Planning) for the proposed AI Fresco Ordinance, under Case No. ENV-2023-3278-ND. 44 total public comments were received via email and submitted to the Council File. Comments are organized by theme with their associated response as follows:

- Enforcement
- Residential Adjacency
- Nighttime Disturbance
- Live Music and Entertainment
- Alcohol and Noise
- Noise Level Management

Enforcement

Commenters expressed concern regarding enforcement of noise complaints by the Los Angeles Police Department (LAPD). LAPD is currently responsible for the enforcement of noise complaints and compliance with the Noise Ordinance. However, commenters shared that noise complaints have a very low priority for LAPD, and callers expressed long wait times before reaching a call operator, and police usually cannot show up to solve the problem in a timely manner. As such, the public asks for a more effective and immediate enforcement mechanism, including penalties to the restaurant operators if violating the City's ordinances, such as requiring businesses that are under investigation for a violation to be excluded from being eligible beneficiaries of the streamlining provisions in the proposed AI Fresco Ordinance.

Response

Per the Planning and Land Use Management (PLUM) Committee's instructions from the June 6th, 2023 meeting, City Planning worked closely with the Los Angeles Department of Building and Safety (LADBS), Office of the City Attorney, LAPD, and other City Departments, to research and include feasible and reasonable enforcement provisions in the final draft of the ordinance with regard to background music. After evaluating appropriate enforcement options for allowing background music, including consulting with a noise expert to provide best management practices to control and prevent for excessive noise, City Planning has concluded that the recommended enforcement measures, many of which require the additional expenditures of fees and ongoing monitoring efforts, are counter to the initial City Council instruction to "streamline outdoor dining provisions throughout the Zoning Code for private property." As such, City Planning recommends disallowing background music by-right from Outdoor Dining Areas and an Alternative Ordinance is attached for consideration in **Exhibit A of the Supplemental Report**. The Alternative Ordinance maintains the most essential qualities of an outdoor dining program, with appropriate enforcement provisions, as well as the opportunity for individual operators to apply to play background music in an Outdoor Dining Area through a Conditional Use Permit.

Should City Council proceed with allowing background music, the Proposed Ordinance transmitted by the City Attorney was amended to include an enforcement schema that allows for background music by-right with preventative measures for monitoring to ensure compliance with

LAMC noise regulations and establishes enhanced monetary penalties for violations of the Noise Ordinance, as detailed below.

In addition to the operational standards requested by the PLUM Committee to require Al Fresco operators to install signage that includes a hotline phone number and contact information of LADBS Code Enforcement, as well as adjusting the curfew hours for Outdoor Dining Areas abutting or across an alley from a residential zone (not including RAS) to no later than 10:30 p.m. on Sunday-Thursday and 11:00 p.m. on Friday-Saturday, the enforcement schema includes best management practices recommended by a noise expert. Additional operational standards for allowing background music in an Outdoor Dining Area include a requirement to install and maintain a qualified noise monitoring device. The device must be able to continuously monitor decibel levels, notify the operator if a decibel level threshold is exceeded, and maintain 12 consecutive months of noise monitoring data that is made available upon request by LADBS. The device must be installed along the perimeter of the Outdoor Dining Area, closest to the most sensitive zone or use. Al Fresco operators are also required to post signs reminding guests to be respectful of their surrounding neighbors, orient speakers toward the center of the Outdoor Dining Area, and the Ordinance continues to prohibit television monitors and screens, live music, and live entertainment in Outdoor Dining Areas, as well as limiting background music to be played no later than 10:00 p.m. in any Outdoor Dining Area, regardless of day of week or adjacency to residential zoning. Background music must not exceed 5 decibels above ambient noise levels, and Al Fresco operators must continue to comply with the citywide Noise Ordinance (Ord. 156,363).

The Proposed Ordinance also includes administrative fines that start from \$1,000 for a first violation, increase to \$5,000 for a second violation, and \$8,000 for a third violation, as well as \$8,000 for each subsequent violation. Further, upon the successful imposition of an administrative fine for any combination of three violations of the Noise Ordinance or the background music operational standards, the right to play background music in the Outdoor Dining Area shall be automatically suspended for a period of 12 consecutive months.

Lastly, both the Proposed Ordinance transmitted by the City Attorney and the recommended Alternative Ordinance prepared by City Planning incorporate permit revocation procedures for noncompliance of the Outdoor Dining Area standards. The Board of Building and Safety Commissioners may revoke a Certificate of Occupancy or a permit authorizing an Outdoor Dining Area for any combination of four or more Notice to Appear Citations, Orders to Comply, Notices of Violation and/or Administrative Citations issued by Los Angeles Police Department, Department of Building and Safety and/or other City Departments for any violation under LAMC Section 12.21 A.24 or Noise Ordinance No. 156,363.

Residential Adjacency

Commenters suggest adding a distance requirement between outdoor dining areas and residential uses in the proposed Ordinance.

Response

This suggestion was considered but ultimately determined that such a policy would be overly restrictive for restaurants and their patrons. The stated intent of the permanent Al Fresco program is to be flexible, streamlined, and affordable, providing economic benefits to restaurants and places for patrons to gather and dine in a way that reduces the risk of COVID-19 exposure. As such, the Proposed Ordinance contains other standards to allow Outdoor Dining Areas while balancing the needs of adjacent residential uses. These include but are not limited to: a prohibition

on television monitors and similar audiovisual equipment, live music, and live entertainment; a curfew of 10:30 p.m. on Sunday-Thursday and 11 p.m. on Friday-Saturday if abutting or across an alley from a residential zone, not including the RAS zone; and required signage reminding guests to be respectful of surrounding neighbors, all of which are maintained in the Alternative Ordinance in **Exhibit A of the Supplemental Report**.

Nighttime Disturbance

Commenters expressed concerns about noise levels generated at nighttime and suggested an earlier curfew time of 9 p.m. and 10 p.m. Commenters advocated for an earlier curfew time to be considerate of children and seniors who usually go to sleep at an earlier time and are more sensitive to noise impacts.

Response

The AI Fresco Ordinance allows Outdoor Dining Areas to operate no later than 10:30 p.m. Sunday-Thursday, and 11:00 p.m. on Friday-Saturday if abutting or across an alley from a residential zone, not including the RAS zone. Further, should City Council proceed with allowing background music by-right as an incidental use to the Outdoor Dining Area, background music would not be allowed beyond 10:00 P.M., regardless of proximity to residential zoning or day of the week. As the stated intent of the permanent AI Fresco program is to be flexible, streamlined, and affordable for restaurants, these limited nighttime Outdoor Dining Area hours of operation for restaurants that are in proximity to residential zones and the universally applicable 10:00 p.m. cutoff for background music reflect a balanced approach to allowing outdoor dining activity to occur while being considerate of residential neighbors. However, as stated previously, City Planning does not recommend allowing background music in an Outdoor Dining Area. The Alternative Ordinance (**Exhibit A of the Supplemental Report**) maintains the most essential qualities of an outdoor dining program with the opportunity for individual operators to apply to play background music in an Outdoor Dining Area through a discretionary Conditional Use Permit.

Live Music and Entertainment

Commenters noted problems caused by live bands, DJs, and loud amplified music in outdoor dining areas. As such, commenters suggested prohibiting live music, live entertainment, and amplified music in the outdoor dining areas.

Response

The AI Fresco Ordinance has, from its inception, prohibited live entertainment in Outdoor Dining Areas, and has now been modified to further clarify that live music, television monitors and similar audiovisual equipment are prohibited. The prohibition on live entertainment includes but is not limited to karaoke, disc jockeys, dancing, pool tables, billiard tables, and adult entertainment uses. City Planning also recommends continuing to disallow background music in Outdoor Dining Areas as proposed in the Alternative Ordinance in **Exhibit A of the Supplemental Report**.

Should City Council decide to permit background music by-right in an Outdoor Dining Area, additional operational standards will apply, such as orienting speakers in Outdoor Dining Areas toward the center. Additionally, AI Fresco operators will be required to install and maintain a noise monitoring device that continuously monitors decibel levels at the perimeter of the Outdoor Dining Area that is closest to the most sensitive zone or use. The device must be able to notify the operator if a decibel level threshold is exceeded and a minimum of 12 consecutive months of

decibel level data must be maintained and made available upon City request. Moreover, all AI Fresco operations must continue to comply with the Noise Ordinance.

Alcohol and Noise

The proposed Ordinance continues to permit outdoor dining for restaurants. However, commenters stated that some bars serving alcohol have also benefited from the temporary AI Fresco program. Commenters expressed their belief that bars usually generate higher noise levels and cause more nuisances to nearby residences.

In addition to the noise generated onsite at outdoor dining areas allowed under the temporary AI Fresco program, commenters expressed concern regarding rowdy, intoxicated patrons and diners exhibiting disruptive behavior in surrounding residential neighborhoods after leaving the restaurants and bars, such as loud shouting and looking for their cars parked on the neighborhood streets.

Response

The Proposed Ordinance has been modified to include additional eligibility criteria for operators seeking to benefit from the streamlined alcohol authorizations for Outdoor Dining Areas. Temporary program participants who have had their temporary LA AI Fresco Authorization revoked for a violation of the temporary program conditions are rendered ineligible for both the “deemed approved” and the “Expanded Outdoor Dining Area clearance” alcohol authorization options and must instead obtain the standard discretionary entitlements to provide alcohol service outdoors on a permanent basis. These eligibility criteria are maintained in the Alternative Ordinance in **Exhibit A of the Supplemental Report**.

Additionally, the proposed enforcement schema that is included in both the Proposed Ordinance and the Alternative Ordinance attached as **Exhibit A to the Supplemental Report**, includes expanded enforcement and revocation procedures that provide LADBS the authority to appropriately address noncompliance issues.

Issues with noisy patrons leaving restaurants are outside of the scope of the AI Fresco Ordinance, as by definition this takes place outside of any dining area, whether indoor or outdoor. Nevertheless, complaints related to noisy patrons that have left a restaurant or bar may be addressed through the same process as other noise or disturbance of the peace complaints.

Noise Level Management

Commenters suggested requiring focused directional speakers that would not disturb the neighborhood.

Commenters suggested prohibiting any noise audible at 75 feet from the outdoor dining areas.

Response

In August 2023, Michael Baker International (MBI)¹ analyzed the noise impact analyses in the IS/ND and provided a peer review recommending minor revisions to the IS/ND to bolster the analyses and best management practices to address background music (Peer Review).

¹ MBI is a full-service firm that provides a wide range of engineering and consulting services, including planning and environmental. MBI have extensive experience evaluating environmental impacts of projects and preparing documentation pursuant to the CEQA and NEPA.

Should City Council proceed with allowing background music by-right as an incidental use to the Outdoor Dining Area, the Proposed Ordinance incorporates the best management practices recommended in the Peer Review as operational standards for background music. Specifically, all operators who want to play background music must install a noise monitoring device in the outdoor dining area and background music cannot exceed 5dBA above ambient noise levels or the thresholds set forth in the City's Noise Ordinance. The noise monitoring device must be capable of continuously monitoring dBA levels for the duration of the Outdoor Dining Area and maintain decibel readings that can be made available upon request. Continuous monitoring and maintenance of a log will ensure that documentation is made available and be used to verify violation of the noise regulations in the event a complaint is made. The documentation and verification of any violation of the noise regulations can be used by the City's enforcement agencies to issue citations and/or notices of violation, which can ultimately lead to revocation of all permits issued to authorize the Outdoor Dining Area.

The noise monitoring device needs to be located along the perimeter of the Outdoor Dining Area that is closest to the most sensitive zone or use. This placement requirement would ensure that the operators monitor noise levels close to sensitive uses and zones while also ensuring that they comply with the noise regulations. The location of the device must be approved by the Department of Building and Safety and cannot be altered. Lastly, the operator must maintain the noise monitoring data for a minimum of 12 consecutive months and provide the data to the City upon request. These provisions in the Proposed Ordinance would ensure that the data is available for verification of violation in the event a complaint is made. In addition to the device, outdoor speakers must be oriented toward the center of the outdoor dining area, and outdoor background music shall be played later than 10:00 p.m. Lastly, in no event the restaurant's outdoor dining area can exceed the noise limits in the Noise Ordinance set forth in the Los Angeles Municipal Code.

However, as stated previously, City Planning does not recommend allowing background music in an Outdoor Dining Area by-right. The recommended Alternative Ordinance (**Exhibit A of the Supplemental Report**) instead maintains the most essential qualities of an outdoor dining program with the opportunity for individual operators to apply to play background music in an Outdoor Dining Area through a discretionary Conditional Use Permit.

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Exhibit C – Attachment A to the IS/ND

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Exhibit C – Attachment A to the IS/ND

Noise Measurement Samples

Updated August 2023

As part of the environmental review for various discretionary development projects in the City of Los Angeles, Environmental Impact Reports (EIRs) are required to include an analysis measuring a project's noise and vibration impact on the surrounding neighborhood. In addition to reporting on the existing noise environment of the project site itself prior to commencing construction, an EIR noise analysis includes measurements of existing ambient sound levels at other nearby monitoring locations of significance.

A selection of relevant daytime ambient noise measurements published in various EIRs are listed below; representative of a diversity of Los Angeles neighborhoods and measured along or adjacent to some of the busiest traffic corridors in the city.

Chapter XI Noise Regulation of the LAMC states that the baseline ambient noise shall be the actual measured ambient noise level or the City's presumed ambient noise level, whichever is greater. For comparison, the presumed ambient noise levels, as regulated by Section 111.03 of the LAMC are also included below. Actual ambient noise level is the measured noise level averaged over a period of at least 15 minutes. Daytime measurements are used to establish existing ambient noise conditions and to provide a baseline for evaluating noise impacts due to the construction of projects. For the purpose of this report, the existing daytime ambient noise levels across the various corridors can be used as an approximation for a baseline threshold to maintain if background music were allowed in outdoor dining areas.

LOCATION	DAYTIME AMBIENT NOISE LEVELS (dBA)	STREET CLASS*	ZONE	NEIGHBORHOOD	CASE NO.	YEAR	NOTES
Christian Science Church 4032 Whitsett Ave, Studio City, CA 91604	68.6	Avenue II	R3-1-RIO	Studio City	ENV-2001-1196-EIR	2012	Church located on Whitsett Ave and Valleyheart Dr, across from open space and adjacent to multifamily residential buildings, near the Los Angeles River and Ventura Blvd
NoHo 14 5445 Lankershim Blvd, North Hollywood, CA 91601	68.3	Boulevard II	C2-2D-CA	North Hollywood	ENV-2019-7241-EIR	2022	Mixed use commercial and residential building on southwest corner of Lankershim Blvd and Cumpston St, near other commercial uses
Whitsett Green 4128 Whitsett Ave, Studio City, CA 91604	71.5	Avenue II	R3-1-RIO	Studio City	ENV-2020-1512-EIR	2022	Multifamily residential building, across from open space and adjacent to other multifamily residential buildings, near the Los Angeles River and Ventura Blvd
Fusion Warner Center Apartments 21601 Erwin St, Woodland Hills, CA 91367	70.3	Collector	(WC)R3-45/3	Woodland Hills	ENV-2016-3909-EIR	2018	Multifamily residential building complex located in Warner Center Specific Plan Zone, next to commercial uses, across from ground-level parking lot and near shopping mall on Topanga Canyon Blvd
Wilshire Boulevard Temple 3663 Wilshire Blvd, Los Angeles, CA 90010	62	Avenue I	C4-2	Koreatown	ENV-2010-1407-EIR	2011	Parking lot of Temple located southeast corner of parcel located on Wilshire Blvd, next to other commercial uses
Wilshire Grand Center 900 Wilshire Boulevard, Los Angeles, CA 90017	72.1 – 74.7	Avenue I / Avenue II	C2-4D-SN	Downtown	ENV-2009-1577-EIR	2009	Commercial complex with hotel, retail, office and restaurant uses, located along Wilshire Blvd, Figueroa St and 7th St, near 110 Fwy
1100 Wilshire 1100 Wilshire Blvd, Los Angeles, CA 90017	70.8 – 71.1	Avenue I	C4(CW)-U/6	Westlake	ENV-2009-1577-EIR	2009	Office building located at Wilshire Blvd and Bixel St in Central City West Specific Plan Zone, near other commercial uses
Good Samaritan Hospital 1225 Wilshire Blvd, Los Angeles, CA 90017	62.9 – 64.1	Avenue I	C4(CW)-U/6	Westlake	ENV-2009-1577-EIR	2009	Hospital complex located between Lucas Ave and Witmer St along Wilshire Blvd in Central City West Specific Plan Zone, near other commercial uses
Ecole Claire Fontaine 1047-1051 South Abbot Kinney Blvd, Los Angeles, CA 90291	68.3	Avenue III	C2-1-CA	Venice	ENV-2016-4321-EIR	2017	School located at the northwest corner of Abbot Kinney Blvd and Westminster Ave, across from open space and near other commercial uses
Westminster Early Education Center 1010 S Abbot Kinney Blvd, Venice, CA 90291	67.7	Boulevard II	[Q]PF-1XL	Venice	ENV-2016-4321-EIR	2017	School complex located on Abbot Kinney Blvd and Main St, near commercial uses to the north, multifamily residential to the west and open space to the south

* Street classes are defined by the [Los Angeles Mobility Element](#).

LAMC CHAPTER XI NOISE REGULATION ZONE	PRESUMED AMBIENT NOISE LEVEL (dB (A))	
	DAY	NIGHT
A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, and R5	50	40
P, PB, CR, C1, C1.5, C2, C4, C5, and CM	60	55
M1, MR1, and MR2	60	55
M2 and M3	65	65

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Exhibit D – Attachment B to the IS/ND

Los Angeles City Restaurants Near Major Roadways*

Updated August 2023

* A Major Roadway is a roadway designated as a Boulevard I, Boulevard II, Avenue I, or Avenue II in the Mobility Element

ALL RESTAURANTS		
Total**	9,981	100.0%
Within 150 Feet	8,994	90.1%
Within 250 Feet	9,257	92.7%
Within 500 Feet	9,576	95.9%

**Approximately 339 records were excluded from this analysis due to geographic irregularities

RESTAURANTS WITH A TEMPORARY AL FRESCO AUTHORIZATION		
Total***	2,721	100.0%
Within 150 Feet	2,415	88.8%
Within 250 Feet	2,505	92.1%
Within 500 Feet	2,610	95.9%

***Approximately 71 records were excluded from this analysis due to geographic irregularities

AL FRESCO ORDINANCE SECOND ERRATA TO INITIAL STUDY / NEGATIVE DECLARATION

Case Number: ENV-2023-3278-ND

Subsequent to the preparation of the first Errata to the Initial Study/Negative Declaration (IS/ND), Case No. ENV-2023-3278-ND, dated May 2023, for the Draft Al Fresco Ordinance and the Alternative Ordinance¹ in October 2023, the Los Angeles City Council instructed the City Attorney's Office to amend the Alternative Ordinance to include the following provisions on December 8, 2023:

1. 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.
2. When an Outdoor Parking Area is located in a building's parking area, the automobile parking spaces may be replaced by Outdoor Dining Area, except that at least one automobile parking space must be maintained.

Exemptions:

- a. The primary restaurant contains 3,000 indoor square feet of floor area or less; or
 - b. The Outdoor Dining Area is 1,000 square feet or less; or
 - c. The provision of automobile parking spaces is otherwise prohibited by state or federal law.
3. The Outdoor Dining Area shall have an enclosure of no more than 75 percent, except that:

This Errata provides minor modifications to the project description in the IS/ND as a result of the City Council's amendments to the Alternative Ordinance. State CEQA Guidelines Section 15073.5(a) requires that a lead agency recirculate a negative declaration "when the document must be substantially revised." Pursuant to CEQA Guidelines Section 15073.5(b), a substantial revision of the negative declaration means: (1) identification of a new, avoidable significant effect requiring mitigation measures or project revisions; or (2) determination that proposed mitigation measures or project revisions will not reduce potential effects to less than significance

¹ See City Planning's Supplemental Report, dated 11/2/2023, CF 20-1074-S4 and First Errata to Initial Study/Negative Declaration, Case No. ENV-2023-3278-ND, dated May 2023 for detailed information on the differences between the Draft Al Fresco Ordinance and the Alternative Ordinance.

and new measures or revisions must be required. Recirculation is not required when new information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration. Based on these requirements and definitions, the City determined that the modifications to the Alternative Ordinance and minor revisions and clarifications to the IS/ND included in this Errata would not result in a new, avoidable significant effect and/or new mitigation measures or project revisions to reduce potential impacts to less than significance pursuant to State CEQA Guidelines Section 15073.5(b) of the State CEQA Guidelines and do not require recirculation of the negative declaration. Furthermore, parking provisions in the proposed project qualify for the Statutory Exemption pursuant to Public Resources Code Section 21080.25. The original IS/ND, first Errata dated October 2023, and second Errata dated December 2023 comprise the Final IS/ND for the Proposed Ordinance.