

CITY OF LOS ANGELES

CALIFORNIA

HUBER E. SMUTZ
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS
JACK BAUER
CHARLES V. CADWALLADER
ARTHUR DVORIN



SAMUEL WM. YORTY
MAYOR

DEPARTMENT OF
CITY PLANNING

OFFICE OF
ZONING ADMINISTRATION

361 CITY HALL
LOS ANGELES 12
MADISON 4-5211

August 18, 1961

Department of Building and Safety
Room 212, City Hall

Walter C. Peterson
City Clerk
Room 195, City Hall

Re: Z. A. I. CASE NO. 1808
Dining Terraces or Outdoor
patios for Serving and
Consuming Food and Refresh-
ments in connection with
Restaurants, Cafes, etc.
C2 and Less Restrictive
Zones

Greetings:

In the matter of the verbal request made by officials of the Department of Building and Safety and by several interested restaurant operators for an interpretation of the zoning regulations as they apply to the provision of dining terraces or outdoor eating patios in connection with restaurants, cafes, and other eating and refreshment establishments located in the C2 Zone, please be advised that the Chief Zoning Administrator has made the following interpretation and ruling that in the C2 or less restrictive zones it would be permissible to have dining terraces or outdoor eating patios for the serving and consuming of food and refreshment in connection with various eating and refreshment establishments, provided all other activities including any entertainment and dancing, other than incidental storage, are conducted wholly within a completely enclosed building.

INTERPRETATION AND RULING

There is some ambiguity, contradiction, and conflict between some of the provisions of the Comprehensive Zoning Ordinance as they concern activities of a restaurant, cafe, or other eating establishment when located in the C2 Zone, particularly as to the extent which food and refreshment may be served outside of buildings. No such conflict exists with respect to such establishments when located in the more restrictive C1 Zone since the limitations which apply to all commercial uses in said zone very clearly provide that "all activities are conducted wholly within an enclosed building." The C2 Zone, however, is somewhat ambiguous and open to interpretation on this particular point. Said C2 Zone in addition to permitting all C1 Zone uses subject to the limitation

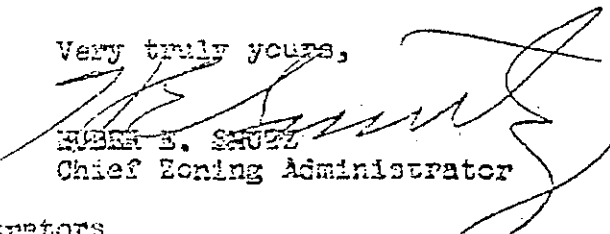
TRANSMITTAL NO. 2

that "all activities other than incidental storage shall be conducted wholly within a completely enclosed building" also provides in paragraph 14 of Section 12.14-A that there may be drive-in businesses which among other things includes refreshment stands, restaurants, and the like. In any such drive-in restaurant or refreshment stand persons are served food and refreshment while sitting in their automobiles. It is common practice in connection with many restaurants, eating establishments, and refreshment stands, particularly during the summer months in our salubrious climate, to provide tables either on dining terraces, outdoors, or under shade-covered patios where persons may be served their food and drink. Such activity would be little different than the serving of food and refreshment to persons seated in their cars in a drive-in restaurant facility and would be no more objectionable to the public welfare than some of the other open type of uses permitted in the C2 Zone, provided any entertainment and dancing is conducted wholly within a completely enclosed portion of the building. Other provisions of the C2 Zone clearly indicate the intent that all dancing and entertainment type of facilities other than the modern drive-in motion picture theater, be conducted within completely enclosed buildings. It is apparent that in most instances the conduct of open-air entertainment or dancing in connection with restaurant and cafe facilities would be a source of annoyance to occupants of adjacent premises, particularly residential and hotel developments.

Therefore, by virtue of authority contained in Section 12.21-A, 2 of the Municipal Code, it is hereby determined that restaurants, cafes, eating establishments, or refreshment stands with incidental dining terraces or outdoor eating patios for serving and consuming of food and refreshments would be similar to and no more objectionable than other uses permitted in the C2 Zone, provided all other activities including any entertainment and dancing, other than incidental storage, are conducted wholly within a completely enclosed building. Furthermore, the List of Uses Permitted in Various Zones adopted under Z. A. I. Case No. 1350 is amended by inserting in its proper alphabetical order among the uses permitted in the C2 Zone, the following:

"Restaurant, Cafe, Eating Establishment or Refreshment Facility with incidental dining terrace or outdoor eating patio with tables for serving and consuming food or refreshments, provided all other activities including any entertainment and dancing, other than incidental storage, are conducted wholly within a completely enclosed building."

Very truly yours,


 HUBERT S. SAUER
 Chief Zoning Administrator

HES:at

cc: Associate Zoning Administrators
 Branch Offices, Planning
 William Dove - c/o Tahitian Restaurant
 19010 Ventura Boulevard, Studio City

TRANSMITTAL NO. 2