

Sidewalk Dining Policy

The following are the policy requirements for R-permits authorizing sidewalk dining within the City of Los Angeles.

1. Allowable Location of Sidewalk Dining Area

Sidewalk dining may be allowed by the City Engineer in any portion of the sidewalk area fronting a property provided that an acceptable Pedestrian Access Route (PAR) is provided along the frontage of the portion of the property proposed to contain sidewalk dining, and when applicable, connecting to the property entrance. Sidewalk dining may be allowed in an area fronting adjoining properties if written consent is obtained from adjoining property owners.

2. Minimum Clearance

The minimum required clear space between encroachments (tables and chairs) and fixed street amenities such as poles, parking meters, tree wells, street lights, and signs shall be 4 feet, provided that 5-foot by 5-foot passing areas are provided at 200-foot intervals. The applicant must identify the PAR which shall be clear of obstructions including but not limited to queue lines and restaurant workers. Any violation may result in revocation of the R-Permit.

Exemptions to the 4-foot minimum PAR width around isolated barriers, such as tree wells, not more than once per every 20 feet, may be granted by the City Engineer.

3. Railings

Fixed railings or barriers (42-inch maximum in height) shall be required if the clear space between the sidewalk dining area to the curb or other fixed amenities is less than 5 feet. If the clear space is 5 feet or more, rails or barriers are not required. Non-fixed rails may be allowed when the clearance is 5 feet or more, subject to the Bureau of Engineering (BOE) approval.

4. Sidewalk Condition

The PAR fronting proposed dining area will be evaluated by the applicant based on the criteria listed below.

- Vertical Displacement (uplift) – Shall not exceed 1/2 inch.
- Horizontal Displacement (cracks/gaps) – Shall not exceed 1 inch.

If the condition of the PAR fronting proposed outside dining area does not meet the above-listed conditions, it will be required to be remediated or repaired to meet the above criteria or be removed and replaced to be Americans with Disabilities Act (ADA) compliant. The area of the sidewalk assessment shall include all the frontage of the proposed sidewalk dining area plus a 10-foot minimum transition on each end satisfactory to the City Engineer. The 10-foot transition area may be

reduced to the minimum practical length determined by the City Engineer in cases where it would cross to a neighboring property.

5. Sidewalk Dining Area

The BOE shall approve the space available for use for sidewalk dining based on the conditions outlined in this report. There is no set limit to the number of sidewalk dining seats that the BOE may approve.

6. Sewerage Facilities Charge (SFC)

SFC fees shall be required for all additional outdoor seating based on the number of seats allowed.

7. Sidewalk Dining Permit Processing Fee

The processing fee for a Sidewalk Dining Permit is as follows:

- Special Engineering Fee for permits that require 3 hours or less of BOE staff processing time. The fee may apply to the LA Al Fresco participants who transition to R-Permit through the automated process.
- Tier 1 R-Permit Fee for permits that do not require field investigations. All Sidewalk Dining Permit applications shall be subject to a Tier I fee unless it is determined by BOE staff that a field investigation is needed.
- Tier 2 R-Permit Fee for permits that require field investigations, as determined by the BOE.
- Tier 3 R-Permit Fee for the cases where Board approval is required to deviate from the sidewalk policy or there is a request to appeal a BOE decision to the Board.

8. Display Permit

The display permit shall be posted in plain view from the outside of the restaurant. Citations and penalty fees may be assessed for non-compliance.

9. Maintenance

The sidewalk and dining area shall be maintained in a clean and uncluttered manner at all times. All food or drink spills, and trash of any kind, must be immediately removed from the sidewalk area. Private dining trash must be collected and deposited in private trash receptacles, not placed in public trash receptacles.

10. Waiver of Damages

A Waiver of Damages shall be signed by an entity with signatory authority on behalf of the property owner, lessee or an applicant assistant authorized by the BOE; notarized by a notary public; and submitted to the BOE for review.

11. Liability Insurance

Proof of liability insurance shall be renewed annually with the Risk Management Group of the City Administrative Officer.

12. R-Permit Requirements (RPR) and Expiration

The BOE will prepare the RPR, which is list of conditions that must be met prior to issuance of the R-Permit for sidewalk dining along with a deadline to meet the listed conditions. The deadline is generally one year from the release of RPR by the City Engineer, but it may be shorter or longer as determined to be appropriate by the City Engineer. Should the applicant fail to meet the condition by the specified deadline, the application will expire unless an extension is granted.

A new R-Permit application and fee will be required in such cases where the application expires and/or where the applicant desires to change the scope of work to the extent that it requires an additional investigation and review. ~~In cases where the scope change is minor compared to the original scope, the City Engineer may charge a Tier 1 R-Permit Fee for subsequent applications.~~ In cases where the scope change is minor compared to the original scope, the City Engineer may charge Special Engineering Fee, to up a maximum of 3 hours, for subsequent applications.

13. Appeals

Appeals of a BOE determination may be made only by the permit applicant and must be submitted in writing to the Board of Public Works Executive Officer within thirty days of the BOE determination. Appeals shall be heard by the Board.

14. Change of Permit Ownership

A change in property or restaurant ownership shall require a new Sidewalk Dining Permit in cases where the prior owner, or their authorized signatory, was the permittee for sidewalk dining.

- ~~● A Tier 1 R-Permit Fee shall be required if no changes are proposed to the layout of the existing dining area. A new Waiver of Damages and Proof of Liability Insurance will be required to be signed and notarized.~~
- Special Engineering Fee, to up a maximum of 3 hours, shall be required if no changes are proposed to the layout of the existing dining area. A new Waiver of Damages and Proof of Liability Insurance will be required to be signed and notarized.
- Refer to paragraph 7 for fee schedule if changes are proposed to the layout of the existing dining area.

15. Non-Compliance

The StreetsLA, Investigation and Enforcement Division, will be notified to investigate any complaints. Citations may be issued for non-compliance. Permit violations may result in revocation of the permit.

16. Encroachments Not Authorized by the Permit

Encroachments that are not specifically authorized under the R-Permit, such as heaters, fans, drop down enclosures, signs, planters, music equipment and valet podiums, shall not be allowed in the dining area.

17. Alcohol

Serving alcohol requires a ~~Conditional Use Permit~~ approval from the Department of City Planning and California Department of Alcohol Beverage Control. Because alcohol falls under the jurisdiction of those entities and not the Board, Sidewalk Dining Permits will allow for serving or possessing alcohol within the sidewalk dining area provided proper approvals are obtained for such use from the appropriate agencies.

18. Revocation Process

A Sidewalk Dining Permit may be revoked at any time. If revoked, the permittee shall remove all encroachments at no cost to the City and restore the public right-of-way to the satisfaction of the City Engineer.

19. Smoking

Smoking is not allowed within 10 feet of the sidewalk dining area, per the LAMC Sections ~~41.50.A.5.a and 41.50.B.2.c~~ 41.50.

20. Noise Restriction

All sidewalk dining areas shall operate no later than ~~10:30 p.m.~~ 11 p.m. if adjacent to within 250 feet of any residential areas (this includes mixed-use).

21. Technical Review

The BOE will conduct a technical review of the proposed encroachments to ensure that the designs are safe, that the materials are suitable for the public right-of-way; and that the encroachments will not damage or restrict access to existing sidewalks, street trees or other infrastructure. As a part of the technical review, the BOE will also review the cumulative impact to the general area to ensure that adequate space remains for the other sidewalk functions that exist at the site. The BOE may establish more detailed rules regarding sidewalk dining within the framework of the Board Sidewalk Dining Policy. The complete rules for the program shall be made available in the online BOE Permit Manual which may be found at <https://engpermitmanual.lacity.org/>.

22. Compliance with Other Regulations

In addition to the Board Policy on Sidewalk Dining, permittees must comply with all other applicable regulations including, but not limited to, state and county health regulations.

23. Applicant Assistance

Business Improvement Districts may assist with completing some of the requirements of this policy such as the preparation of the application and the signing of the Waiver of Damages. The City Engineer may use their discretion to allow other entities that want to assist that are not the owner or lessee.