

## AL FRESCO OUTDOOR DINING - SUMMARY OF REGULATIONS COMPARISON CHART

TOPIC	TEMPORARY AL FRESCO AUTHORIZATION*	SUMMARY OF ORDINANCE DRAFTS
<p><b>Accessibility</b></p>	<p><i>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.</i></p> <p><i>A minimum of 5% of outdoor seating spaces must be accessible.</i></p> <p><i>Aisles between tables and chairs must be 44 inches minimum width. A clear space of 36 inches minimum must be provided behind accessible seating spaces.</i></p> <p><i>A clear space of 36-inch minimum must be provided behind accessible seating spaces.</i></p>	<p><b>Initial Draft (11/2022):</b> An Outdoor Dining Area must be accessible by people of all abilities.</p> <hr/> <p><b>Revised Draft (04/2023):</b> Silent, defers to accessibility regulations in the Building Code.</p>
<p><b>Alcohol - Authorizations</b></p>	<p><i>Alcoholic beverages may only be served with approval from the Department of City Planning and the California Department of Alcohol and Beverage Control.</i></p> <p><i>Exempt temporary outdoor dining seating from seating limits or an approved seating plan, if applicable in an existing Alcohol Use approval or other entitlement from the Department of City Planning, without requiring further approvals from the Zoning Administrator.</i></p> <p><i>For establishments with an existing Alcohol Use approval from the Department of City Planning, allow alcohol service to extend to both temporary outdoor dining areas and on-street outdoor dining areas without requiring further approvals from the Zoning Administrator.</i></p>	<p><b>Initial Draft (11/2022):</b> Restaurants with a valid alcohol approval need to apply to expand the service of alcohol in their Outdoor Dining Area. The type of entitlement needed for expansion depends on the initial alcohol approval.</p> <hr/> <p><b>Revised Draft (04/2023):</b> If a Restaurant is participating in the Temporary Al Fresco Program and has valid approvals to sell alcohol, the Restaurant is eligible for deemed to be approved status. They must complete a short online application, at no cost, to City Planning within six (6) months of the expiration of the Temporary Authorization while they continue to sell alcohol in their Outdoor Dining Area.</p> <p>If a Restaurant has valid approvals to sell alcohol, but did <u>not</u> participate in the Temporary Al Fresco Program and wishes to add an Outdoor Dining Area where alcohol will be served, the Restaurant must complete a short online application to City Planning, costing ~\$400, to sell alcohol in their new Outdoor Dining Area.</p>

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<b>Alcohol - Standards</b>	<p><i>Operation must match the character and mode of the existing establishment in regards to alcohol service.</i></p> <p><i>All alcohol that is served shall be delivered to tables by employees.</i></p> <p><i>All patrons shall be seated.</i></p> <p><i>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.</i></p>	<p><b>Initial Draft (11/2022):</b> Alcohol service standards or conditions of approval set by alcohol approvals (Conditional Use Beverage, Restaurant Beverage Program, or Plan Approval), as applicable to each property.</p> <p><b>Revised Draft (04/2023):</b> Alcohol served in an Outdoor Dining Area must be delivered to and served at tables by Restaurant employees to customers that are seated in an Al Fresco Outdoor Dining Area on private property (parking lot, patio, courtyard, or plaza) or in the public right-of-way (sidewalk, instreet, or curbside). No fixed or portable bar service areas are permitted in the Outdoor Dining Areas.</p>
<b>Alcohol - Planning Fees<sup>+</sup></b>	No application fee.	<p><b>Initial Draft (11/2022):</b> Conditional Use Beverage (CUB)..... ~ \$20,000 Restaurant Beverage Program (RBP)..... ~ \$4,000 Plan Approval..... ~ \$8,000</p> <p><b>Revised Draft (04/2023):</b> Restaurants with Temporary Authorizations.....no planning fee Alcohol in New Outdoor Dining Areas..... ~ \$400</p>
<b>Definition and Site Design</b>	<p><i>Allow temporary outdoor dining to be greater than 50% of indoor dining, without a specific restriction on the number of seats.</i></p> <p><i>Allow temporary covered outdoor dining areas to be exempt from zoning floor area limitations.</i></p> <p><i>Allow temporary outdoor dining on ground floor plaza and open space areas, as well as outdoor areas above the ground floor.</i></p>	<p><b>Initial Draft (11/2022):</b> An Outdoor Dining Area is an area located outdoors on private property (including ground floor areas as well as outdoor areas above the ground floor such as a parking lot, patio, courtyard, or plaza) for the consumption of food and drinks by the customers of a Restaurant. An Outdoor Dining Area may be covered or uncovered, 50% of the perimeter must be open, and barriers must be installed to separate parked or moving vehicles from the Outdoor Dining Area. An Outdoor Dining Area does not count toward a Restaurant's Floor Area calculation and there are no limitations on outdoor dining as it relates to indoor dining (i.e. removal of 50% restriction).</p>

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<p><b>Good Neighbor Policies - Maintenance, Operations, and Residential Adjacency</b></p>	<p><i>Requires nightly cleaning of premise, outdoor seating areas, and adjoining sidewalk areas free of debris and litter.</i></p> <p><i>All temporary outdoor dining areas shall operate no later than 10:30pm if adjacent to residentially zoned properties or residential uses.</i></p> <p><i>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 LA 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.</i></p>	<p><b>Initial Draft (11/2022):</b>  Outdoor Dining Areas and adjoining sidewalks should be cleaned and maintained by the Restaurant and should only operate when the kitchen is open. Outdoor Dining Areas next to or across an alley from an Agricultural or Residential Zone (except Residential/Accessory Services Zones) can only operate between the hours of 7:00 a.m. and 11:00 p.m. and must be at least 20 feet away from an Agricultural or Residential Zone.‡</p> <p><b>Revised Draft (04/2023):</b>  Outdoor Dining Areas and adjoining sidewalks should be cleaned and maintained by the Restaurant. Outdoor Dining Areas adjacent or across an alley from a residential use must close by 10:30 p.m. The Restaurant must post a visible City-issued identification in the Outdoor Dining Area indicating that the area is subject to Al Fresco standards, and provides a telephone number and an email address for reporting complaints and concerns.</p>
<p><b>Good Neighbor Policies - Noise and Private Events</b></p>	<p><i>Prohibit music, television monitors, screens and speakers in temporary outdoor dining areas.</i></p> <p><i>Prohibit live entertainment, dancing, pool tables, billiard tables, and adult entertainment uses pursuant to LAMC 12.70 in all temporary outdoor dining areas.</i></p> <p><i>Prohibit private events and cover charges in temporary outdoor dining areas.</i></p>	<p><b>Initial Draft (11/2022):</b>  Music, television monitors, screens, speakers, live entertainment, dancing, pool tables, billiard tables, adult entertainment uses, private events, and cover charges are prohibited in Outdoor Dining Areas.</p> <p><b>Revised Draft (04/2023):</b>  Music, television monitors, screens, speakers, live entertainment, dancing, pool tables, billiard tables, and adult entertainment uses are prohibited in Outdoor Dining Areas.</p>

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<b>Non-Compliance and Enforcement</b>	<p><i>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.</i></p>	<p><b>Initial Draft (11/2022):</b> Violations of the ordinance’s operational and parking relief standards may require a Restaurant with an Outdoor Dining Area to apply for a Conditional Use Permit.</p>
		<p><b>Revised Draft (04/2023):</b> Violations of the Outdoor Dining Area standards may result in inspection and enforcement actions.</p>
<b>Parking</b>	<p><i>Allow temporary outdoor dining without triggering new parking requirements.</i></p> <p><i>Allow temporary outdoor dining in existing parking areas, without requiring replacement parking.</i></p>	<p><b>Initial Draft (11/2022):</b> No additional parking is required for the Outdoor Dining Area. A maximum of five required parking spaces may be replaced by an Outdoor Dining Area, however, accessible parking space requirements still apply. Converting shared parking spaces into an Outdoor Dining Area requires the property owner’s permission.</p>
		<p><b>Revised Draft (04/2023):</b> No additional parking is required for the Outdoor Dining Area and parking spaces may be replaced by an Outdoor Dining Area.</p>
<b>Permitting Process for Outdoor Dining Area</b>	<p>(The applicant must self-certify that they are either the restaurant owner or a representative who is authorized to apply for the Temporary Authorization on behalf of the restaurant owner, and agree to the conditions of the Temporary Authorization)</p> <p><i>This approval constitutes a temporary use authorization for outdoor dining areas for the duration of the Mayoral order, subject to additional extensions by Mayoral order.</i></p> <p><i>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.</i></p>	<p><b>Initial Draft (11/2022):</b> A Restaurant operating an Outdoor Dining Area must have all necessary permits to operate the Restaurant. Outdoor Dining Areas that meet the standards established by the Ordinance are allowed without additional City Planning review, wherever restaurants are allowed (such as in RAS, C, or M Zones).‡ A Restaurant who wants to deviate from the standards may request a Conditional Use Permit.</p>
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<b>Relationship to Other Zoning Provisions - Specific Plans, Overlays, and Code</b>	<i>Exempt temporary outdoor dining from geographic specific plans, zoning overlays, and other zoning code approvals.</i>	<p><b>Initial Draft (11/2022):</b> Standards established by this Ordinance override standards in Specific Plans, Supplemental Use Districts or other overlays, or other zoning limitations.</p> <p><b>Revised Draft (04/2023):</b> Standards established by this Ordinance override standards in Specific Plans, Supplemental Use Districts or other overlays, or other zoning limitations. This includes any additional requirements for design review.</p>
<b>Safety - Building and Fire Code</b>	<p><i>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.</i></p> <p><i>Exits from proposed outdoor dining areas must be provided with direct, unobstructed access to the public right of way. Fire apparatus access roads must remain unobstructed.</i></p> <p><i>Immediate access to Fire Department connections shall be maintained without obstructions.</i></p>	<p><b>Initial Draft (11/2022):</b> An Outdoor Dining Area must be accessible by people of all abilities. Additionally, all structures, furniture, equipment, and site configurations of an Outdoor Dining Area must follow Building Code and Fire Code standards.</p> <p><b>Revised Draft (04/2023):</b> Silent, defers to safety regulations in Building and Fire Codes.</p>
<p>* Italicized text represents direct quotes from the Temporary Al Fresco Authorization and Ordinance drafts. Non-italicized text represents text that has been paraphrased for ease of reading and/or a summary of key information.  + Fee amounts estimated with applicable surcharges.  ‡ To search a property's Zone, visit the Department of City Planning website at: <a href="https://planning.lacity.org/zoning/zoning-search">https://planning.lacity.org/zoning/zoning-search</a>.</p>		