



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



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## **Guidelines for Temporary Outdoor Dining**

### **Private Walkways and On-Site/Off-Site Parking Facilities**

#### **A. Purpose**

As Los Angeles County moves towards recovery during the COVID-19 emergency, social (physical) distancing measures aimed at curtailing the spread of the virus prevent restaurants from operating at full capacity. To counter these limitations, many jurisdictions across the country have repurposed sidewalks, street parking spaces, and private parking lots to provide additional dining space.

This document outlines a process for restaurant operators and their building owners to utilize private walkways and on-site and off-site parking facilities for temporary outdoor dining during the COVID-19 emergency.

The eligibility criteria, applicant requirements, and application and review processes for each type of outdoor dining option are described below.

#### **B. Temporary Outdoor Dining in Private Walkways and Parking Facilities**

##### **1. Private On-site Walkways and Parking Facilities**

Restaurants and other sit-down dining establishments (“establishments”) currently require on-site parking facilities in most unincorporated communities in Los Angeles County pursuant to [Chapter 22.112 \(Parking\) of the Los Angeles County Code](#). Establishments with outdoor dining must also comply with specific development standards provided in [Section 22.140.410 \(Outdoor Dining\) of the Los Angeles County Code](#) and/or an applicable Community Standards District (“CSD”).

Any reduction in the number of required parking spaces provided on-site, or through alternative parking arrangements (e.g. off-site parking), require a discretionary permit. Depending on the type of reduction or alternative arrangement, the permit could be a Minor Parking Deviation pursuant to [Los Angeles County Code Chapter 22.176](#), a Parking Permit pursuant to [Los Angeles County Code Chapter 22.178](#), or a Variance pursuant to [Los Angeles County Code](#)

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[Chapter 22.194](#). The application fee for these permits range from \$1,532 to \$10,069 and environmental analysis under the California Environmental Quality Act (“CEQA”) may require additional fees.

Special Event Permits (“SEPs”) authorize temporary uses, activities, or events in locations where they are otherwise not allowed by the underlying zoning pursuant to [Chapter 22.188 \(Special Event Permits\) of the Los Angeles County Code](#). SEPs authorize short-term and extended-term special events, and require noticing for a 15-day public comment period. Short-term special events are limited to no more than 6 weekends or 7 consecutive days during any 12-month period. The application fees are \$234 for an SEP without a public hearing (i.e. short-term special event), and \$3,523 for an SEP with a public hearing (i.e. extended-term special event).

To increase the ability for establishments to utilize on-site walkways and parking facilities for outdoor dining purposes and further slow the spread of COVID-19, Chapter 22.112 (Parking), Section 22.140.410 (Outdoor Dining), and Chapter 22.188 (Special Event Permits) of the Los Angeles County Code as well as any applicable CSDs with outdoor dining provisions, have been superseded by the following requirements and application and review information for the duration of the Safer at Home Order per “Resolution of the County of Los Angeles Board of Supervisors Declaring Intent to Fast-Track Outdoor Dining Guidelines in Unincorporated Areas” as approved on July 7, 2020.

**a. Eligibility Criteria – On-Site**

Applicants will be eligible for a temporary outdoor dining SEP if the applicant owns a permitted establishment with private on-site walkways or parking facilities in an unincorporated Los Angeles County community and has authorization from the property owner to establish the temporary outdoor dining area.

**b. Applicant Requirements – On-Site**

Los Angeles County will issue a temporary outdoor dining SEP if the applicant complies with the following requirements throughout the permit’s duration:

- i. Provide authorization from the property owner, if different than the applicant.
- ii. Maintain a valid County of Los Angeles business license.
- iii. Defend, indemnify, and hold harmless the County of Los Angeles, its Supervisors, employees, and agents in regard to any claims, lawsuits, or liability arising from injuries and/or damage caused by, or related to, applicant's or its employees or agents' conduct, including, without limitation, negligent or tortious conduct, under this SEP and/or in breach or violation of this SEP, which conduct may include, without limitation, placement, use, or maintenance of outdoor dining furnishings and equipment.

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- iv. The temporary outdoor dining area does not exceed 100% of the existing establishment's dining floor area. Parking for the temporary outdoor dining area shall not be required.
- v. No more than 50% of the establishment's on-site parking spaces are converted into a temporary outdoor dining area. Walkways may be included in the temporary outdoor dining area.
- vi. The temporary outdoor dining area is not separated from the establishment by an active driveway and is not located within 10 feet of any active driveway or aisle within the on-site parking facility, including any loading zones. Except for any required fire lanes, interior driveways may be converted to temporary outdoor dining area so as long as adequate vehicular circulation within the parking facility is maintained.
- vii. The temporary outdoor dining area is delineated from any active driveway or parking areas with barriers to ensure vehicular traffic cannot enter the temporary outdoor dining area. If the temporary outdoor dining area is adjacent to a public sidewalk, street or highway, the barrier must provide separation unless the public right-of-way is also authorized for temporary dining use under a temporary permit approved under the County's Temporary Outdoor Dining program. Acceptable barriers include federally recognized traffic barricades.
- viii. The temporary outdoor dining area has lighting arranged to prevent glare or direct illumination onto any residential or agricultural zone.
- ix. Only the following furnishings and equipment may be placed within the temporary outdoor dining area:
  - (a) Tables
  - (b) Chairs and benches
  - (c) Structures and equipment for weather protection, including:
    - i. Umbrellas that do not overhang any internal active driveway, Americans with Disabilities Act (ADA)-accessible parking space or ADA path of travel, and are in a stable base to prevent accidental or wind-blown tipping over; and
    - ii. Shade structures no larger than 120 square feet in size.
- x. Authorized outdoor dining furnishings and equipment are not attached to the on-site walkway or parking facility in any way.
- xi. Consumption of alcoholic beverages within the temporary outdoor dining area can only occur if the existing establishment is authorized to sell alcoholic beverages by a valid Conditional Use Permit, is "deemed approved" pursuant to [Los Angeles County Code Section 22.140.030](#)

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(Alcoholic Beverage Sales), or as approved by the temporary outdoor dining SEP. Consumption of alcoholic beverages must occur in compliance with all the requirements of the underlying approval, including hours of operation.

- xii. Any accessory live entertainment or amplified sound or music is prohibited in the temporary outdoor dining area.
- xiii. Outdoor dining, including structures and equipment, complies with the Los Angeles County Department of Public Health's [Guidance for Outdoor Dining During COVID-19 State Order](#).
- xiv. Food preparation is not conducted in the temporary outdoor dining area.
- xv. The permittee complies with all current ADA requirements, including parking spaces and path of travel.
- xvi. The temporary outdoor dining area remains free from any food or beverage spillage or trash.

The County may revoke the temporary outdoor dining SEP, without hearing, at any time, in the County's sole discretion, for any reason including, without limitation, non-compliance, unsafe conditions, or discontinuation of the program. If the permittee desires to maintain dining privileges within the on-site parking facility once the Temporary Outdoor Dining program ends, the permittee must obtain all applicable approvals, which may include Minor Parking Deviation, Parking Permit or Variance, pursuant to the Los Angeles County Code and comply with the all outdoor dining requirements outlined in [Section 22.140.410 of the Los Angeles County Code](#) and any applicable CSD.

**c. Application Process – On-site**

The applicant must submit an online application on the EPIC-LA website to be considered for a temporary outdoor dining SEP (<https://epicla.lacounty.gov/SelfService/#/home>). Applicants without access to a computer may call (213) 974-6411 for assistance.

- i. Cost. A one-time application fee of \$234 is required.
- ii. Application submission materials. Applicants shall provide the following during the application process:
  - a) A signed acknowledgment agreeing to the Applicant Requirements described in Section B.1.b.
  - b) A description of the temporary outdoor dining area, including barriers, tables, chairs, etc.

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- c) A sketch of the proposed temporary outdoor dining area layout depicting:
- The dimensions of the existing establishment, the on-site parking facility, and the proposed outdoor dining area;
  - The barrier between the temporary outdoor dining area and the on-site parking facility, and public right-of-way if applicable; and
  - The furnishings and equipment.

**d. Review Process – On-Site**

Upon receipt of a completed application, Regional Planning will ensure that the location meets the minimum eligibility criteria and the applicant provided all required documentation. Provisions related to Outdoor Dining, Required Parking, and the granting of an SEP shall not apply except as otherwise required under these Guidelines.

The approval of the consumption of alcoholic beverages within the temporary outdoor dining area shall consider:

- A valid Conditional Use Permit;
- A “Deemed Approved” status; or
- That the establishment meets the following criteria:
  - The establishment was previously authorized to serve alcoholic beverages and will continue to operate under previously approved conditions, and
  - The establishment is proposing the same type of alcohol sales (e.g. beer and wine or full line) as previously authorized, and
  - The establishment has no record of zoning violations under their previous approval, and
  - The establishment is required to file and pay for a Conditional Use Permit within 6 months of the temporary outdoor dining SEP approval, or the SEP shall be rescinded.

**e. Implementation Process – On-Site**

Once a permittee receives the temporary outdoor dining SEP described in Section B.1.d, the permittee may proceed with the temporary conversion of on-site walkways and/or parking facilities to outdoor dining services pursuant to the requirements outlined herein. The permittee shall have the sole responsibility to arrange the authorized temporary outdoor dining area barriers, furnishings and equipment per the sketch provided at the time of application. Should an alternate layout be necessary or desired, the permittee shall submit a new sketch to Regional Planning.

Prior to the serving of any alcoholic beverages within the temporary outdoor dining area as authorized by the temporary outdoor dining SEP, the permittee shall first obtain an approved COVID-19 Temporary Catering Authorization from the California Department of Alcoholic Beverage Control.

**f. Temporary Authorization, Expiration, and Notification – On-Site**

The temporary outdoor dining SEP shall automatically expire upon the end of the County’s proclamation of an emergency and declaration of a local health emergency.

The County reserves the right to revoke the temporary outdoor dining SEP before its expiration date, at any time, for any reason, including, without limitation, lack of compliance with these guidelines, a high volume of reported concerns, or lack of program funding. The County will notify the permittee of the revocation by the preferred method of contact noted on the application.

Upon notification of revocation by the County or the expiration of the temporary outdoor dining SEP, the permittee shall cease the use of the on-site walkway or parking facility for outdoor dining purposes and remove all furnishings, equipment and structures from the temporary outdoor dining area within 72 hours of such notification or expiration.

**2. Private Off-site Walkways and Parking Facilities**

Establishments with outdoor dining in unincorporated Los Angeles County must comply with specific development standards provided in [Section 22.140.410 \(Outdoor Dining\) of the Los Angeles County Code](#) and/or an applicable CSD. Establishments with outdoor dining are also required to provide on-site parking pursuant to [Chapter 22.112 \(Parking\) of the Los Angeles County Code](#), and may provide such parking through off-site parking facilities subject to a discretionary permit pursuant to [Chapter 22.178 \(Parking Permit\)](#) or [Chapter 22.194 \(Variance\)](#) of the Los Angeles County Code, except as otherwise authorized in certain CSDs. The application fee for the Parking Permit or Variance is \$10,069 and environmental analysis under CEQA may require additional fees.

SEPs also authorize temporary uses, activities, or events in locations where they are otherwise not allowed by the underlying zoning pursuant to [Chapter 22.188 \(Special Event Permits\) of the Los Angeles County Code](#). SEPs authorize short-term and extended-term special events, and require noticing for a 15-day public comment period. Short-term special events are limited to no more than 6 weekends or 7 consecutive days during any 12-month period. The application fees are \$234 for an SEP without a public hearing (i.e. short-term special event), and \$3,523 for an SEP with a public hearing (i.e. extended-term special event).

To increase the ability for establishments to utilize off-site walkways and parking facilities for outdoor dining purposes and further slow the spread of COVID-19, Chapter 22.112 (Parking), Section 22.140.410 (Outdoor Dining), and Chapter 22.188 (Special Event Permits) of the Los Angeles County Code as well as any applicable CSDs with outdoor dining provisions, have been superseded by the following requirements and application and review information for the duration of

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the Safer at Home Order per “Resolution of the County of Los Angeles Board of Supervisors Declaring Intent to Fast-Track Outdoor Dining Guidelines in Unincorporated Areas” as approved on July 7, 2020.

**a. Eligibility Criteria – Off-Site**

Applicants will be eligible for a temporary outdoor dining SEP if the applicant owns a permitted establishment in an unincorporated Los Angeles County community, has a valid Parking Permit or Variance to use off-site parking facilities to meet the establishment’s required parking, and has authorization from the owner of the off-site walkway or parking facility to establish the temporary outdoor dining area.

**b. Applicant Requirements – Off-Site**

Los Angeles County will issue a temporary outdoor dining SEP if the applicant complies with the following requirements throughout the permit’s duration:

- i. Provide authorization from the property owner of the establishment and off-site walkway or parking facility, if different than the applicant.
- ii. Maintain a valid County of Los Angeles business license.
- iii. Defend, indemnify, and hold harmless the County of Los Angeles, its Supervisors, employees, and agents in regard to any claims, lawsuits, or liability arising from injuries and/or damage caused by, or related to, applicant's or its employees or agents' conduct, including, without limitation, negligent or tortious conduct, under this SEP and/or in breach or violation of this SEP, which conduct may include, without limitation, placement, use, or maintenance of outdoor dining furnishings and equipment.
- iv. The temporary outdoor dining area does not exceed 100% of the existing establishment’s dining floor area. Parking for the temporary outdoor dining area shall not be required.
- v. No more than 50% of the establishment’s dedicated off-site parking spaces are converted into a temporary outdoor dining area. Walkways may be included in the temporary outdoor dining.
- vi. The temporary outdoor dining area is not separated from the establishment by an active internal driveway and is not located within 10 feet of any active driveway or aisle within the off-site parking facility, including any loading zones. Except for any required fire lanes, interior driveways may be converted to temporary outdoor dining area so long as adequate vehicular circulation within the parking facility is maintained.

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- vii. The temporary outdoor dining area is delineated from any driveway or parking areas with barriers to ensure vehicular traffic cannot enter the temporary outdoor dining area. If the temporary outdoor dining area is adjacent to a public sidewalk, street or highway, the barrier must provide separation unless the public right-of-way is also authorized for temporary dining use under a temporary permit approved under this Temporary Outdoor Dining program. Acceptable barriers include federally recognized traffic.
- viii. Temporary outdoor dining area has lighting arranged to prevent glare or direct illumination onto any residential or agricultural zone.
- ix. Only the following furnishings and equipment may be placed within the temporary outdoor dining area within the off-site walkway or parking facility:
  - (a) Tables
  - (b) Chairs and benches
  - (c) Structures and equipment for weather protection, including:
    - i. Umbrellas that do not overhang any internal active driveway, Americans with Disabilities Act (ADA)-accessible parking space or ADA path of travel, and are in a stable base to prevent accidental or wind-blown tipping over; and
    - ii. Shade structures no larger than 120 square feet in size.
- x. Authorized outdoor dining furnishings and equipment are not attached to the off-site walkway or parking facility in any way.
- xi. Consumption of alcoholic beverages within the temporary outdoor dining area can only occur if the existing establishment is authorized to sell alcoholic beverages by a valid Conditional Use Permit, is “deemed approved” pursuant to [Los Angeles County Code Section 22.140.030 \(Alcoholic Beverage Sales\)](#), or as otherwise approved by the temporary outdoor dining SEP. Consumption of alcoholic beverages must occur in compliance with all the requirements of the underlying approval, including hours of operation.
- xii. Any accessory live entertainment or amplified sound or music is prohibited in the temporary outdoor dining area.
- xiii. Outdoor dining complies with the Los Angeles County Department of Public Health’s [Guidance for Outdoor Dining During COVID-19 State Order](#).
- xiv. Food preparation is not conducted in the temporary outdoor dining area.
- xv. The permittee complies with all current ADA requirements, including parking spaces and path of travel.



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- xvi. The temporary outdoor dining area remains free from any food or beverage spillage or trash.

The County may revoke the temporary outdoor dining SEP, without hearing, at any time, in the County's sole discretion, for any reason including, without limitation, non-compliance, unsafe conditions, or discontinuation of the program. If the permittee desires to maintain dining privileges within the off-site walkway or parking facility once the Temporary Outdoor Dining program ends, the permittee must obtain the applicable Parking Permit or Variance pursuant to the Los Angeles County Code and comply with all outdoor dining requirements outlined in [Section 22.140.410 of the Los Angeles County Code](#) and any applicable CSD.

**c. Application Process – Off-Site**

The applicant must submit an online application to EPIC-LA to be considered for a temporary outdoor dining SEP (<https://epicla.lacounty.gov/SelfService/#/home>). Applicants without access to a computer may call (213) 974-6411 for assistance.

- i. Cost. A one-time application fee of \$234 is required.
- ii. Application submission materials. Applicants shall provide the following during the application process:
  - a) A signed acknowledgment agreeing to the Applicant Requirements described in Section B.2.b.
  - b) A description of the temporary outdoor dining area, including barriers, tables, chairs, etc.
  - c) A sketch of the proposed temporary outdoor dining area layout depicting:
    - The dimensions of existing restaurant or dine-in eating establishment, off-site walkway or parking facility, and proposed outdoor dining area;
    - The barrier between temporary outdoor dining area and off-site walkway or parking facility and public right-of-way, if applicable; and
    - The furnishings and equipment.

**d. Review Process – Off-Site**

Upon receipt of a completed application, Regional Planning will ensure that the applicant provided all required documentation, and that the location for which the applicant is applying meets the minimum eligibility criteria, including a valid Parking Permit or Variance authorizing use of the off-site walkway or parking

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facility. Provisions related to Outdoor Dining, Required Parking, and the granting of an SEP shall not apply except as otherwise required under these Guidelines.

The approval of the consumption of alcoholic beverages within the temporary outdoor dining area shall consider:

- A valid Conditional Use Permit,
- A “Deemed Approved” status, or
- That the establishment meets the following criteria:
  - The establishment was previously authorized to serve alcoholic beverages and will continue to operate under previously approved conditions, and
  - The establishment is proposing the same type of alcohol sales (e.g. beer and wine or full line) as previously authorized, and
  - The establishment has no record of zoning violations under their previous approval, and
  - The establishment is required to file and pay for a Conditional Use Permit within 6 months of the temporary outdoor dining SEP approval, or the SEP shall be rescinded.

**e. Implementation Process – Off-Site**

Once a permittee receives the temporary outdoor dining SEP described in Section B.2.d, the permittee may proceed with the temporary conversion of off-site walkways and/or parking facilities to outdoor dining services pursuant to the requirements outlined herein. The permittee shall have the sole responsibility to arrange the authorized temporary outdoor dining area barriers, furnishings and equipment per the sketch provided at the time of application. Should an alternate layout be necessary or desired, the permittee shall submit a new sketch to Regional Planning.

Prior to the serving of any alcoholic beverages within the temporary outdoor dining area as authorized by the temporary outdoor dining SEP, the permittee shall first obtain an approved COVID-19 Temporary Catering Authorization from the California Department of Alcoholic Beverage Control.

**f. Temporary Authorization, Expiration, and Notification – Off-Site**

The temporary outdoor dining SEP shall automatically expire upon the end of the County’s proclamation of an emergency and declaration of a local health emergency or upon expiration of the associated Parking Permit or Variance.

The County reserves the right to revoke the temporary outdoor dining SEP before its expiration date, at any time, for any reason, including, without limitation, lack of compliance with these guidelines, a high volume of reported concerns, or lack of program funding. The County will notify the permittee of the revocation by the preferred method of contact noted on the application.

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Upon notification of revocation by the County or the expiration of the temporary outdoor dining SEP, the permittee shall cease the use of the off-site walkway or parking facility for outdoor dining purposes and remove all furnishings, equipment and structures from the temporary outdoor dining area within 72 hours of such notification or expiration.

**C. Updates to Guidelines**

This guideline document is intended to be a living document, and periodic updates may be made by the Director of the County Department of Regional Planning in her sole discretion.