

July 8, 2020

## **COVID-19 Temporary Outdoor Dining Program**

### **Sidewalk Dining Guidelines For Restaurants Located in Unincorporated Los Angeles County**

#### **A. Purpose**

As Los Angeles County moves toward 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 the eligibility criteria, applicant requirements, and application and review processes for restaurant owners interested in obtaining a temporary, free permit to utilize public sidewalks for outdoor dining during the COVID-19 emergency.

Outdoor sidewalk dining is currently allowed in the unincorporated County communities under the Los Angeles County Code Section 16.27.010 et seq. (Chapter 16.27). Chapter 16.27 mandates that restaurants obtain an encroachment permit from Public Works to use the sidewalk abutting their property for outdoor dining services. Chapter 16.27 requires a one-time, nonrefundable permit application fee of \$1,275 and an annual renewal fee of \$401 to help offset Public Works' costs associated with permit and inspection services. Further, Chapter 16.27 prohibits sidewalk dining facilities on sidewalks less than 10 feet wide or within 5 feet from the curb or any sidewalk obstruction. In some instances, Chapter 16.27 requirements may preclude restaurant operators from offering outdoor sidewalk dining services to guests. Therefore, these requirements and fees do not apply to obtaining a temporary outdoor sidewalk dining permit through the COVID-19 Temporary Outdoor Dining Program.

To increase the ability of restaurants to utilize the sidewalk for outdoor dining purposes and further slow the spread of COVID-19 the following requirements, application, and review information shall apply for the duration of the County's local emergency for COVID-19.

## **B. Eligibility Criteria**

Applicants will be eligible for a temporary outdoor sidewalk dining permit only if the applicant owns a restaurant that is:

1. Located in an unincorporated County community.
2. Adjacent to a public sidewalk maintained by Public Works.

## **C. Applicant Requirements**

In consideration of Public Works issuing a temporary outdoor sidewalk dining permit, the applicant must comply with the following conditions for the entire duration during which the temporary permit is valid:

1. Maintain a valid County business license.
2. Maintain a valid County health permit.
3. Maintain a minimum \$1,000,000 per occurrence limit for Commercial General Liability insurance policy naming the County as an additional insured.
4. Agree to defend, indemnify, and hold harmless the County, its supervisors, elected officials, public officials, appointed officers, employees, agents, and volunteers as against, and in regard to any demands, claims, actions, lawsuits, proceedings, averments, allegations, verdicts, judgments, settlements, orders, rulings, costs, expenses, and/or fees, including attorney's fees and expert witness fees, arising from injuries and/or damages allegedly caused by, or related to, the conduct of applicant, its employees or agents, including without limitation, negligent or tortious conduct, under this temporary permit and/or in breach or violation of this temporary permit that conduct may include without limitation, placement, use, or maintenance of outdoor dining furnishings, and equipment.
5. Ensure that only the following authorized outdoor sidewalk dining furnishings and equipment are placed on the sidewalk:
  - a. Tables with a height of 48 inches or less
  - b. Chairs and benches with a height of 48 inches or less
  - c. Umbrellas that have a 7-foot minimum vertical clearance when open do not overhang the pedestrian access route and are in a stable base to prevent accidental or windblown tipping over.
6. Maintain a minimum 5-foot-wide clear path for pedestrian access at all times.

7. Ensure that authorized outdoor sidewalk dining furnishings and equipment on the public sidewalk are arranged along the restaurant frontage only and in such a way to protect the health, safety, and general welfare of the public and do not interfere with other establishments. The placement of furnishings shall be consistent with the then current health officer's orders in effect.
8. Ensure that the placement of authorized outdoor sidewalk dining furnishings and equipment are not within 10-feet of any driveway and do not impede bus stops and loading zones, including when stored outside of business hours.
9. Ensure that authorized outdoor sidewalk dining furnishings and equipment are not attached to the sidewalk or damage the sidewalk in any way.
10. Ensure that outdoor sidewalk dining only occurs between the hours of 6 a.m. and 11 p.m.
11. Ensure alcoholic beverages are served in the public right-of-way only if the existing establishment:
  - a. Is authorized to sell alcoholic beverages by a valid Conditional Use Permit or is deemed approved pursuant to Los Angeles County Code Section 22.140.030 (Alcoholic Beverage Sales) and
  - b. Has obtained a COVID-19 Temporary Catering Authorization from the California Department of Alcoholic Beverage Control.

Consumption of alcoholic beverages must occur in compliance with all the requirements of the underlying approval, including hours of operation.

12. Expressly acknowledge that the County may revoke the temporary outdoor sidewalk dining permit without hearing at any time in the County's sole discretion, for any reason, including without limitation, noncompliance, unsafe conditions, or discontinuation of the Program. If the permittee desires to maintain outdoor sidewalk dining privileges once the Temporary Outdoor Dining Program ends, the permittee must obtain an encroachment permit and abide by all the requirements outlined in Chapter 16.27 of the Los Angeles County Code.
13. Ensure that outdoor dining complies with the Los Angeles County Department of Public Health's Guidance for Outdoor Dining During COVID-19 State Order.
14. Ensure that food preparation is not conducted in the temporary outdoor dining space.
15. Ensure that the provided temporary permit is displayed prominently at the front of the business.

16. Ensure compliance with all the current Americans with Disabilities Act requirements.
17. Ensure that the sidewalk remains free from any food or beverage spillage or trash.

#### **D. Application Process**

To be considered for a temporary outdoor sidewalk dining permit, the applicant must submit an online application to Public Works through the County's Electronic Permitting and Inspections portal, EPIC-LA.

1. Cost. There is no cost to apply or participate.
2. Application submission materials. Applicants shall provide the following during the application process:
  - a. Signed acknowledgment agreeing to the applicant requirements described in Section C.
  - b. Description of the sidewalk encroachments (e.g., tables, chairs, etc.)
  - c. Sketch of the proposed outdoor sidewalk dining layout depicting:
    - i. Dimensions of building frontage and proposed dining area
    - ii. Width of the sidewalk
    - iii. 5-foot obstruction-free pedestrian path along the property frontage during and outside business hours.
    - iv. Any above ground obstructions
    - v. Furnishings and equipment, including location and configuration when stored outside of business hours if different from service layout
  - d. Evidence of Commercial General Liability insurance with a minimum \$1,000,000 per occurrence limit, naming the County as an additional insured.
  - e. A copy of the restaurant's valid health permit.

## **E. Review Process**

Upon receipt of a completed application, Public Works will ensure that the applicant provided all required documentation and that the location for which the applicant is applying meets the minimum eligibility criteria.

1. Temporary Permit Certificate. All eligible applicants that submit a complete application will be issued a temporary permit that includes project conditions that must be abided by and a certificate for display at the restaurant. The certificate will include a permit number and contact information for the general public to report concerns.

## **F. Implementation Process**

Once a permittee is issued the temporary permit described in Section E.1, the permittee may proceed with outdoor sidewalk dining services pursuant to the requirements outlined in Section C. The permittee shall have the sole responsibility to arrange the authorized outdoor sidewalk dining furnishings and equipment in accordance with the sketch provided at the time of application. Should an alternate layout be necessary or desired, the permittee shall submit a new sketch to Public Works.

## **G. Temporary Permit Expiration, Revocation, Notification, and Impoundment**

1. Temporary Permit Expiration. The temporary outdoor sidewalk dining permit shall automatically expire on September 30, 2020.

Public Works may choose to extend this date, depending on, among other things, the health officer's orders that are in effect at the time of expiration.

2. Revocation. Public Works reserves the right to revoke the temporary permit before its expiration date, at any time, for any reason, including without limitation, noncompliance, unsafe conditions, or discontinuation of the Program.
3. Notification. Public Works will notify the permittee of the temporary permit revocation by the preferred method of contact noted on the application. Upon notification of revocation the permittee shall immediately cease the use of the public right-of-way for outdoor dining purposes and remove all outdoor sidewalk dining furnishings and equipment from the public right-of-way.
4. Impoundment. If the permittee fails to cease the use of the public right-of-way upon notification of revocation as described in Section G.3, Public Works may, in its sole discretion, impound the outdoor sidewalk dining furnishings and equipment pursuant to Los Angeles County Code section 16.27.120.

Furthermore, Public Works may, in its sole discretion, impound such furnishings and equipment without any advance notice to the permittee if the furnishings and equipment constitute an immediate threat to the health, safety, or welfare of the public. Public Works shall not be held responsible for damages to furnishings and equipment upon impoundment and may impose an impound fee to the permittee.

#### **H. Enforcement**

The following contact information will be on the Temporary Sidewalk Dining Permit Certificate that must be prominently displayed at the restaurant for the public to view. If a concern is reported the responsible County department will investigate.

- General Program Information:  
Public Works, Transportation Planning and Programs Division, at (626) 458-3901.
- Pedestrian route access:  
Public Works, Land Development Division, at (626) 458-4921
- Food safety:  
Public Health, Environmental Health Division, at (888) 700-9995
- Social (Physical) Distancing:  
Public Health, Environmental Health Division, at (888) 700-9995
- Noise:  
Public Health, Environmental Health Division, at (888) 700-9995

#### **I. Evaluation**

Restaurant operators will be provided a survey inviting feedback on the Temporary Outdoor Dining Program. The County will utilize feedback from restaurant operators to inform future Public Works programs.

#### **J. Additional Information**

Additional information regarding temporary sidewalk dining, including frequently asked questions, visit <https://pw.lacounty.gov/outdoor-dining>.

#### **K. Guideline Updates**

This guideline is intended to be a living document and periodic updates may be made at the Public Works' sole discretion. Participants will be notified by e-mail of any changes to the Program that may affect their use of the County road right-of-way.