



# L.A. Al Fresco - Private Property FAQ

## Summary

LA Al Fresco launched in May 2020 as a temporary program to promote the economic vitality of our City's restaurants during the COVID-19 emergency. The program created a new, streamlined process for restaurants to obtain approvals for outdoor dining on private property, sidewalks, and in the streets adjacent to their establishments. It also temporarily relaxed regulations that would otherwise govern outdoor dining, including zoning regulations, fees, and permitting procedures.

In response to the success of the temporary program, the City made *LA Al Fresco* permanent. Below you will find answers to frequently asked questions on the City Council-adopted ordinance ([Ordinance No. 188,073](#), LAMC 12.21 A.24) which is exclusively for outdoor dining on *private property*, with the exception of streamlined alcohol authorization process which applies to both private property and public right-of-way. In addition to this FAQ, please also reference the [Guide for Businesses](#) established to aid in transitioning to the permanent program.

## Background

Effective on January 31, 2023, new Zoning regulations govern outdoor dining on private property. The legislative process to adopt the permanent regulation for the Zoning Code is documented under [Council File 20-1074-S4](#). The policy intent provided by the Committees and Council help clarify the following questions relative to various aspects

of the Ordinance. Of primary importance was the intent to streamline and reduce the “red tape” for businesses to participate in the permanent program to the extent possible while adhering to public safety and regulatory requirements. To that end, various resources have been created to help applicants achieve this goal.

### **Private Property**

Department of Building and Safety

[LADBS-OutdoorDining@lacity.org](mailto:LADBS-OutdoorDining@lacity.org)

### **Alcohol Service Authorization**

Department of Planning

[planning.ccu@lacity.org](mailto:planning.ccu@lacity.org)

The City hosted a series of webinars from February through June 2024 to cover specific topics and answer questions live. Visit [buildla.lacity.org/alfresco](https://buildla.lacity.org/alfresco) and scroll to “Monthly Webinars” for recordings and presentation slides.

## **Frequently Asked Questions**

These FAQs are developed by City Planning (DCP) and the Department of Building and Safety (DBS) for implementation purposes and to respond to the most frequently asked questions and can and will be updated overtime.

### **1. Uses**

**What types of establishments qualify as "restaurants" in the Al Fresco ordinance?**

The Al Fresco ordinance broadly allows outdoor dining throughout the City. For the purpose of implementing the Al Fresco ordinance, a “restaurant” is an establishment that provides any food and drink items for sale and service to patrons. This includes food-serving establishments that serve alcohol for on-site consumption that adhere to the Al Fresco conditions.

An operation requesting Al Fresco Alcohol Authorization will need to demonstrate that it is a “restaurant” allowed to use the ordinance by providing a menu with food items for sale and served during all operating hours.

## 2. Applicability

### Where is outdoor dining allowed?

Outdoor Dining Areas are permitted in all RAS, C, and M zones, or wherever restaurants are allowed (See *LAMC Section 12.21 A.24(b)*). When there is a previously approved discretionary action with conditions associated with outdoor dining, please consult with DCP to determine which conditions may be superseded by AI Fresco, and which may need further review and approval(s).

An Outdoor Dining Area shall not be considered a project nor require any design review procedures under any Specific Plan, Supplemental Use District, or other overlay, except for Historic Preservation Overlay Zones (HPOZs) (See *LAMC Section 12.21 A.24(g)*). Within these areas, projects that propose work beyond the scope of an AI Fresco outdoor dining area will receive a clearance by DBS requiring further review by DCP. In addition, projects in the Coastal Zone, in a Redevelopment Plan Area, and as a part of a Historic Cultural Monument will receive a clearance to City Planning for review.

Please consult with DBS and DCP to help determine the applicability of AI Fresco to specific sites and the appropriate project review pathway.

## 3. Enclosure

### How will AI Fresco dining area enclosures be reviewed for compliance?

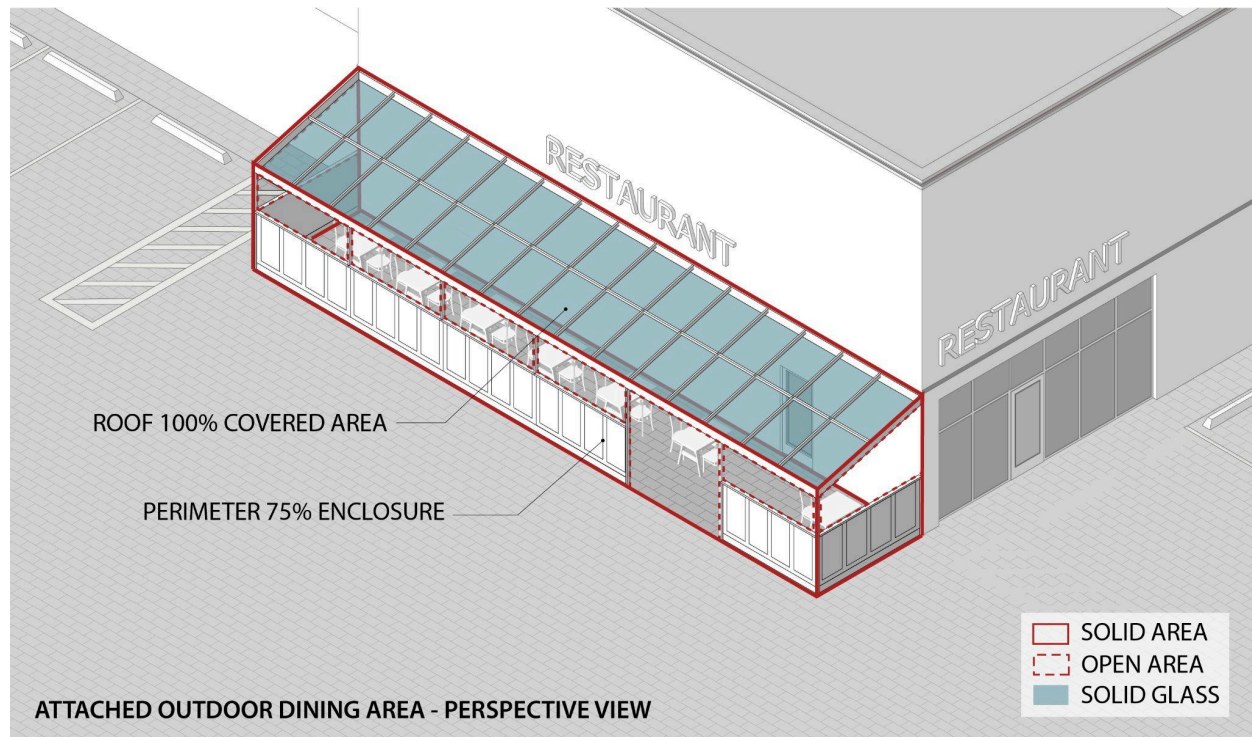
Outdoor Dining Areas must be located outside of the primary restaurant and may be covered or uncovered, but not fully enclosed. The enclosure standards for Zoning compliance include the following:

1. If an Outdoor Dining Area's perimeter enclosure is no more than 75%, the roof may be fully open, partially covered, or fully covered (i.e. between 0% and 100% covered area).
2. If an Outdoor Dining Area has a perimeter enclosure that is greater than 75%, the roof may have no more than 25% covered area.
3. Moveable, non-permanent delineators do not count towards the maximum perimeter enclosure. Examples of such delineators may include, but are not limited to, unanchored planters and unanchored lattice fences.

The following notes and diagrams have been created to help clarify these standards. Please note that the diagrams are for general guidance only and compliance with coverage and enclosure standards for each establishment will be confirmed by the Department of Building and Safety through the permit process.

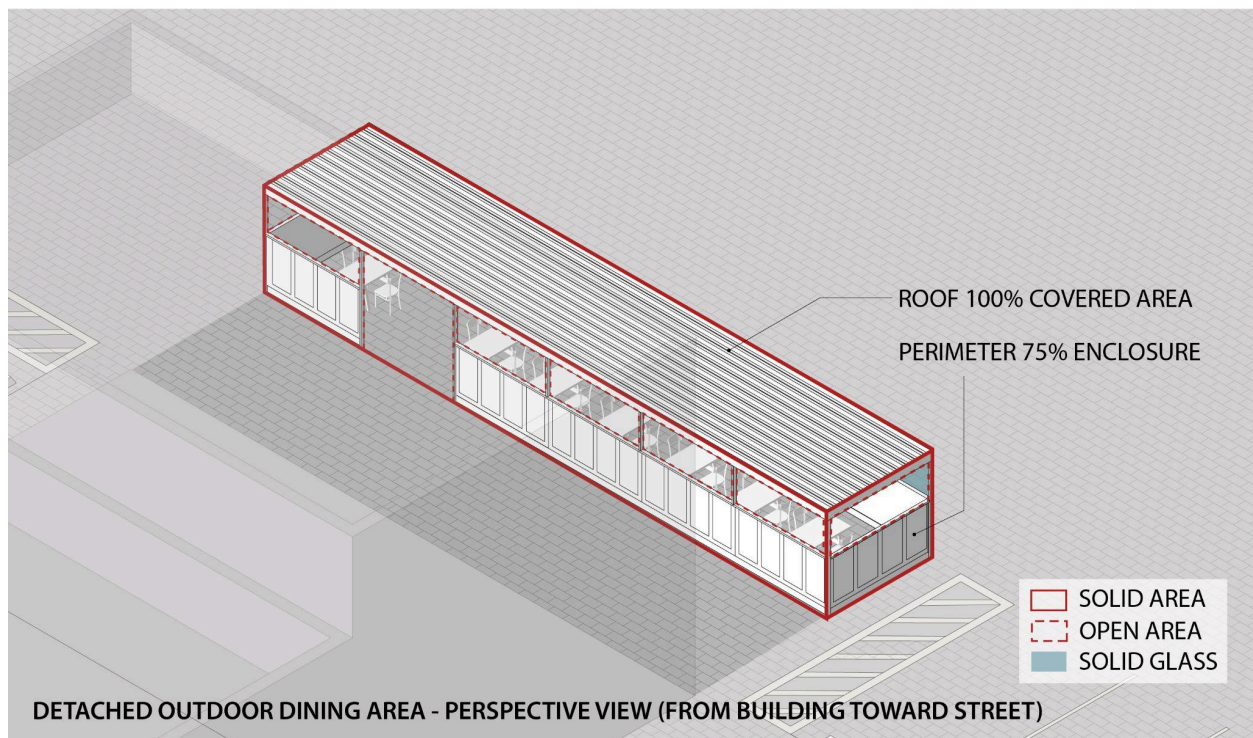
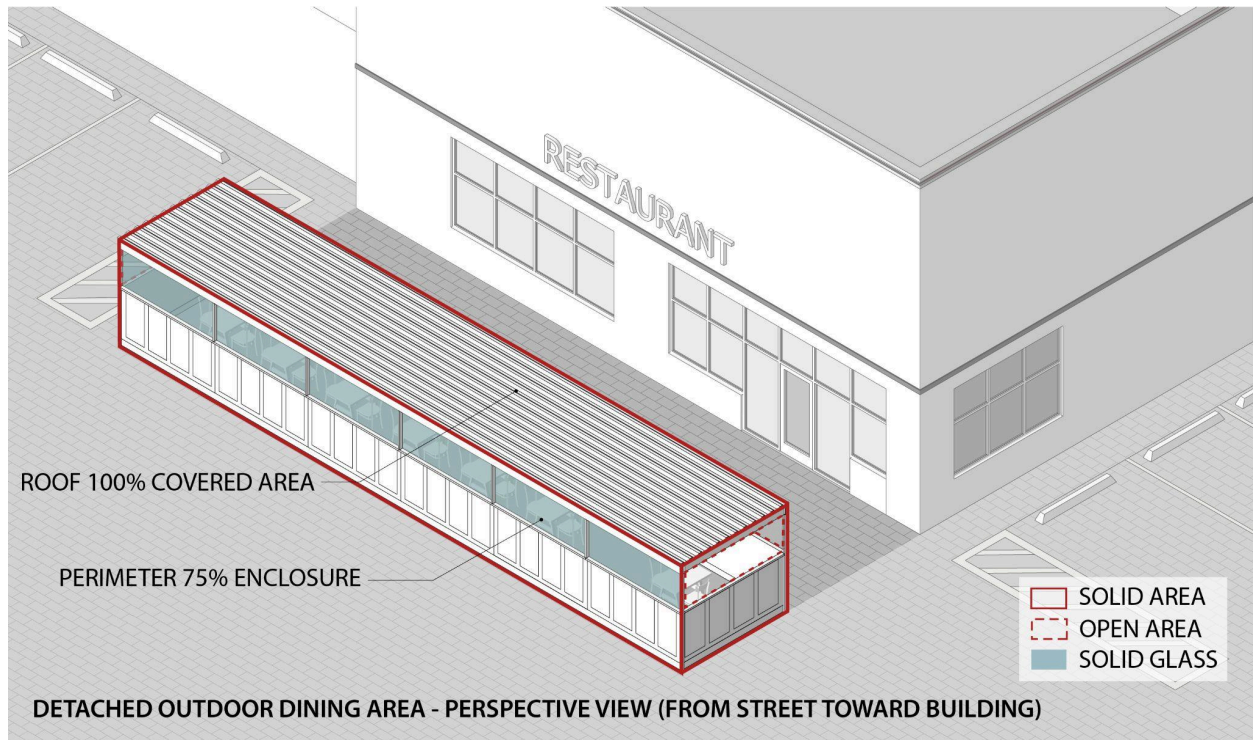
- Percentage of enclosure is calculated based on the entire perimeter (i.e. 100% perimeter enclosure is solid on all sides of the structure).
- Solid walls of existing buildings count towards the enclosure calculations.
- Open areas do not count towards the enclosure and covered area calculations.
- Glass material is considered solid and therefore counts towards the enclosure and covered area calculations.
- For slatted materials, the solid portions count towards the enclosure and covered area calculations but the open portions do not.

**SCENARIO 1** - *An Outdoor Dining Area that is attached to a building and has a perimeter enclosure of no more than 75% and a roof with 100% covered area.*

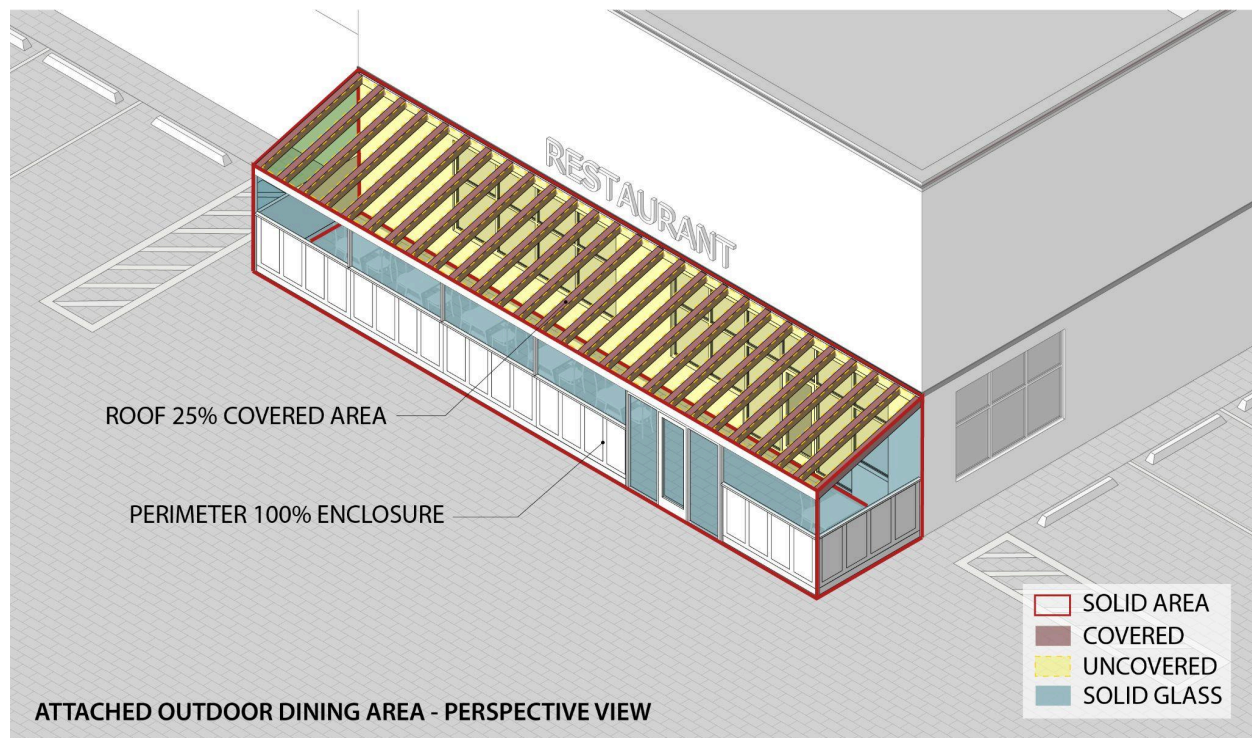




**SCENARIO 2** - An Outdoor Dining Area that is not attached to a building and has a perimeter enclosure of no more than 75% and a roof with 100% covered area. (Note: Following two diagrams show one Outdoor Dining Area in two different perspectives.)



**SCENARIO 3** - An Outdoor Dining Area that is attached to a building and has a perimeter enclosure of 100% and a roof with no more than 25% covered area.



## 4. Parking

Does the parking relief under the Al Fresco ordinance apply to required parking spaces for existing and new development projects?

The parking relief offered under the ordinance is applicable to parking spaces required for an existing or new restaurant associated with the outdoor dining area only and will be assessed on a case-by-case basis by the Department of Building and Safety. The parking relief allowance shall only remove parking that directly serves the restaurant.

In addition, when an outdoor dining area is located in a parking area and automobile parking spaces are replaced by the outdoor dining area, at least one automobile parking space is required unless the project meets any of the three exemptions outlined below (LAMC Section 12.21 A.24(d)(2)):

- (i) The primary restaurant contains 3,000 square feet or less of floor area;
- (ii) The Outdoor Dining Area is 1,000 square feet or less; or,
- (iii) As otherwise prohibited by state or federal law.

## 5. Setback

Is an Outdoor Dining Area allowed in required setbacks for the Zone?

An Outdoor Dining Area as a use may be allowed within the required setback areas of a given Zone; however, structures that require the issuance of a building permit must comply with the setback requirements.