



ASSUMPTION OF RISK AGREEMENT Outdoor Dining Permits In The Coastal Zone

PROPERTY OWNER AND APPLICANT ACKNOWLEDGMENT OF ASSUMPTION OF RISK FOR CONDITIONAL CLEARANCE OF AN AL FRESCO OUTDOOR DINING AREA IN THE COASTAL ZONE

Notice to Property Owner and Applicant

California Coastal Commission Coastal Development Permit Waiver

During the COVID-19 State of Emergency, the California Coastal Commission (CCC) waived Coastal Development Permit requirements (CDP Waiver) for certain outdoor dining activities pursuant to its authority under California Public Resources Code (PRC) Section 30611. Consistent with Assembly Bill (AB) 1217¹, the California Coastal Commission's Executive Director prepared a memorandum, dated January 30, 2024, addressed to all Coastal Cities and Counties, stating that "[e]xisting waivers issued for outdoor dining programs should be assumed to be extended by virtue of AB 1217." The CCC has granted a temporary waiver of CDP requirements (CDP Waiver) to the City for outdoor dining activities through June 30, 2026. Provided that the establishment is among the list of businesses that previously obtained an L.A. Al Fresco Temporary Use Authorization during the COVID-19 State of Emergency, it is subject to this temporary CDP Waiver.

Conditional Coastal Zone Clearance for Outdoor Dining Areas with a Temporary Use Authorization

Development in the City's Coastal Zone is subject to the requirements of a Coastal Development Permit (CDP), consistent with the Coastal Act. Within the Coastal Zone, the establishment of Outdoor Dining Areas on private property or within the public right-of-way meets the definition of "Development"² and is subject to the permitting requirements of the Coastal Act and development regulations outlined in a certified Land Use Plan (LUP). Applications for Outdoor Dining Areas in the Coastal Zone will be reviewed for compliance with the Coastal Act and must obtain a CDP prior to the issuance of any permits for an Outdoor Dining Area.

Establishments with Outdoor Dining Areas on private property transitioning from the Temporary Use Authorization may continue to operate until June 30, 2026, provided that the Applicant apply for and obtain approval from the Department of Building and Safety for the required permit(s) for an Outdoor Dining Area, along with the submittal of a notarized copy of this Acknowledgment of Assumption of Risk to the Department of City Planning. The Applicant is required to obtain a CDP for the Outdoor Dining Area prior to June 30, 2026, when the CDP Waiver expires or until such other time if the CDP Waiver is further extended by the CCC.

¹ AB 1217 (signed into law on October 8, 2023) This legislation provides restaurants with regulatory flexibility following the end of the COVID-19 State of Emergency on a number of key issues, including a business' ability to expand its permitted area to accommodate patrons and benefit from the suspension of parking requirements and alcohol service requirements for expanded Outdoor Dining Areas.

² As defined in PRC Section 30106.

The approval of any submitted plans and the issuance of a building permit is contingent upon receipt of a final CDP from the City and/or the CCC for the proposed Outdoor Dining Area prior to the end of the Waiver period on June 30, 2026. Failure to obtain a final CDP by June 30, 2026 is subject to permit revocation. Once a final CDP is obtained, the applicant must then obtain a supplemental building permit for clearance of the final CDP by the Department of City Planning prior to the issuance of a Certificate of Occupancy for the approved Outdoor Dining Area.

Contacts And Resources

Contact the City Planning Development Services Center for specialized requirements and instructions to file a Coastal Development Permit and for CDP Waiver eligibility at Planning.figcounter@lacity.org or make an appointment at <https://planning.lacity.gov/project-review/appointments>.

Contact the Project Planning Division at Planning.alfrescoCDP@lacity.org to request a Coastal Development Permit Pre-Application Review.

Additional information on procedures is also available on [ZI No. 2517](#), which can be found on applicable parcel searches on ZIMAS.lacity.org.

The [LA Al Fresco Guide for Businesses](#) is available for additional information on permitting, department contacts, and other relevant topics.

Project Information (to be completed by Applicant)

Permit Application or Case No.: _____

Street Address (incl. Unit #): _____

Legal Description (Lot, Block, Tract): _____

Assessor's Parcel Number: _____

Site Zoning: _____

Project Description:

PROPERTY OWNER ACKNOWLEDGEMENT OF ASSUMPTION OF RISK

The owner of each property seeking an Al Fresco Outdoor Dining Permit must provide a notarized signature. Staff will confirm ownership based on the records of the City Engineer and/or County Assessor. In the case of partnerships, corporations, LLCs, or trusts, an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC, or trust, a disclosure identifying an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25% interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
 - **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the application form may be provided if the property is owned by a partnership, corporation, LLC, or trust or in rare circumstances when an individual property owner is unable to sign the application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized the file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items 1-7 below. In the case of partnerships, corporations, LLCs or trusts the LOA must be signed and notarized by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
 - **Grant Deed.** Provide a Copy of the Grant Deed If the ownership of the property does not match City Records and/or if the application is for a Coastal Development Permit. The Deed must correspond exactly with the ownership listed on the application.
 - **Multiple Owners.** If the property is owned by more than one individual (e.g., John and Jane Doe or Mary Smith and Mark Jones) notarized signatures are required of all owners.
1. The undersigned acknowledges that the approval of any submitted plans and the issuance of a building permit is contingent upon receipt of a final CDP from the City and/or the CCC for the proposed Outdoor Dining Area prior to the end of the Waiver period on June 30, 2026. Failure of the undersigned to obtain a final CDP by June 30, 2026 is subject to permit revocation. Once the undersigned obtains a final CDP, the applicant must obtain a supplemental building permit for clearance of the final CDP by the Department of City Planning prior to the issuance of a Certificate of Occupancy for the approved Outdoor Dining Area.
 2. The undersigned understands that the proposed Outdoor Dining Area is subject to discretionary review for compliance with the Coastal Act through the CDP approval process.
 3. The undersigned acknowledges that the City and/or CCC may require modifications to the proposed scope of work originally reviewed by the City. The property owner will have to abide by these changes in order to effectuate the CDP.
 4. Further, the undersigned assumes all risk and responsibility associated with changes to the construction and/or operation of the Outdoor Dining Area as required by the final CDP approval.

Initials _____

5. The undersigned agrees to defend, indemnify, and hold harmless the City, including its officials, officers, employees and agents, from any and all liability, loss or expenditure of any kind or nature relating to or arising out of, in whole or in part, the City's processing and approval of the Outdoor Dining Area permit, which may be sustained as a result of the change of use and/or construction of the Outdoor Dining Area.
6. The undersigned will strictly adhere to all California State and City of Los Angeles Code requirements, including but not limited to Building and Fire Codes and regulations, and make any changes to the proposed scope of work as needed. The undersigned further acknowledges and understands that no vested rights are conveyed by CDP Waiver clearance associated with this Acknowledgment.
7. By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

Property Owner's signature must be signed/notarized in the presence of a Notary Public. The City requires an original signature from the property owner with the "wet" notary stamp. A Notary Acknowledgment is available for your convenience on the following page.

Signature _____

Date _____

Print Name _____

Signature _____

Date _____

Print Name _____

Space Below for Notary's Use

California All-Purpose Acknowledgement

Civil Code ' 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

On _____ before me, _____
(Insert Name of Notary Public and Title)

personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature (Seal)

APPLICANT ACKNOWLEDGMENT OF ASSUMPTION OF RISK

A separate signature from the applicant³, whether they are the property owner or not, attesting to the following, is required before the Coastal Zone clearance can be issued.

1. The undersigned acknowledges that the approval of any submitted plans and the issuance of a building permit is contingent upon receipt of a final CDP from the City and/or the CCC for the proposed Outdoor Dining Area prior to the end of the Waiver period on June 30, 2026. Failure of the undersigned to obtain a final CDP by June 30, 2026 is subject to permit revocation. Once the undersigned obtains a final CDP, the applicant must obtain a supplemental building permit for clearance of the final CDP by the Department of City Planning prior to the issuance of a Certificate of Occupancy for the approved Outdoor Dining Area.
2. The undersigned understands that the proposed Outdoor Dining Area is subject to discretionary review for compliance with the Coastal Act through the CDP approval process.
3. The undersigned acknowledges that the City and/or CCC may require modifications to the proposed scope of work originally reviewed by the City. The applicant will have to abide by these changes in order to effectuate the CDP.
4. Further, the undersigned assumes all risk and responsibility associated with changes to the construction and/or operation of the Outdoor Dining Area as required by the final CDP approval.
5. The undersigned agrees to defend, indemnify, and hold harmless the City, including its officials, officers, employees and agents, from any and all liability, loss or expenditure of any kind or nature relating to or arising out of, in whole or in part, the City's processing and approval of the Outdoor Dining Area permit, which may be sustained as a result of the change of use and/or construction of the Outdoor Dining Area.
6. The undersigned will strictly adhere to all California State and City of Los Angeles Code requirements, including but not limited to Building and Fire Codes and regulations, and make any changes to the proposed scope of work as needed. The undersigned further acknowledges and understands that no vested rights are conveyed by the CDP Waiver clearance associated with this Acknowledgment.
7. By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct. Executed on _____ (day) _____ (month), _____ (year) at _____ (city), _____ (state/province), _____ (country).

Signature _____

Print Name _____

³ An applicant is a person with a lasting interest in the completed project, such as the property owner or an operator/lessee of an Outdoor Dining Area, and not an agent/representative who files an application on behalf of a client.