

Open Air Dining Frequently Asked Questions

- Can I use the public sidewalk in front of my restaurant for open air dining?
 - Yes, open air dining areas may be located in the public right-of-way, in whole or in part.
 - In order to maintain sufficient space for pedestrians, a path at least 5' wide must remain free of obstructions (tables, chairs, parking meters, tree wells, etc.) at all times. In addition, open air dining may not occupy more than 50 percent of the width of the sidewalk.
- Does my project have to be reviewed by the Planning Commission or City Council?
 - Most open air dining applications can be processed at the staff level. However, if the project's exterior boundaries are within 170' of a residential zone and more than 12 chairs are proposed on private property, it *must* be reviewed by the Planning Commission. The [City's GIS program](#) can provide information about the zone in which your project is located and its proximity to residential zones.
 - Staff may also refer the project to Planning Commission if there are concerns about the impacts of the project on any sensitive uses. Please speak with your project planner to determine the appropriate type of review for your project.
- What fees should I expect to pay?
 - Application fees include a base Open Air Dining processing fee and variable fees based on the number of recipients that must receive public notice for the project, the size of the area being leased in the public right-of-way, and whether Planning Commission review is required.
 - After approval, an annual lease fee is required by the City on a per-square-foot basis.
 - A one-time sewer fee based on the number of seats will also be required by Los Angeles County.
 - If the project includes a railing or barrier, a refundable sidewalk restoration guarantee deposit is required to cover potential City costs related to removal of the outdoor dining area. The deposit is \$2,500 for up to 150 square feet of dining area and \$10 for each additional square foot.
 - Additional information about fees can be found here: [Planning Fee Schedule](#)
- What insurance does the City require?
 - The City requires proof of insurance that includes the City of Beverly Hills as a Certificate Holder or Additional Insured with the following minimum coverage:
 - All applicants must hold and maintain a minimum insurance coverage of \$2,000,000 comprehensive general liability for each occurrence and \$2,000,000 in aggregate, and \$1,000,000 in worker's compensation in conjunction with the operation of open air dining.
 - A sample Certificate of Insurance is available on the City's [Planning Applications](#) website.
- What do I need in order to submit an Open Air Dining application?
 - Complete and print the Open Air Dining Application. **Attach printed copies and digital files of all of the following:**

- Public Notice Requirements
 - Radius Maps
 - Mailing Labels (**Printed** – 2 sets for staff level review; 3 sets for Planning Commission level review)
 - Mailed Notice Affidavit
 - Posted Notice Affidavit
- Plot Plan
- Elevations
- Furniture Tear Sheets
- Photographs of area to be occupied by open air dining
- Certificate of Insurance
- Transitional Use License (for businesses within 170' of residential zones)
- Payment of required fees
- Further explanation of each required item is available on the Open Air Dining application checklist (pages 8-14) here: [Open Air Dining Application](#)
- How do I submit my application?
 - Contact Planning staff by phone or email to set up an in-person appointment in the Permit Center on the first floor of City Hall. You can find our contact information on the first page of the open air dining application.
- How long will it take for my application to be processed?
 - Due to the required public noticing, the minimum time from project submission to a staff-level approval is five weeks. More often, the process takes six to eight weeks. A Planning Commission case may take longer. Submitting a complete application is the key to a quick review.