

INFORMATION  
BULLETIN

## 304

May 2022

## Spaces as Places

Spaces as Places allows for the use of the public right of way and private property for outdoor dining and other uses through a menu of options, including Streetaries, Active Sidewalks, Outdoor Dining on Private Property, and Promenades.

### I. Where are Spaces as Places allowed?

Streetaries, Active Sidewalks and Outdoor Dining on Private Property are permitted where the Use Regulation Tables identify as a Limited Use. Generally, Streetaries, Active sidewalks and Outdoor Dining on Private Property are allowed in most Commercial Zones and Mixed Zones.

To determine if Spaces as Places is a permitted use for your business, you must first determine the Zoning designation for your property and if the Use Regulations Table for your Zone allows Spaces as Places.

### II. Planning Your Project

To determine if Spaces as Places is a permitted use for your business, you must first determine the Zoning designation for your property and if the Use Regulations Table for your Zone allows Spaces as Places. Before applying, verify that Spaces as Places is a permitted use by:

- a. Verify the zoning designation for your business property using the [Zoning and Parcel Information Portal](#) (ZAPP) or the [Zoning Address Look-Up](#).
- b. Cross-check your zoning designation with the [Use Regulations Table for your zone](#). Streetaries and Active Sidewalks are listed as Separately Regulated Commercial Services Uses in the Use Regulation Tables and are grouped as Sidewalk Cafes, Streetaries and Active Sidewalks. Outdoor Dining on Private Property is listed as Separately Regulated Institutional Use in the Use Regulations Tables.
- c. Review [SDMC Chapter 13, Article 1, Divisions 1 through 7](#) to determine if the Use Regulation Tables for the property's Zone allows Spaces as Places. Streetaries and Active Sidewalks are listed as Separately Regulated Commercial Services Uses in the Use Regulation Tables and are grouped as Sidewalk Cafes, Streetaries and Active Sidewalks. Outdoor Dining on Private Property is listed as Separately Regulated Institutional Use in the Use Regulations Tables.

#### 1. Streetaries

Streetaries are outdoor places created in areas formerly dedicated to parking spaces that serve as an extension of a restaurant or other establishment that sells food and drink in accordance with SDMC section 141.0621(b) and the [Spaces As Places Design Manual](#). Review the Streetaries Questionnaire to ensure site-specific requirements are met. For detailed location and design requirements, see [Form DS-355](#).

#### 2. Active Sidewalks

Active Sidewalks are similar to Streetaries but consist of a permanent concrete sidewalk extension of the existing curb to extend into the existing parking spaces to facilitate a variety of activities such as recreation, outdoor dining, and enjoyable public interaction, all of which

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contribute to an enhanced active transportation experience, making it more likely that people will walk or bike per SDMC [§141.0621\(c\)](#) and the [Spaces as Places Design Manual](#).

#### A. Location Requirements

- Active Sidewalks are allowed where on-street parking exists and on streets wide enough to accommodate a Class IV bike facility even after an Active Sidewalk is installed.
- Active Sidewalks will be designed to meet all locational requirements to the satisfaction of the City Engineer.

#### B. Design Requirements

Active Sidewalks will meet all engineering standards to the satisfaction of the City Engineer.

### 3. Outdoor Dining within Private Property

Spaces as Places allows permanent Outdoor Dining on Private Property to replace existing privately owned off-street parking within transit priority areas or excess existing privately owned off-street parking outside of transit priority areas in accordance with SDMC [§141.0628](#) and the [Spaces as Places Design Manual](#).

### 4. Promenades

Promenades involve partial or complete street closures to vehicular traffic to facilitate active transportation uses such as walking and biking free from vehicular conflicts in accordance with SDMC [§141.0629](#) and the [Spaces as Places Design Manual](#).

## III. Approval Types

### 1. Public Right-of-Way Permit

A Public Right-of-Way Permit is required for Streetaries, Active Sidewalks and Promenades. There are no exemptions.

### 2. Building Permit

Dining on Private Property requires a Building Permit. There are no exemptions.

### 3. Coastal Development Permit

If a premise is located within the Coastal Overlay Zone, then a Coastal Development Permit may be required for a Streetary, Active Sidewalk, Outdoor Dining on Private Property and a Promenade. The City is currently requesting that the California Coastal Commission allow all Spaces as Spaces projects to be exempt from a Coastal Development Permit.

## IV. Decision Processes

Public Right-of-Way permits for Streetaries, Active Sidewalks and Promenades will be reviewed through Process One if all requirements are met. If deviations are requested, a Process Two Neighborhood Development Permit is required.

Building permits for Outdoor Dining on Private Property are reviewed through Process One.

## V. Application Requirements for Streetaries, Active Sidewalks and Promenades

A Public Right-of-Way Permit must be approved before installing Streetaries, Active Sidewalks and Promenades. All applications for a [Public Right-of-Way Permit](#) must be submitted online along with the following completed items:

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**A. Stormwater Requirements**

[Applicability Checklist \(DS-560\)](#)

**B. Encroachment Maintenance & Removal Agreement**

An Encroachment Maintenance & Removal Agreement must be signed by the property owner benefitting from the encroachment. The Encroachment Maintenance & Removal Agreement is recorded in the Office of the County Recorder as an encumbrance against the benefitting property. Encroachment Maintenance and Removal Agreement.

**C. Encroachment Exhibit**

An 8-1/2" x 11" exhibit drawn to scale, detailing the encroachment area, detailing the encroachment area, including the following minimum details:

- Vicinity Map.
- The right-of-way lines completely labeled and dimensioned.
- The location and type of encroachment clearly identified.
- Existing and proposed right-of-way improvements, such as driveways, sidewalks, trees, light posts, fire hydrants, water meters, etc.
- Elevation views with heights dimensioned for above-ground structures.
- North arrow and scale.

**D. Construction Plan**

[PDF Construction Plan](#) (DS-3179) (PDF), [DWG Construction Plan](#) (DS-3179) CAD for Streetaries or [D-Sheet Drawing](#) (DWG Improvement Plan ZIP), [PDF Improvement Plan](#), [DXF Improvement Plan](#) (ZIP) for Active Sidewalks and Promenades.

The plan shall include the following information:

- **Development Summary**

Provide, in a table format, the following in-formation on the first page of the plans:

- a. A bullet point narrative detailing the project's complete scope of work, including all existing and proposed improvements. Please include the words "Spaces as Places – Streetary or Active Sidewalk or Promenade" in the scope of work.
- b. The project team, listing the name and phone numbers of all consultants, including engineers, architects, designers and contractors.
- c. Legal description and Assessor Parcel Number for the property fronting the
- d. proposed Streetary or Active Sidewalk or Promenade.
- e. Owner's name and address.
- f. Total square footage of the Streetary or Active Sidewalk or Promenade.

- **Vicinity Map**

A vicinity map specifies the location of a proposed project in relation to major streets in the area. This map is not required to be drawn to scale, but it should be proportional. Show at least two major cross streets and all other roadways leading to the site.

- **Site Plan**

The plans must be fully dimensioned and include the following information:

- a. Show the adjacent street-level business owner's name, address and name of the business.
- b. Show the legal description and Assessor's Parcel Number for the adjacent property.

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- c. Street, curb, sidewalk, property lines and all existing/proposed improvements in the sidewalk area within 15 feet of the proposed Streetary or Active Sidewalk.
- d. The right-of-way lines completely labeled and dimensioned.
- e. The location and dimensions of the Streetary or Active Sidewalk.
- f. Existing right-of-way improvements, such as curbs, sidewalks, trees, light posts, fire hydrants, water meters, vaults, etc.
- g. Dimensions of the distance between any obstruction (parking meters, lights, signs, mailboxes, fire hydrants, trees, tree grates, etc.) in the sidewalk area to the entrance of the Streetary or Active Sidewalk or Promenade. A minimum distance of 5'-0" is required for pedestrian traffic.
- h. North arrow and scale.

- **Elevation Plan**

This is a dimensioned drawing of the Streetary, Active Sidewalk or Promenade as seen from the sidewalk. Include the following information on the elevation drawing:

- a. Height of the Streetary or Active Sidewalk or Promenade.
- b. Height of any enclosure (maximum height of 42 inches).
- c. Description of furniture to be used in the Streetary, Active Sidewalk or Promenade.

## VI. Application Requirements for Outdoor Dining on Private Property

- A. A Building Permit must be approved prior to the installation of Outdoor Dining on Private Property. All applications must be submitted online and start [here](#).
- B. [Project Submittal Requirements](#)
- C. [Fees](#) for the project

## VII. Fees for Streetaries, Active Sidewalks and Promenades

A Building Permit must be approved prior to the installation of Outdoor Dining on Private Property. All applications must

- If the applicant proposes to keep the Streetary restricted to customers during operational hours, the applicant is required to pay Applicants for Streetaries are required to pay an exclusive use fee per the Spaces as Places exclusive use fee resolution. If the applicant proposes to keep the streetary restricted to customers during operational hours, the applicant must pay a per square feet exclusive use fee.
- Areas identified as having high and very-high access to opportunity will be required to pay \$30 per square foot per year, areas identified as having moderate access to opportunity will be required to pay \$20 per square foot per year and areas identified as having low- and very-low access will be required to pay \$10 per square feet per year. Since these permits are valid for two years, applicants will be required to pay double these amounts resulting in fees of \$60, \$40 and \$20 per square foot, respectively. These fees per square foot will be required every two years if a permit is renewed. Please review the [City of San Diego Climate Equity Index](#) to determine which opportunity a business is located in. Applicants for Streetaries are also required to pay a Development Impact Fee in accordance with the [Planning Department's Development Impact Fee Schedules](#).

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**1. Fees due at Submittal:**

Application fees are required at the time of project submittal. See [Information Bulletin 502, "Fee Schedule for Construction Permits - Grading and Public Right of Way."](#) Fees are non-refundable, regardless of whether a permit is approved or denied. Streetaries are subject to the Right of Way Permit, Construction Plan, Small Format fees and other miscellaneous fees. Active Sidewalks and Promenades are subject to the Right-of-Way Permit, D-Sheet fees and additional miscellaneous fees.

**2. Fees due Prior to Permit Issuance:**

- a. If applicable, Exclusive Use fees shall be paid prior to the issuance of the permit. It should be noted, the applicant's payment covers two years of Exclusive Use Fees.
- b. Streetaries may also be required to pay a Development Impact Fee in accordance with the [Information Bulletin 502 "Grading/Right-of-Way Permits & Mapping Actions"](#) at the time of permit issuance.
- c. Streetary Right-of-Way Permits are valid for two years. After which, the permit will need to be renewed and all applicable fees will need to be paid.

3. **Fees due at Issuance:** Inspection fees are required at the time of permit issuance. See Information Bulletin 502 "Grading/Right-of-Way Permits & Mapping Actions" Streetaries are considered Minor public Right of Way Permit and have a set fee, while Active Sidewalks and Promenades require that a deposit account be established for inspections.

**VIII. Insurance**

Applicants shall procure and maintain for the duration of their permit insurance against claims for injuries to persons or damages to property that may arise from or in connection with Streetaries and their operations conducted under the permit. Although it is a best practice for businesses to maintain comparable levels of insurance for Outdoor Dining on Private Property, the City does not require or verify insurance for Outdoor Dining on Private Property.

**A. Streetaries**

For Streetaries, the applicant shall provide a minimum of the following coverage:

**1. Commercial General Liability (CGL)**

Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury, and personal and advertising injury with limits no less than \$1,000,000 per occurrence and a \$2,000,000 aggregate.

**2. Workers' Compensation**

Insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with a limit of no less than \$1,000,000 per accident for bodily injury or disease.

**3. Umbrella Insurance**

The applicant shall maintain an umbrella insurance policy providing coverage in excess of its primary general liability, employer's liability and automobile liability policies in an amount not less than \$4,000,000 per occurrence. In addition, the City of San Diego must be named as an additional insured.

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## B. Active Sidewalks

For Active Sidewalks, the applicant shall provide, at a minimum, the following coverage:

### 1. Commercial General Liability (CGL)

Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury, and personal and advertising injury with limits no less than \$1,000,000 per occurrence and a \$2,000,000 aggregate.

### 2. Workers' Compensation

Insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.

## C. Promenades

### • Promenades – Complete Street Closure

Promenades on streets that are completely closed to vehicular traffic except for emergency access vehicles, the applicant shall provide a minimum of the following coverage:

#### 1. Commercial General Liability (CGL)

Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury, and personal and advertising injury with limits no less than \$1,000,000 per occurrence and a \$2,000,000 aggregate.

#### 2. Workers' Compensation

Insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with a limit of no less than \$1,000,000 per accident for bodily injury or disease.

### • Promenades – Partial Street Closure

For Promenades with partial street closure to vehicular traffic, the applicant shall provide at a minimum the following coverages:

#### 1. Commercial General Liability (CGL)

Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury, and personal and advertising injury with limits no less than \$1,000,000 per occurrence and a \$2,000,000 aggregate.

#### 2. Workers' Compensation

Insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with a limit of no less than \$1,000,000 per accident for bodily injury or disease.

#### 3. Umbrella Insurance

The applicant shall maintain an umbrella insurance policy providing coverage in excess of

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its primary general liability, employer's liability and automobile liability policies in an amount not less than \$4,000,000 per occurrence. In addition, the City of San Diego must be named as an additional insured.

## IX. Maintenance

Before the issuance of a public [Right-of-Way Permit](#) to construct the Streetary, Active Sidewalk or a Promenade, an Encroachment, Maintenance and Removal Agreement (EMRA) will be required to be entered into by the Property Owner and the City of San Diego requiring the Property Owner to:

- a. Keep all plants in good health.
- b. Keep the use free of debris and grime and prevent debris, pollution and contaminants from entering the adjacent Stormwater conveyance system.
- c. Adequately maintain the surface of the use.
- d. Control any non-stormwater discharges from the use per [Chapter 4, Article 3, Division 3](#) of the San Diego Municipal Code.
- e. Always sweep out debris from under the use to keep it free and clear of all debris.
- f. Remove unsecured furniture as required by the Encroachment Maintenance and Removal Agreement. Unsecured furniture is not permitted after business hours if the Permit Holder is a business. Upon a 30-day notice by the City Engineer, remove the Streetary from the street for any planned City overlay, slurry seal or other maintenance or construction project. Removal will be at the applicant's expense and require a [Traffic Control Permit](#). In addition, a site inspection will be conducted to ensure the public right of way is restored to its original condition. The removal of any structure within the public right of way must be performed safely to protect the public against personal injury or property damage.
- g. In case of an emergency, upon immediate notice by the City Engineer, remove the Streetary for any immediate operations to ensure public health and safety. Removal will be at the applicant's expense.

### Reference Table

- [Building Permit](#)
- [D-Sheet Drawing](#) (DWG Improvement Plan ZIP)
- [DWG Construction Plan](#) (DS-3179) CAD for Streetaries
- [DXF Improvement Plan](#) (ZIP) for Active Sidewalks and Promenades
- [Streetary Encroachment, Maintenance, and Removal Agreement](#) (DS-435)
- [Information Bulletin 501](#) Construction Permits – Structures
- [Information Bulletin 502](#) Fee Schedule for Construction Permits - Grading and Public Right of Way
- [PDF Construction Plan](#) (DS-3179)
- [PDF Improvement Plan](#)
- [Project Submittal Requirements](#)
- [Right of Way Permit](#)
- [SDMC Chapter 13, Article 1, Divisions 1 through 7](#)
- [Spaces as Places Ministerial Streetary Review Checklist](#) (DS-355)
- [Spaces as Places Design Manual](#)
- [Zoning Address Look-Up](#)
- [Zoning and Parcel Information Portal](#)
- [Zoning Use Regulation Table](#)

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