



The City of



Development Services

FACT SHEET

## Temporary Outdoor Business Operation Permit Frequently Asked Questions (FAQ)

The City of San Diego has created a temporary program to allow business establishments to operate in outdoor settings adjacent to their businesses. The program will facilitate greater physical distancing and safety for patrons based on the County of San Diego's public health orders. While final rules and regulations are still in development, proposals include allowing street closures and expansion into designated outdoor areas such as adjacent parking lots, streets and sidewalks.

### Where do I go to apply or find more information?

Visit [sandiego.gov/TOB](https://sandiego.gov/TOB) or email [temporaryoutdoorpermit@sandiego.gov](mailto:temporaryoutdoorpermit@sandiego.gov) for questions.

### What is this program about?

San Diego's temporary outdoor business expansion program offers business establishments in the City an opportunity to expand their footprints to create more social distancing. The goal is to create a streamlined permitting process while ensuring that mobility and safety remain top priorities.

### Who is eligible?

All eating and drinking establishments, including restaurants, cafes, fast food outlets, coffee shops, bars, taverns, brewpubs, breweries, microbreweries, distillery pubs, wineries, tasting rooms and other similar places of public accommodations offering food, beverages or alcoholic beverages for on-premises consumption are eligible.

All retail establishments, including the sale of food, beverages, groceries, building supplies, equipment, consumer goods, furniture, appliances, pet supplies, sundries, apparel and convenience sales, are eligible.

Gyms and fitness centers, instructional studios, personal services, including hair and nail salons, massage establishments, and religious assembly are also eligible.

All existing rules and regulations still apply to food trucks and other mobile food establishments. While this program doesn't apply to these, they can continue operating and serving to-go food while following recommended guidelines for social distancing, sanitary and hygiene practices.

### How long does this program last?

It is anticipated that businesses will be able to use the temporary outdoor space as long as the County public health order requires social distancing. Special Event Permits for complete street closures will expire at the end of the year.





### What are the allowed hours of operation for the temporary outdoor expansion?

Sunday through Thursday, outdoor business operations are required to close by 10 p.m. Friday, and Saturday outdoor business operations are required to close by 11 p.m. These hours apply to the new, temporary outdoor business expansions only. Existing permanent patios may have different hours that were allowed by separate permits.

### Can I erect or install furniture, tents, railings, etc.?

In most cases, yes. The outdoor area may include temporary tables, benches, chairs, and shade devices, as well as temporary railings and other means of containment and separation between patrons and the public. All furnishings and lighting must be easily removed at the end of the ordinance.

- **Canopies or Tents:** A tent that exceeds 400 square feet or use of a fence that limits entrances and exits requires a Single Event Permit from the Fire Department. Please see [sandiego.gov/sites/default/files/singleapp.pdf](http://sandiego.gov/sites/default/files/singleapp.pdf) or email [sdfdevents@sandiego.gov](mailto:sdfdevents@sandiego.gov) for questions.
- **ADA Requirements for Parking Lot/Lane Use:** Outdoor expansion into a private parking lot or into the parking lane of the street requires the installation of a visible and tactile edge, pursuant to Americans with Disabilities Act guidelines. This edge shall consist of temporary posts, wheel stops, barricades, or their equivalents. Retro reflectors shall be installed along the edge.
- **Simple Deck/Platform:** Business owners can use a [City Engineer pre-approved specifications](#) with no additional engineering services to apply for a new Temporary Outdoor Business Operations Permit or amend an existing one.
- **Custom Decks/Platforms:** Submitted permit drawings must be signed and stamped by a responsible design professional such as a registered Civil or Structural Engineer licensed in the State of California.

### Can these patios be used for standing areas, games, movies, broadcast sports, etc.?

No, outdoor patios established or expanded under this program can only be used for sit-down dining, customer pick-up, carry-out service or retail sales.

They cannot be used for "standing areas," as these would promote congregating. They cannot be used for yard games or other similar activities that would encourage people to congregate or share equipment. Businesses cannot offer entertainment on their temporary outdoor patios, including but not limited to live entertainment, outdoor games, amplified sound or entertainment such as music over speakers, movies or broadcast sports, or loudspeaker call systems.

These restrictions apply to the new, temporary outdoor business expansions only. Existing permanent patios may have different allowances that were a part of separate permit approvals.

### Can alcohol be served in these new outdoor areas?

The California Department of Alcohol Beverage Control is allowing additional sale areas through a Temporary Catering Authorization. Please visit [abc.ca.gov/wp-content/uploads/forms/ABC218CV19.pdf](http://abc.ca.gov/wp-content/uploads/forms/ABC218CV19.pdf)



## What about temporary signs?

1. Temporary banners and temporary A-frame signs are allowed.
2. Temporary Banners may be attached to structures, fences, and walls.
3. Temporary A-frame signs may be placed within the public right of way, provided the sign's placement complies with all applicable accessibility requirements allowing for a clear pedestrian path of 4 feet along the sidewalk.
4. The dimensions of the base of a temporary A-frame sign shall not exceed 2 feet by 3 feet, and its height shall not exceed 4 feet.
5. A permit is not be required for temporary banners or temporary A-frame signs.

## Can a business improvement district (BID) or shopping center be the applicant, or would each business need to apply separately?

BIDs, commercial centers, owners, and businesses can apply jointly for permits. Businesses are encouraged to work with property owners and neighboring businesses to ensure multiple establishments are not applying for the same physical space. Likewise, establishments must coordinate when requesting complete street closures. However, businesses may not share outdoor space and must maintain control of all operations and food and beverage service within their outdoor premises.

## How will enforcement be handled?

Residents can call 619-236-5500 or visit [sandiego.gov/ced](http://sandiego.gov/ced) to report concerns about how an expanded patio space is operating. The City's Code Enforcement Division will investigate complaints received from the public about the location or operation of an outdoor area. If an inspector finds a violation of these guidelines, or any other applicable provision of San Diego municipal codes, the eligible business and property owner will be responsible for resolving the issue and paying any enforcement-related fines or penalties.

## What are the public health requirements? (e.g., how many tables are allowed, minimum spacing, number of occupants, face coverings while eating)

Please see the County of San Diego's guidelines for safe reopening: [sandiegocounty.gov/content/sdc/hhsa/programs/phs/community\\_epidemiology/dc/2019-nCoV/reopening.html](http://sandiegocounty.gov/content/sdc/hhsa/programs/phs/community_epidemiology/dc/2019-nCoV/reopening.html). The website provides detailed industry guidance for many different business types.

## Is the risk of transmission lower for outdoor dining compared to indoor dining?

Outbreak trends suggest risk outdoors may be lower. However, this does not diminish the need for physical distancing and continued use of face coverings. People from different households are discouraged from dining together to reduce the risk of transmission. Outdoor seating and congregating should follow the same guidelines as indoor dining, to the extent possible, including tables adequately spaced.

## What if public health guidelines for COVID-19 change? Can this program be revoked?

Requirements may evolve to reflect new public health guidelines, and the City can revoke this temporary program and associated approvals at any time, mainly if there is an increase in COVID-19 cases tied to any of these locations.



## What do I need to provide to apply for a permit?

Permits for expansion onto a sidewalk or parking lane of the street are obtained online at [sandiego.gov/DSD](http://sandiego.gov/DSD). All permits will require the following documents that will be made available on the program website.

1. Temporary Outdoor Business Expansion Agreement
2. Temporary Outdoor Business Expansion Traffic Plan/Permit form including exhibit drawing.

A permit is not required for expansion onto a private parking lot. However, there are still disabled access and other requirements that need to be considered by businesses.

If your business is located within a Business Improvement District, then please contact your Business Improvement District for their requirements. You can find contact information for Business improvement Districts here: [sandiego.gov/economic-development/resources/bidorgs](http://sandiego.gov/economic-development/resources/bidorgs).

This is a helpful planning guide if you are planning to close a complete street: [sandiego.gov/sites/default/files/legacy/specialevents/pdf/planningguide.pdf](http://sandiego.gov/sites/default/files/legacy/specialevents/pdf/planningguide.pdf).

This is the application for a Special Event Permit to close a complete street: [sandiego.gov/sites/default/files/legacy/specialevents/pdf/application.pdf](http://sandiego.gov/sites/default/files/legacy/specialevents/pdf/application.pdf).

## What is a Temporary Outdoor Expansion Encroachment Agreement?

This is an agreement to allow for the business expansion or encroachment into the public right-of-way, including the sidewalk and/or street parking lane. The agreement makes the applicant responsible for maintenance and for removal. The agreement requires liability insurance.

## What will the permit cost?

At this time there is no permitting costs. Standard [inspection](#) and [review](#) rates may apply once funding is exhausted.

## What will be reviewed for these permits?

City staff will review permits for expansion onto a sidewalk or street parking lane for a completely filled-out General Application, completely filled-out Temporary Outdoor Business Expansion Agreement, that a 4-foot clear path for pedestrians is provided through the expansion area, and that a proper barricade is provided for expansions into the street parking lane.

## What does the permit process entail?

First, applicants will submit an application for the permit to expand onto a sidewalk or street parking lane. Second, Development Services staff will review the application and other submitted items. Third, the permit will be issued. Fourth, a City inspection will occur. Last, the business will be able to utilize the new temporary outdoor expansion area.





## How will you handle it if a City project or private development project has already pulled a right of way permit for a particular area or location?

There may be planned construction that may impact a business's ability to expand outdoors. The Development Services Department may be reviewing work that may already be moving through city processes, and that would take priority over a newly received request for temporary outdoor business expansion. However, both may be accommodated, depending on the proposal and timing of the closures.

## What are the general requirements to expand onto a private parking lot?

- Businesses may expand onto parking lots for business purposes. This allows for the placement of items for sale, tables and chairs, and equipment in the parking lot.
- Outdoor expansion into a private parking lot requires the installation of a visible and tactile edge, pursuant to Americans with Disabilities Act Guidelines. This edge shall consist of temporary posts, wheel stops, barricades, or their equivalents. Retro reflectors shall be installed along the edge.
- Canopies or umbrellas may be used in conjunction with an outdoor business expansion but shall not be used as a permanent roof or shelter.
- An unobstructed path of ingress and egress travel with a minimum four-foot width that leads occupants directly from exit doors to the public right-of-way shall be required to be maintained for the existing building and be provided for the new temporary outdoor business expansion.
- A tent that exceeds 400 square-feet or use of a fence that limits entrances and exits requires a Single Event Permit from the Fire Department. Please see [sandiego.gov/sites/default/files/singleapp.pdf](https://sandiego.gov/sites/default/files/singleapp.pdf) or email [sdfdevents@sandiego.gov](mailto:sdfdevents@sandiego.gov) for questions.
- Items placed in the parking lot shall not be placed in any manner that blocks or hinders access to a stormwater drainage structure.
- The parking lot shall be kept free of debris and grime to prevent pollutants/contaminants from entering the adjacent storm drain system.
- Any non-stormwater discharges from the parking lot shall be controlled in accordance with Chapter 4, Article 3, Division 3 of the San Diego Municipal Code: [docs.sandiego.gov/municode/MuniCodeChapter04/Ch04Art03Division03.pdf](https://docs.sandiego.gov/municode/MuniCodeChapter04/Ch04Art03Division03.pdf).

## I don't have any outdoor space to use. Can I use a neighbor's parking lot or open area?

Yes, with approval from the adjacent business and/or property owner.

## Can I share an outdoor space with another restaurant/bar?

No, this is not allowed because it will make performing contact tracing very difficult. Businesses must maintain control of all operations and food and beverage service within their outdoor premises.

## Do I need to provide additional parking for the new expanded outdoor business area?

No. Parking requirements for existing buildings are being waived. Parking for the disabled should not be removed or access to the spots blocked. If you remove accessible parking spaces, then you must replace those spaces elsewhere.



## What are the general requirements to expand onto the sidewalk?

- Businesses may expand onto sidewalks for business purposes. This allows for the placement of items for sale, tables and chairs, and equipment on the sidewalk.
- Canopies or umbrellas may be used in conjunction with an outdoor business expansion but shall not be used as a permanent roof or shelter over the sidewalk cafe area.
- A clear path, free of all obstructions to the flow of pedestrian traffic, shall be provided in the public right-of-way and shall always be maintained. Obstacles include traffic signals or signs, light standards, parking meters, phone booths, bus stops, trash receptacles, benches, trees, gates that open outward beyond the perimeter of the temporary business expansion, and similar objects.
- The clear path shall be a paved sidewalk that is at least 4-feet wide.
- The clear path may meander from side to side to avoid obstructions but shall maintain a continuous, common surface at least 3-feet in width that provides a direct path of travel past the sidewalk cafe.
- Recesses in the building facade shall not be used to satisfy the clear path requirement.
- An unobstructed path of ingress and egress travel with a minimum four-foot width that leads occupants directly from exit doors to the public right-of-way shall be required to be maintained for the existing building.
- Items placed on the sidewalk shall not be placed in any manner that blocks or hinders access to a stormwater drainage structure.
- The sidewalk shall be kept free of debris and grime to prevent pollutants/contaminants from entering the adjacent storm drain system.
- Any non-stormwater discharges from the sidewalk shall be controlled in accordance with Chapter 4, Article 3, Division 3 of the San Diego Municipal Code:  
[docs.sandiego.gov/municode/MuniCodeChapter04/Ch04Art03Division03.pdf](https://docs.sandiego.gov/municode/MuniCodeChapter04/Ch04Art03Division03.pdf).

## What are the general requirements to expand into the street parking lane?

- Businesses may expand onto the street parking lane for business purposes. This allows for the placement of items for sale, tables and chairs, and equipment in the street parking lane. The use of the street parking lane is sometimes called a parklet or pedestrian plaza.
- Expansion is only allowed into existing parking spaces. Expansion into red-painted curb areas of the street is prohibited. Accessible or blue-painted curb spaces should not be used unless those spaces are replaced elsewhere.
- The business expansion shall not expand within 2 feet of the vehicle travel lane.
- The installation of a visible and tactile edge, pursuant to Americans with Disabilities Act Guidelines, is required. This edge shall consist of temporary posts, wheel stops, barricades, or their equivalents. Retro reflectors shall be installed along the edge.
- Canopies or umbrellas may be used in conjunction with an outdoor business expansion but shall not be used as a permanent roof or shelter.



- A clear path, free of all obstructions to the flow of pedestrian traffic, shall be provided in the public right-of-way and shall always be maintained. Obstructions include traffic signals or signs, light standards, parking meters, phone booths, bus stops, trash receptacles, benches, trees, gates that open outward beyond the perimeter temporary business expansion, and similar objects.
- The clear path shall be a paved sidewalk that is at least 4 feet wide.
- The clear path may meander from side to side to avoid obstructions but shall maintain a continuous, common surface at least 3 feet in width that provides a direct path of travel past the sidewalk cafe.
- The clear path shall be measured from the outermost point of the sidewalk cafe to the curb or to the nearest obstruction within the flow of pedestrian traffic, whichever is shorter
- Recesses in the building facade shall not be used to satisfy the clear path requirement.
- An unobstructed path of ingress and egress travel with a minimum four-foot width that leads occupants directly from exit doors to the public right-of-way shall be required for a temporary business expansion.
- A ramp may need to be provided to allow the public and/or customers access to the street level as the street is lower than the curb. If a temporary business expansion has multiple outdoor areas, then accessible access and accommodations only need to be provided to one of the areas if all areas are equivalent.
- Items placed in the street parking lane shall not be placed in any manner that blocks or hinders access to a stormwater drainage structure.
- The street parking lane shall be kept free of debris and grime to prevent pollutants or contaminants from entering the adjacent storm drain system.
- Control any non-stormwater discharges from the street parking lane per Chapter 4, Article 3, Division 3 of the San Diego Municipal Code:  
[docs.sandiego.gov/municode/MuniCodeChapter04/Ch04Art03Division03.pdf](https://docs.sandiego.gov/municode/MuniCodeChapter04/Ch04Art03Division03.pdf).
- If a temporary business expansion will occur where an existing parking meter is located, the applicant will be required to pay the costs for the City to remove the parking meter. When the business expansion is removed, the applicant will then be required to pay for the reinstallation of the parking meter.

### What disabled access issues should I keep in mind?

- The City's Office of ADA Compliance and Accessibility has several helpful links that can be found here: [sandiego.gov/adacompliance/links](https://sandiego.gov/adacompliance/links).
- The Development Services Department has published an Accessibility Guide for Small Businesses: [sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/smallbusaccess.pdf](https://sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/smallbusaccess.pdf).
- A 4-foot clear path for accessibility purposes is required to be provided through any business expansion onto the sidewalk or street parking lane.



- Parking for the disabled should not be removed or access to the spots blocked. If you are unable to avoid the use of accessible parking spaces, you are required to replace those spaces elsewhere.
- The temporary business expansion shall be designed and operated so that unsafe conditions are not created for the physically disabled, blind, or partially sighted.
- The surface of accessible portions the temporary business expansion shall be level and have a running slope and a cross slope that does not exceed 2% (1-unit vertical in 50 units horizontal).
- The temporary business expansion shall not be located on in a sunken area unless an accessible ramp is provided per the California Building Code, or the Americans with Disabilities Act, whichever provides greater accessibility.
- If a temporary business expansion has multiple outdoor areas, then accessible access and accommodations only need to be provided to one of the areas as long as all areas are equivalent.
- At least one wheelchair seating space shall be provided for every 20 seats, or portion thereof.
- When multiple accessible seating spaces are provided, they shall be reasonably distributed and integrated within the area of the sidewalk cafe.
- Accessible wheelchair spaces shall have a minimum unobstructed maneuverability dimension of 4 feet.
- Access to designated wheelchair spaces shall be provided via an accessible path with not less than a four-foot unobstructed width.
- All areas of newly designed facilities and altered portions of facilities shall comply with accessibility requirements, including all services provided outside of the building, on sidewalks and parking lots, in patios, etc.
- At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger drop-off and loading zones, public streets and sidewalks, and public transportation stops to the accessible building or facility entrance they serve. This means that persons with mobility impairments shall be able to access the outdoor facilities by an accessible route from the location they arrive on the site, from the public right-of-way and accessible parking spaces.
- At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements, and accessible spaces that are on the same site. This means that an accessible route shall be provided from the outdoor facility to the building entrance and the toilet facilities.
- Floor and ground surfaces shall be stable, firm and slip resistant.
- Carpet or carpet tile shall be securely attached and shall have a firm cushion, pad, or backing or no cushion or pad. Carpet or carpet tile shall have a level loop, textured loop, level cut pile, level cut/uncut pile texture. The pile height shall be ½ inch (12.7 mm) maximum. Exposed edges of carpet shall be fastened to floor surfaces and shall have trim on the entire length of the exposed edge. This means that the edges of the carpet turf shall be adequately secured to prevent it from





getting tangled in the wheels of wheelchairs or scooters, creating an obstruction for such wheels to maneuver.

- Where dining and drinking surfaces are provided for the consumption of food or drink, at least 5% of the seating spaces and standing spaces shall comply with the accessibility standards.

### What are the requirements if I want to provide portable heaters?

- No smoking shall be allowed.
- Liquid Petroleum Gas (LPG) heaters shall be installed and maintained per the manufacturer's listing.
- LPG heaters shall not be stored in the building at any time.
- LPG heaters in use shall be separated from combustibles by at least 5 feet.
- LPG heaters in use shall be at least 5 feet from the building.
- LPG heaters are prohibited inside or under tents, umbrellas or canopies.
- LPG heaters are prohibited within 5 feet of exists or discharge areas.
- LPG heaters shall be shielded from vehicle traffic by appropriate barriers.
- LPG cylinders shall be stored and used in an upright position. Cylinder outlet valves shall be closed or plugged when not in use.

### Are there any new allowances for wholesale or distribution business sales?

- Wholesale distributors selling food, beverages, and groceries directly to consumers are allowed in Commercial and Industrial areas.
- Wholesale distributors selling food, beverages, and groceries directly to consumers are not required to sell in an enclosed building.
- Wholesale distributors selling food, beverages, and groceries directly to consumers may sell directly from commercial vehicles.
- Wholesale distributors selling food, beverages, and groceries directly from commercial vehicles to consumers shall be allowed to utilize private parking spaces designated for other uses with permission from the property owner. Blue curb or accessible parking spaces in private parking lots may not be used.
- A permit from the City shall not be required for wholesale distributors to make direct sales of food, beverages and groceries directly to consumers.

### Is smoking or vaping allowed in a sidewalk cafe or pedestrian plaza located in a street parking space?

No, smoking or vaping is prohibited.

### Is any Community Group/Board/Committee review required?

No. Due to the emergency, the City has streamlined the permit process to allow for this program.



### **Can traffic barriers be left out overnight in street parking spaces and private parking lots?**

Yes. Please remember to include retro reflectors on any barriers so that the barriers are visible to vehicle traffic at night.

### **Can tables and chairs be left out overnight?**

Yes. Furniture and other items always need to be stored so that they do not impact the required 4-foot accessible path of travel.

### **Can fake grass or similar ground cover be used in street parking spaces or parking lots?**

Yes. Ground coverings are allowed. Coverings should not be permanently attached to the street. Floor and ground surfaces shall be stable, firm and slip resistant.

Carpet or carpet tile shall be securely attached and shall have a firm cushion, pad, or backing or no cushion or pad. Carpet or carpet tile shall have a level loop, textured loop, level cut pile, level cut/uncut pile texture. The pile height shall be ½ inch (12.7 mm) maximum. Exposed edges of carpet shall be fastened to floor surfaces and shall have trim on the entire length of the exposed edge. This means that the edges of the carpet turf shall be appropriately secured to prevent it from getting tangled in the wheels of the wheelchair or scooters, obstructing such wheels to maneuver.

### **What type of insurance is required?**

As a part of the Temporary Outdoor Business Expansion Agreement, business owners will agree to maintain a policy of \$1 million liability insurance to protect the City from any potential claims which may arise from the business expansion.

### **Are there any special requirements for personal services, including hair and nail salons?**

Yes, businesses shall always possess spill kits while operating that are comprised of paper towels, cloth towels, kitty litter, or sand. Please remove all spilled materials from the public right-of-way once the spilled material is absorbed off the ground. Capture and prevent spills from leaving the sidewalk cafe or pedestrian plaza, moving into the surrounding streets and from entering the storm water conveyance system, including curbs, gutters, and storm drains.

Ensure that any liquid used, or waste generated while operating in a sidewalk cafe or pedestrian plaza is not disposed in the curbs, gutters, streets, drains or on any public property.