



TEMPORARY OUTDOOR DINING REGULATIONS COMMUNITY DEVELOPMENT DEPARTMENT

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These Temporary Outdoor Dining Regulations constitute dining specifications pursuant to Director of Emergency and Disaster Executive Order No. 3-2020, dated July 9, 2020, and shall be in effect until the provisions of the San Diego County Public Health Order restricting indoor dining are lifted. The Director of Emergency and Disaster may rescind these regulations at any time.

1. Restaurants may expand dining areas to include outdoor spaces including but not limited to adjacent walkways, sidewalks, and onsite and street parking areas in accordance with these Regulations and approval of a Temporary Outdoor Dining Authorization by the Community Development Director. The permit may be modified or revoked for noncompliance with the terms of the permit or any other local, state, or federal law. The applicant shall cooperate with City staff should any modifications to the operation or layout of the outdoor dining area be needed to improve public safety, reduce impacts of the operation on nearby properties, or otherwise protect public health, safety, or welfare.
2. **The operation of a temporary outdoor dining area shall maintain compliance with all applicable orders of the State and the County Public Health Officer and shall conform to all State and County Health and Safety Protocols.**
3. The business providing the outdoor display or service area is responsible for obtaining any and all necessary permit or authorizations necessary for its operation from all applicable permitting or authorizing agencies, including but not limited to the San Diego Department of Health.
4. Property owner permission is required for outdoor dining areas on private property. Private properties with more than one dining establishment are encouraged to apply for a Temporary Outdoor Dining Authorization that addresses all dining establishments on the property.
5. Temporary outdoor dining areas in the public right-of-way (ROW) shall provide general liability insurance in accordance with the Public Works Department Sidewalk Café Insurance Requirements. Additionally:
 - a. Safety barriers consisting of K-rail as listed on City specifications, or otherwise approved by City in writing, shall be placed between vehicle travel lanes and any proposed dining area within the public street parking area, without in any way obstructing the travel lanes, as shown on the site plan.
 - b. No trash, storage, or food preparation is permitted in the ROW.
 - c. All items related to the temporary dining area must be removed from the ROW and placed in a secured area daily when the associated restaurant is not operating.
 - d. Discharge of food and debris onto the sidewalk, street, gutter, and /or storm drain shall be prevented. When temporary dining ceases, the public right-of-way shall be cleaned of any food, debris, oils, stains, or other marks or materials.
6. The amount of parking area or sidewalk area that may be converted to temporary outdoor dining area will be determined on a case by case basis based on onsite and nearby offsite conditions.
7. The temporary outdoor dining area shall be placed adjacent to the associated business.
8. Sidewalks and required walkways shall be maintained at a minimum width of four feet.
9. Sight visibility triangles shall be maintained at vehicle ingress/egress points.
10. Existing fire department access shall be maintained and occupants shall have the proper means of egress to exit the building and dining areas.
11. Parking lot dining areas must provide physical barriers or separations to protect customers from vehicles.
12. The seating plan and layout of the temporary outdoor dining area shall comply with applicable ADA regulations to the specification of the Building Official.
13. Furnishings shall not obstruct entrances, exits, fire lanes, hydrants, drive aisles, or pedestrian or handicap access, or conflict with other requirements of the Building and Fire codes.
14. Tents and coverings, if applicable, must have the appropriate flame retardancy to the specification of the Fire Marshal.
15. The hours of the temporary outdoor dining area shall be the same as the associated establishment or 7:00 a.m. to 10:00 p.m., whichever is more restrictive.
16. Businesses with existing ABC licenses may serve alcohol with ABC approval of a Temporary Catering Permit.
17. No entertainment of any sort, or any other activity that would promote gathering, is allowed.
18. Smoking is prohibited in any temporary outdoor dining area.
19. Outdoor dining areas shall not be cleaned and/or washed off with water, unless it is fully captured on site, to avoid runoff into any drainage system or storm drain.