

OUTDOOR EATING AREA GUIDELINES

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The following guidelines are for Outdoor Eating Areas and Sidewalk Cafes within the City of Oceanside. The guidelines are meant as a supplement to the standards and policies of Section 3020 of the City of Oceanside Zoning Ordinance.

Outdoor Eating Areas is defined as an outdoor extension of a restaurant, delicatessen, ice cream parlor, coffee house or similar food service use.

Sidewalk Cafes is defined as **Outdoor Eating Areas** in which the majority of the seating capacity of the eating establishment is located indoors and where exterior seating is located on a sidewalk and may occur partially or wholly on the public right-of-way.

Location and Design Criteria

A. General

1. An Outdoor Eating Area and Sidewalk Cafe shall be limited to use at food service and eating and drinking establishments.
2. An Outdoor Eating Area shall be maintained and operated in accordance with a permit approved and issued by the Planning Director or Redevelopment Director.
3. A Sidewalk Café and/or Outdoor Eating Area that would be situated in the public right-of-way shall be maintained in accordance to a permit issued by the Planning Director or Redevelopment Director and an **Encroachment Removal Agreement** approved and issued by the City Engineer.
4. Applications for an Outdoor Eating Area shall include the items and information outlined in the accompanying Application - Outdoor Eating Area Permit and the Submittal Requirements and any other information determined necessary and appropriate by the City.
5. All equipment, fixtures, furniture and structures used in an Outdoor Dining Area or Sidewalk Café shall be situated in a manner to maintain adequate pedestrian and vehicular movement.
6. Tables and chairs shall not be placed within two (2) feet of any street or parking lot curb unless proper safety features are utilized and specifically approved through the permit process by the Planning Director, Redevelopment Director and/or City Engineer.
7. Where tables are placed next to a building's exterior wall, a clear area of at least four (4) feet in width shall be maintained to building entries.

8. Proper clearance around fire emergency facilities (e.g., fire hydrants, exits, etc.) shall be maintained at all times.
9. Fixtures, furniture and structures, including but not limited to tables, chairs and umbrellas, used in an Outdoor Eating Area shall not encroach on the frontage of an adjacent business or property.
10. All fixtures, furniture and structures, including awnings and umbrellas, shall have a color and design scheme that is complementary to that used by the business enterprise that the Outdoor Eating Area is to be a part of.
11. All fixtures, furniture and structures, used in the Outdoor Eating Area shall be of substantial construction to withstand outdoor use, and maintained in good condition, quality and repair at all times.
12. The framework and supports of awnings, umbrellas, and other shade structures shall be made of wood or metal and covered with a material or fabric meeting the approval of the fire marshall, if required. Umbrellas must be secured with a minimum base of not less than sixty (60) pounds and should not encroach into any required pedestrian accessways unless a minimum height clearance of seven (7) feet, measured from ground level to the lowest point of the umbrella canopy or framework, is maintained.
13. All exterior surfaces within the Outdoor Eating Area shall be easy to maintain and shall be kept clean at all times by the business owner/operator.
14. Trash receptacles shall be provided and the Outdoor Eating Area shall be kept free of litter and other debris.
15. No signage shall be allowed in the Outdoor Dining Area except for a name of the establishment or other uniform product signage on an awning or umbrella, and in conformance with the City's Sign Ordinance requirements.

B. Fences and Walls.

1. An Outdoor Eating Area within a lot's front or side yard setback area or within a public right-of-way shall be decoratively fenced to delineate the outdoor eating area as per the following guidelines:
 - a) Fences or walls shall be decorative in nature and consistent with the attached illustrations. Acceptable materials include decorative wrought iron, tubular steel or wood or other durable material that may be approved by the Planning Director, Redevelopment Director or City Engineer.
 - b) Planter boxes are encouraged when used in combination with fencing/barriers.
 - c) A solid masonry wall used to delineate the Outdoor Eating Area is acceptable outside of the public right-of-way.

- d) Fences or other barriers that are designed to be freestanding and easily removable may be permitted within the public right-of-way. The maximum height of the fence or barrier shall be three-feet-six-inches (3'-6"). Footings shall be complimentary to the fence/barrier design.
 - e) The requirement of fencing may be waived for seating of twelve (12) or less persons, if all of the following apply:
 - 1) An alternate method of delineation of the Outdoor Eating Area, such as landscaping or another buffer/barrier, is acceptable to the City;
 - 2) The Outdoor Eating Area is not located within a high pedestrian or traffic area; and
 - 3) The Outdoor Eating Area is not open after dusk, except when ambient lighting is provided by Business Owner to illuminate the Outdoor Eating Area.
2. Outdoor Eating Areas behind the lots front or side-yard setback area or public right-of-way shall be delineated by a fence or other means according to the following guidelines:
- a) A fence or wall shall be required for an Outdoor Eating Area, unless it is determined by the City, through the permit process, that the Outdoor Eating Area can be appropriately delineated and managed by some other method, such as landscaping or other buffer/barrier.
 - b) The maximum height of a fence or wall shall be three-feet-six-inches (3'-6"), measured from ground level to the top of the fence, wall or barrier, except for an Outdoor Eating Area meeting the requirements of Section B.2.c. below.
 - c) Outdoor eating areas adjacent to residential districts shall be appropriately buffered by the use of a solid fence or wall (6-foot high minimum and 8-foot high maximum) to the satisfaction of the Planning Director or Redevelopment Director.
 - d) Fences and walls shall be decorative in nature to the satisfaction of the Planning Director or Redevelopment Director. Acceptable materials include wrought iron, tubular steel, wood and decorative masonry.
3. Further restrictions for fencing and other standards may be placed on the business by the State of California Department of Alcohol and Beverage Control (ABC), the Oceanside Police Department, and/or the Planning Director if alcohol beverages are proposed to be served in the outdoor eating area.

C. Sidewalk Cafes and Outdoor Eating Areas within the Public Right-of-Way.

- 1. A clear area of at least four (4) feet in width of linear paved sidewalk, free of all obstructions, shall be maintained to allow adequate pedestrian movement on the sidewalk.

2. All fixtures, barriers, railings, landscaping or combination thereof shall be in place when the sidewalk café is in operation and shall be stationary and fixed to the sidewalk. All furniture and other fixtures shall be removed from the public right-of-way and properly stored when the sidewalk café is closed.
3. Where physically possible, all fixtures and furniture should be placed in line with tree wells, streetlights and other street furnishing elements in order to maximize a linear unobstructed area.
4. All sidewalk café furniture, including tables, chairs, umbrellas and planters shall be movable.
5. The business owner/operator shall cause the Outdoor Eating Area to be steam-cleaned or pressure washed at least once a month or such shorter interval as necessary to maintain the sidewalk reasonably clean. At no time shall any food, trash or debris be left in or on the right-of-way, spilled or dropped food items and other matter shall be picked up and cleaned off immediately.
6. An encroachment permit from the City Engineering is necessary for any sidewalk café that encroaches into the City right-of-way. The encroachment permit shall remain in effect for as long as the sidewalk café owner/operator and/or successor owner/operator remains in compliance with the approved permit.
7. The business owner/operator shall be responsible for all repairs from any damage caused to the public improvements as a result of the installation and/or removal of the equipment, fixtures, furniture and structures placed and used in the public right-of-way.