



**TEMPORARY COVID-19
OUTDOOR EXPANSION PERMIT**

**GUIDELINES AND PROCEDURES
FOR RETAIL BUSINESSES & RESTAURANTS**

VERSION: 6/5/20

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Preface

On March 4, 2020 Governor Newsom issued a State of Emergency as a result of the threat of COVID-19, and on March 12, 2020, through Executive Order N-25-20, he directed all residents to heed any orders and guidance of state and local public health officials. At this time, retail businesses, related logistics and manufacturing, office workplaces, limited personal services, outdoor museums, child care, and essential businesses can open with modifications. The State and County are issuing guidance to help these workplaces reopen safely.

In response to the Public Health Orders issued in response to COVID-19, the City of Oceanside has developed a temporary program providing many businesses with the option to expand their retail or dine-in services in the public rights-of-way, and adjacent outdoor spaces while adhering to public safety and physical distancing requirements. This program **only** applies to businesses identified by the State of California as “lower risk businesses”. For more information visit the State (<https://covid19.ca.gov/roadmap/>) and County of San Diego websites (<https://www.sandiegocounty.gov/coronavirus.html>). Businesses utilizing private outdoor space and public rights-of-way for temporary outdoor dining and retail activity shall cease all outdoor temporary activity within 14 days after Health Orders requiring reduced customer capacity or increased social distancing is lifted, unless subsequent City action is taken to extend the terms of this program.

Restaurant and Retail Program Overview

The City of Oceanside’s Temporary Outdoor Permit Program has been established to ensure businesses have the flexibility needed to operate successfully through later phases of the COVID-19 recovery process. The City is accepting permit applications to allow restaurants and retail businesses to expand operating space into private property areas and designated portions of the public rights-of-way.

Temporary Outdoor Dining/Retail Activity on Private Property

- Restaurants and retail businesses with direct access to private sidewalks or private parking may utilize these areas for dining or retail activities in accordance with guidelines published by California Department of Public Health: <https://covid19.ca.gov/pdf/guidance-retail.pdf> (Retail) and <https://covid19.ca.gov/pdf/guidance-dine-in-restaurants.pdf> (Restaurants).
- Restaurants must also adhere to the San Diego County COVID-19 Safe Onsite Dining Plan for Restaurants/Food Facilities guidelines described here: https://www.sandiegocounty.gov/content/dam/sdc/deh/fhd/food/pdf/covid19sdsaf_onsitediningplan_en.pdf

- All tables and chairs must maintain a minimum separation of 6 feet per the above guidelines.

Use of Private Parking Lots

With property owner consent, private off-site and on-site parking spaces counted for required parking may be converted to outdoor dining or retail space, when the lot is immediately adjacent to the parent property. The proposed converted use must comply with public safety standards for emergency rescue, building access, and physical distancing requirements. Additionally, no parking for disabled persons may be repurposed for restaurant or retail use. Landscaping and required buffer areas for the off-site parking spaces, shall not be used as expanded converted use for restaurants or retail operations. There shall be no parking, outside seating, or retail activities in these areas.

Temporary Outdoor Dining/Retail Activity in Public Rights-of-Way

Temporary usage of the City's sidewalks maybe utilized for outdoor dining and retail activity. In the future, businesses may be able to expand onto adjacent on-street parking spaces or onto City roadways subject to further review by the City.

As a condition of receiving the temporary permit to operate in the public right of way, the permittee shall agree to defend, indemnify and hold harmless the City and its employees from any and all claims, demands, damages, actions, causes of action of any kind and nature whatsoever that could arise from the issuance of the emergency temporary use permit.

Permittees that propose to use public property shall obtain and maintain liability insurance. All liability insurance policies shall specifically include the City, the City Council, its employees, and agents as additional insureds and shall be issued by an agent or representative of an insurance company licensed to do business in the State of California.

All outdoor tables and chairs must maintain at least 6 feet of separation as detailed in the San Diego County COVID-19 Safe Onsite Dining Plan:

https://www.sandiegocounty.gov/content/dam/sdc/deh/fhd/food/pdf/covid19sdsafeonsite_diningplan_en.pdf.

To participate in the program, minimum requirements within the Americans with Disabilities Act (ADA) must still be met.

Sidewalks

General Requirements

Outdoor dining and retail activities within sidewalks and public rights-of-way shall maintain:

- Adequate pedestrian flow of at least four (4) feet. Partitions such as Plexiglas barriers to separate the dining area from the pedestrian walkway are encouraged.
- Unobstructed access to public utilities, building entrances, crosswalks, bus stops and transit entrances;
- Pedestrian and traffic safety; and
- Aesthetic compatibility with surrounding area

Location Requirements

1. The width of the extended outdoor premise is restricted as follows:
 - a. Shall not exceed the width of the sidewalk frontage of the applying property.
 - b. Adjoining businesses may coordinate together, extending their premise in a joint application.
2. A clearly marked, unobstructed, and durable pedestrian right-of-way, also known as a “pedestrian path” of travel, of no less than four (4) feet in width and that meets required accessibility standards shall be maintained for each sidewalk outdoor dining or retail area and shall adhere to the following standards:
 - a. The minimum distance of the pedestrian path shall be measured from the portion of the sidewalk dining/retail space boundary which is nearest either the nearest curb or the nearest obstruction.
 - b. Sidewalk retail/dining areas shall maintain a clearance of four (4) feet around the edges of and other adjacent sidewalk dining/retail areas measured in radius.
3. The pedestrian path shall maintain a minimum of four (4) feet from large obstructions. No tables, or chairs, umbrellas or other fixtures shall be permitted within four (4) feet of a pedestrian crosswalk or corner curb cut. For the purposes of this section, large obstructions shall be bus stops shelters, newsstands, existing planters or any other object greater than fifteen (15) square feet in area.

4. Access to fire hydrants, fire hose connections for sprinkler systems, and entrances and exits of all buildings shall not be obstructed at any time by barriers or seating. There shall be a minimum of forty (40) inches in distance separating the edge of a table or chair to a fire department connection. The twenty (20) feet fire lane shall not be obstructed at any time.

Physical Modifications/Signage; Lighting and Umbrellas

1. Appropriate lighting of the sidewalk dining/retail space is required if operating outside of daytime hours.
2. Use of landscaping and planters is permissible, however these materials should not be permanently affixed to any public rights-of-way.
3. Use of removable barriers to define the sidewalk dining/retail space is encouraged, and required if located within parking areas.
4. No heating, cooking or open flames are permitted in the sidewalk dining/retail area. However, space heaters are permitted provided that they are an outdoor approved type, are located in accordance with the manufacturer's recommendations, and are located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other flammable object or material.
5. No food preparation, plastic food displays, food storage, or refrigeration apparatus shall be allowed on the public right-of-way.
6. Umbrellas and other decorative material shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than six (6) feet, eight (8) inches (eighty (80) inches) above the sidewalk.

City of Oceanside Right to Clear Right-of-Way

The City reserves the right to remove a sidewalk dining/retail space that (i) creates an obstruction to, or causes congestion of, pedestrian or vehicular traffic due to existing conditions on the surrounding public right-of-way if it finds the installation represents a danger to the health, safety or general welfare of the public (ii) a business violates the requirements of these Guidelines or State and Local orders.

The City may require the removal, temporary or permanent, of the sidewalk dining/retail space when redevelopment or improvements of the street or sidewalk, or utility repairs necessitates such action, or the permittee fails to comply with the criteria set forth in existing City ordinances or this policy. Any costs incurred by the City for removal or storage of sidewalk tables, chairs and other equipment shall be the responsibility of the business. The City is not responsible for any damages or loss of equipment removed pursuant to this subsection.

On City Streets and City Parking (Parklets)

Restaurants and other commercial businesses may request that public on-street parking be temporarily converted to dining or commercial space, commonly known as a “parklet”.

Temporary “parklets” can be used by one or more businesses and do not require streets to be closed. The City will be temporarily suspending certain codes and permitting requirements for private use of on-street parking spaces within public rights-of-way for uses consistent with the requirements on a case by case basis.

With the approval from the Development Services Department, business owners may receive approval to temporarily utilize public parking spaces fronting their business and/or adjacent businesses, with adjacent neighbor’s written consent, with placement of equipment such as tables, chairs, umbrellas, and visual barriers, creating delineations used to separate and establish a boundary for the commercial operations from other parking areas and surrounding traffic. Proposals for temporary parklets shall be requested through the Temporary Outdoor Expansion Permit application process and submitted to the Planning Division for review and consideration. The Application shall meet the following guidelines:

- Parklets are permitted on streets with speed limits no more than 25 mph and/or on a case by case basis.
- Parklets are prohibited within city paid/metered parking stalls and/or lots.
- Parklets are not permitted anywhere along North and South Coast Highway and along the portion of Mission Avenue from Horne Street to North Coast Highway.
- Adequate drainage in and around the designated parklet area shall be maintained and established. Gutters and storm drains shall not be interrupted and drainage shall be maintained.
- Right-of-way maintenance shall be established as a part of the parklet submittal. An established trash and maintenance plan shall be submitted with the parklet proposal.
- Handicap accessibility (ADA) compliance shall be established as a part of the parklet design.
- A minimum 2.5-foot buffer from adjacent vehicle parking stalls shall be established for the parklet design.
- The temporary Parklet application and a review fee of \$574.00 shall be submitted to the Planning Division.
- As cited on the Site Plan Submittal Checklist within the application, proof of liability insurance is required as follows:
 - Certificate of Insurance with minimum General Liability Limits of \$2,000,000.00/occurrence-\$4,000,000.00/Aggregate;

- Additional Insured endorsement – covering the Applicant’s on-going operations, listing the City of Oceanside as the Additional Insured;
- Primary-Non-Contributory Endorsement;
- Waiver of Subrogation Endorsement

Alcoholic Beverages

Restaurants and food establishments licensed by the State of California will be permitted to sell and allow on-premise consumption of alcoholic beverages within expanded dining areas on private property, on immediately adjacent sidewalks, within parklets and retail/dining areas that have been closed to traffic by the City.

Establishments that serve alcoholic beverages in the outdoor dining area shall provide a physical barrier that meets the requirements of the Alcoholic Beverage Control Board (ABC). The applicant is responsible for managing these barriers and removing them when necessary. Restaurants utilizing public rights-of-way for outdoor dining shall comply with the Alcohol Beverage Control (ABC) hours of operation for outdoor consumption of beverages. Business operators should familiarize themselves with and follow all ABC rules related to temporary outdoor alcohol sales.

Restaurants not currently permitted to sell alcohol will not be allowed to do so under this program.

Use of Tents or Shade Structures on Sidewalks, On-Street Parking Spaces, or Closed Street

1. The following requirements shall apply to use of tents or shade structures within public spaces:
 - a. No staking of tents is permitted in public rights-of-way.
 - b. All tent legs must be weighted with at least 40lbs.
 - c. Weights must be securely attached to canopy framing and/or canopy leg separately
 - i. Ropes and straps should be high quality
 - ii. Bungee or rubber straps are prohibited
 - d. Weights must be on the ground and not dangling
 - e. Items that make acceptable weights:
 - i. 5-gallon bucket full of water, sand, or concrete
 - ii. 4” PVC pipe at least 36” long filled with concrete
 - iii. Large commercially available tent weights

- iv. Sandbags or salt bags 40lbs or heavier
- f. Weights and lines must not pose a hazard and be clearly visible
- g. For maximum safety, tents should be secured as soon as they are put up, and brought down as soon as weight is removed.
 - i. Do not leave unsecured tents at any time.
- h. Heaters of any kind shall not be used under tents or umbrellas.
- i. Smoking is prohibited under tents and shade structures.
- j. Tents must not have closed walls in place while open to the public, and all sides should be open for air flow.

Submittal Checklist

- Complete electronic set of the entire permit application package as defined in this document.
- Written permission and signature from property owner (if applicable).
- Copy of Alcohol Beverage Control (ABC) licensing and Map (if applicable).
- Executive summary of your business (scope of business).
- Several photographs of the area planned to be used for outdoor eating area to assist in the review process.
- If on public property, Proof of Liability Insurance (Certificate of Insurance and Additional Insured Endorsement)
- Site and/or Seating Diagram with accurate, dimensioned, scaled drawings showing the business storefront, storefronts adjacent to the business, and the full sidewalk, street, and parking area in the proposed permit area. Size and font must be legible.
 - Delineate and dimension the area proposed for the permit. Clearly identify property lines, City right-of-way, curb line and sidewalk width. If in the sidewalk/ROW, show and label existing features such as planters, trees, fire hydrants, above-ground utility boxes, bike racks, etc.
 - Show and label all proposed furniture and appurtenances requested to be placed within the proposed permit area.
 - Provide north arrow, scale, street name, business address, and business name.
 - Provide all property information (such as business name, address, APN, etc.) on plan.