

CALIFORNIA COASTAL COMMISSION

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W16a

LCP-6-SAN-21-0091-3 (Spaces as Places)

December 2022

EXHIBITS

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EXHIBIT 1: Strikeout/Underline Ordinance

EXHIBIT 2: Spaces as Places Design Manual

EXHIBIT 3: Beach Impact Area and Transit Priority Area Map

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 126.0203 AND 126.0205; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTION 126.0704; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTIONS 129.0710 AND 129.0715; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 7 BY AMENDING SECTION 131.0707; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 141.0621 AND ADDING SECTIONS 141.0628 AND 141.0629; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTION 142.0640, ALL RELATED TO THE IMPLEMENTATION OF THE "SPACES AS PLACES" PROGRAM TO ALLOW INCREASED OUTDOOR BUSINESS OPERATIONS AND CREATING AN ENHANCED EXPERIENCE FOR ACTIVE TRANSPORTATION.

§126.0203 When a Neighborhood Use Permit Is Required

- (a) An application for the following uses in certain zones may require a Neighborhood Use Permit. To determine whether a Neighborhood Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13:

Artisan Food and Beverage Producer through Sidewalk cafes that deviate from the requirements of Section 141.0621(a) [No change in text.] ~~Signs~~

Signs with automatic changing copy

Active sidewalks (under certain circumstances described in Section 141.0621(c))

Streetaries (under certain circumstances described in Section 141.0621(b))

Temporary construction storage yards located off-site through *Wireless communication facilities* (under certain circumstances described in Section 141.0420) [No change in text.]

(b) [No change in text.]

§126.0205 Findings for Neighborhood Use Permit Approval

A Neighborhood Use Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

(a) through (c) [No change in text.]

(d) Supplemental Findings – Streetaries and Active Sidewalks

A Neighborhood Use Permit required in accordance with Section 141.0621(b)(5) and 141.0621(c)(7) may be approved or conditionally approved only if the decision maker makes the following supplemental findings in addition to the findings required in Section 126.0205(a):

(1) The proposed streetary or active sidewalk will not adversely impact the use of the public right-of-way by pedestrians or bicyclists;

- (2) The proposed streetary or active sidewalk is compatible with adjacent existing, permitted, or planned land uses; and
- (3) The proposed streetary or active sidewalk will enhance the *public right-of-way* and encourage more pedestrian travel.

§126.0704 Exemptions from a Coastal Development Permit

The following *coastal development* is exempt from the requirement to obtain a Coastal Development Permit:

(a) through (i) [No change in text.]

- (i) Outdoor dining on private property and promenades, streetaries, and active sidewalks designed in accordance with the Land Development Code and the Spaces as Places Design Manual.

§129.0710 How to Apply for a Public Right-of-Way Permit

An application for a Public Right-of-Way Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Public Right-of-Way Permits are listed in the Land Development Manual. A *development permit* is required prior to issuance of a Public Right-of-Way Permit for the following:

(a) through (c) [No change in text.]

- (d) Notwithstanding Sections 129.0710(a)-(c), a *development permit* is not required prior to issuance of a Public Right-of-Way Permit for *placemaking* or a recreational amenity in the *public right-of-way* subject to the following regulations. For purposes of Section 129.0710, a recreational amenity is defined as any improvement that provides

recreational value to residents or visitors and that enhances the pedestrian or bicycle travel experience.

(1) through (7) [No change in text.]

(8) The *placemaking* ~~or recreational amenity~~ project shall not include commercial services, retail, or assembly and entertainment uses as *accessory uses*. If a *placemaking* project ~~or recreational amenity~~ is located within 15 feet of a permitted eating and drinking establishment ~~and is located on a City street with a posted speed limit no greater than 30 miles per hour, the establishment may conduct outdoor dining operations within the *placemaking* project or recreational amenity. The hours of operation of the outdoor operations shall be limited to the hours that the *kitchen* facilities of the associated eating and drinking establishment are open for meal ordering. Alcohol, food, or beverages shall not be served or permitted within the *placemaking* or recreational amenity area after 10:00 p.m. Sunday through Thursday, and after 11:00 p.m. Friday through Saturday.~~ its use as a streetary in accordance with Section 141.0621(b) shall be allowed.

(9) through (10) [No change in text.]

§129.0715 Encroachment Maintenance and Removal Agreement

(a) An Encroachment Maintenance and Removal Agreement is required for any privately-owned and/or privately-maintained *encroachment* located in

the *public right-of-way* or in a *public service easement* subject to the following:

- (1) [No change in text.]
- (2) The *record owner* or *permit holder*, as applicable, shall agree to indemnify the City with an indemnification agreement satisfactory to the City Manager and City Attorney. For streetaries and active sidewalks allowed in accordance with Section 141.0621, the indemnification shall include any claims, damages, or injuries that occur to or within the streetary or active sidewalk area against the City or any utility provider whose facilities are located within the *public right-of-way*.
- (3) The *record owner* or *permit holder*, as applicable, shall agree to and shall remove or relocate the *encroachment* to the satisfaction of the City Engineer within 30 days after notice by the City Engineer, or the City Engineer may cause such work to be done, and the costs thereof shall be a lien upon said land, or the *record owner* or *permit holder*, as applicable, shall agree to an equivalent to the requirement for removal as determined by the City Engineer. The *record owner* or *permit holder*, as applicable, may also be required to remove a streetary to the satisfaction of the City Engineer at no cost to the City or any other utility provider that owns or maintains facilities within the *public right-of-way* to avoid flooding or to protect public health and welfare. The *record owner*

or permit holder, as applicable, may also be required to remove a streetary to provide non-emergency access to any utility provider that owns or maintains facilities located within the public right-of-way with 30 days notice. Active sidewalks allowed in accordance with Section 141.0621 shall not be required to be removed by the record owner or permit holder, as applicable.

(4) through (5) [No change in text.]

(6) Except as provided in Section 129.0715(a)(7), the *record owner* or *permit holder*, as applicable, shall maintain a minimum policy of \$1 million liability insurance, satisfactory to the City Engineer, to protect the City from any potential claims which may arise from the *encroachment*.

(7) through (11) [No change in text.]

(b) The City may require a *record owner* or *permit holder*, as applicable, to record the Encroachment Maintenance and Removal Agreement in the Office of the County Recorder. However, a record owner or permit holder, as applicable, shall record in the Office of the County Recorder any Encroachment Maintenance and Removal Agreement for a streetary and active sidewalk allowed in Section 141.0621 and a promenade allowed in Section 141.0629.

§131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

Legend for Table 131-02B

[No change in text.]

Table 131-02B**Use Regulations Table for Open Space Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones						
	1st & 2nd >>	OP-		OC-		OR ⁽¹⁾ -		OF ⁽¹¹⁾ -
		3rd >>	1-	2-	1-	1-	1-	1-
		4th >>	1	1	1	1	2	1
Open Space through Separately Regulated Institutional Uses – Placemaking on Private Property [No change in text.]		[No change in text.]						
<u>Outdoor Dining on Private Property</u>		=		=	=	=	=	
Separately Regulated Institutional Uses – <i>Satellite Antennas</i> through Separately Regulated Commercial Service Uses – Recycling Facilities: [No change in text.]								
<u>Sidewalk Cafes, Streetaries, and Active Sidewalks</u>		[No change in text.]						
Sports Arenas & Stadiums through <i>Signs</i> [No change in text.]		[No change in text.]						

§131.0322 Use Regulations Table for Agricultural Zones

The uses allowed in the agricultural zones are shown in Table 131-03B.

Legend for Table 131-03B

[No change in text.]

Table 131-03B**Use Regulations Table for Agricultural Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Separately Regulated Institutional Uses – Placemaking on Private Property [No change in text.]		[No change in text.]			
<u>Outdoor Dining on Private Property</u>		=		=	
Separately Regulated Institutional Uses – Satellite Antennas through Separately Regulated Commercial Service Uses – Recycling Facilities: [No change in text.]		[No change in text.]			
<u>Sidewalk Cafes, Streetaries, and Active Sidewalks</u>		[No change in text.]			
Sports Arenas & Stadiums through <i>Signs</i> [No change in text.]		[No change in text.]			

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B

[No change in text.]

Table 131-04B

Use Regulations Table for Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																								
	1st & 2nd>>	RE-		RS-												RX-		RT-								
	3rd >>	1-		1-												1-		1-								
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5	
Open Space through Separately Regulated Institutional Uses – Placemaking on Private Property [No change in text.]		[No change in text.]																								
Outdoor Dining on Private Property		=	=												=	=										
Separately Regulated Institutional Uses – Satellite Antennas through Separately Regulated Commercial Service Uses – Recycling Facilities [No change in text.]		[No change in text.]																								
Sidewalk Cafes, Streetaries, and Active Sidewalks																										
Sports Arenas & Stadiums through Signs [No change in text.]		[No change in text.]																								
Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																								
	1st & 2nd >>	RM-																								
	3rd >>	1-			2-			3-			4-			5-												
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12													
Open Space through Separately Regulated Institutional Uses – Placemaking on Private Property [No change in text.]		[No change in text.]																								
Outdoor Dining on Private Property		=	=												=	=					=					
Separately Regulated Institutional Uses – Satellite Antennas through Separately Regulated Commercial Service Uses – Recycling Facilities [No change in text.]		[No change in text.]																								

Sidewalk Cafes, <u>Streetaries</u> , and Active Sidewalks	
Sports Arenas & Stadiums through <u>Signs</u> [No change in text.]	[No change in text.]

§131.0522 Use Regulations Table for Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

Legend for Table 131-05B

[No change in text.]

Table 131-05B

Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																	
	1st & 2nd >>	CN(1)-						CR-		CO-						CV-		CP-	
	3rd >>	1-						1-	2-	1-	2-	3-	1-	2-	3-				
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Open Space through Separately Regulated Institutional Uses – <i>Placemaking</i> on Private Property [No change in text.]		[No change in text.]																	
<u>Outdoor Dining on Private Property</u>		<u>L</u>		<u>L</u>		<u>L</u>		<u>L</u>		<u>L</u>		<u>L</u>		<u>L</u>		<u>L</u>		=	
Separately Regulated Institutional Uses – <i>Satellite Antennas</i> through Separately Regulated Commercial Service Uses – Recycling Facilities [No change in text.]		[No change in text.]																	
<u>Sidewalk Cafes, Streetaries, and Active Sidewalks</u>		[No change in text.]																	
Sports Arenas & Stadiums through <i>Signs</i> [No change in text.]		[No change in text.]																	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																														
	1st & 2nd >>	CC-																														
	3rd >>	1-			2-			3-			4-			5-																		
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5
Open Space through Separately Regulated Institutional Uses – <i>Placemaking</i> on Private Property [No change in text.]		[No change in text.]																														
<u>Outdoor Dining on Private Property</u>		<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>																		
Separately Regulated Institutional Uses – <i>Satellite Antennas</i> through Separately Regulated Commercial Service Uses – Recycling Facilities [No change in text.]		[No change in text.]																														
<u>Sidewalk Cafes, <i>Streetaries</i>, and Active Sidewalks</u>																																
Sports Arenas & Stadiums through <i>Signs</i> [No change in text.]		[No change in text.]																														

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B.

Legend for Table 131-06B

[No change in text.]

Table 131-06B

Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Separately Regulated Institutional Uses – <i>Placemaking</i> on Private Property [No change in text.]	[No change in text.]										
<u>Outdoor Dining on Private Property</u>	=	<u>L</u>	=	<u>L</u>	<u>L</u>	<u>L</u>	=	<u>L</u>	<u>L</u>	<u>L</u>	
Separately Regulated Institutional Uses – <i>Satellite Antennas</i> through Separately Regulated Commercial Service Uses – Recycling Facilities [No change in text.]	[No change in text.]										
<u>Sidewalk Cafes, Streetaries, and Active Sidewalks</u>											
Sports Arenas & Stadiums through <i>Signs</i> [No change in text.]	[No change in text.]										

§131.0707 Use Regulations Table for Mixed-Use Zones

The uses allowed in the mixed-use zones are shown in Table 131-07A.

Legend for Table 131-07A

[No change in text.]

Table 131-07A

Use Regulations Table for Mixed-Use Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Open Space through Separately Regulated Institutional Uses – <i>Placemaking</i> on Private Property [No change in text.]		[No change in text.]					
<u>Outdoor Dining on Private Property</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
Separately Regulated Institutional Uses – <i>Satellite Antennas</i> through Separately Regulated Commercial Service Uses – Recycling Facilities [No change in text.]		[No change in text.]					
<u>Sidewalk Cafe, Streetaries, and Active Sidewalks</u>							
Sports Arenas & Stadiums through <i>Signs</i> [No change in text.]		[No change in text.]					

§141.0621 Sidewalk Cafes, Streetaries, and Active Sidewalks

~~Sidewalk cafes are outdoor dining spaces located in the public right-of-way that are associated with adjacent eating and drinking establishments. Sidewalk cafes are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. It is not the intent of this section to regulate outdoor eating and drinking establishment areas that are located on private property. The sidewalk cafes, streetaries, and active sidewalks regulations establish requirements for outdoor dining and other uses located within the public right-of-way. For the purposes of this Section, sidewalk cafes are defined as outdoor dining spaces located within the sidewalk area of the public right-of-way that are associated~~

with adjacent eating and drinking establishments; streetaries are defined as outdoor spaces located in a *street* space formerly dedicated to parking spaces that serves as an extension of an eating and drinking establishment; and active sidewalks are defined as the permanent extension of the curb into the *public right-of-way* to facilitate activation of the *public right-of-way* through recreational amenities, landscaped areas, seating areas, farmers market, *artworks* or outdoor dining. Sidewalk cafes, streetaries, and active sidewalks are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. It is not the intent of this Section to regulate outdoor eating and drinking establishment areas that are located on private property.

(a) Limited Use Regulations for Sidewalk Cafes

(1) Design requirements

(A) A sidewalk cafe shall be located within the sidewalk area adjacent to a street-level eating and drinking establishment.

(B) through (J) [No change in text.]

(K) Lighting fixtures may be permanently affixed to the front of the associated eating and drinking establishment but shall not protrude into the pedestrian path.

(L) The name and type of establishment may be placed on umbrellas or on the valance of an *awning* with an overhang not lower than 84 inches from the finished *grade* of the sidewalk. Other *signs* are not permitted on a sidewalk cafe.

(M) [No change in text.]

(2) through (3) [No change in text.]

~~(b)~~(4) A Process Two Neighborhood Use Permit may be requested in accordance with Section 126.0203 to deviate from the requirements in Section 141.0621(a) as follows:

~~(1)~~(A) The *applicant* shall identify any requirement in Section 141.0621(a) where a deviation is being requested and shall specify why the deviation is needed.

~~(2)~~(B) The decision maker will evaluate the request in accordance with the adopted *land use plan* and Land Development Manual to determine if a sidewalk cafe with the proposed deviation is a suitable use for the proposed site and will not infringe on use of the *public right-of-way* by pedestrians. In making the determination, the decision maker shall consider the following:

~~(A)~~(i) The width of the sidewalk;

~~(B)~~(ii) The design and relationship of the sidewalk cafe to other existing or planned uses in the vicinity;

~~(C)~~(iii) The amount of pedestrian use and the impact of the sidewalk cafe's location on pedestrian activity; and

~~(D)~~(iv) The sidewalk cafe's ability to fit the character of the area, create an outdoor pedestrian plaza, intensify

pedestrian activity, and make the *street* activity more attractive.

(b) Limited Use Regulations for Streetaries

(1) Location Requirements

(A) Streetaries shall be located adjacent to eating and drinking establishments at the following locations:

(i) Within the curb lane on *streets* where on-street metered or unmetered parking spaces exist adjacent to the front of the eating and drinking establishment, or along an adjacent neighboring on-street metered or unmetered parking spaces with the written permission from the adjacent property owner stating the permission is valid for the term of the Encroachment Maintenance and Removal Agreement.

(ii) At least 20 feet away from an intersection, *street* corner, *alley* or a driveway; and

(iii) Along curbs painted yellow, or green, or non-painted curbs or motorcycle parking areas.

(B) Streetaries shall not be allowed at the following locations:

(i) Along a *street* segment with a speed limit greater than 30 miles per hour.

- (ii) Along a *street* with a *street* classified as major or greater.
- (iii) Along a curb painted red, white, or blue.
- (iv) Within or adjacent to an *alley*.
- (v) Adjacent to a Metropolitan Transit System (MTS) stop or a bus lane.
- (vi) Within an existing bike lane or within a proposed bike lane project identified in any comprehensive bicycle plan or adopted *land use plan*.
- (vii) Within 5 feet of storm drain inlets or cleanouts.
- (viii) Over utility access panels, manhole covers, handholes, transformers, water meters or water valves.
- (ix) Within 5 feet of a fire hydrant and any emergency equipment.
- (x) Within 5 feet of any natural gas or electric utility facility, including the perimeter of any manholes, handholes or vaults, and any surface-level structures such as natural gas meters, monitors, pressure regulators, protection stations, poles, curbside electric meters, transformers or green utility boxes.

(2) Permit Requirements

- (A) Prior to installation of any furniture or improvements in the public right-of-way and prior to operation of a streetary, an applicant shall obtain a Public Right-of-Way Permit in accordance with Section 129.0710(d) and an Encroachment Maintenance and Removal Agreement in accordance with Section 129.0715. Violations of a Public Right-of-Way Permit shall be subject to the permit revocation procedures set forth in Chapter 12, Article 1, Division 3.
- (B) The Public Right-of-Way Permit for streetaries shall be limited to a maximum two-year term period, after which a new application may be submitted in accordance with Section 141.0621(b).
- (C) Removal of parking spaces, with the exception of accessible parking spaces in accordance with Title 24 of the California Code of Regulations (California Building Standards Code), shall not be the basis of denial of a Public Right-of-Way Permit for a streetary.
- (D) The dimensions of a streetary shall be delineated on a site plan and documented in the associated Public Right-of-Way Permit.
- (E) Prior to the issuance of a Public Right-of-Way Permit for a streetary, the applicant shall pay a fee for the use of and

operation within the *public right-of-way*, as adopted by San Diego City Council Resolution.

(F) A streetary is subject to Development Impact Fees in accordance with Section 142.0640(b)(6).

(G) Prior to issuance of a Public Right-of-Way Permit for a streetary, the *applicant* shall provide evidence of general liability insurance naming the City of San Diego as additional insured, which shall remain in effect during the operation of the streetary.

(H) Alcohol, food, or beverages shall not be served or allowed within the streetary before 7:00 a.m. and after 10:00 p.m. Sunday through Thursday, and before 7:00 a.m. and after 11:00 p.m. Friday through Saturday and the day prior to a City Holiday.

(I) Streetaries located within 150 feet of an adjacent residential use shall not serve or allow alcohol, food, or beverages within the streetary before 7:00 a.m. and after 9:00 p.m. Sunday through Thursday, and before 7:00 a.m. and after 10:00 p.m. Friday through Saturday.

(J) Streetaries shall comply with all State of California Department of Alcoholic Beverage Control license requirements, as applicable.

- (K) Smoking and vaping shall not be permitted within the streetary. For purposes of this Section, the terms *smoke*, *smoking*, *vape*, and *vaping* have the same meanings as set forth in San Diego Municipal Code Section 43.1001.
- (L) Live entertainment is not permitted within a streetary unless a Conditional Use Permit is granted in accordance with Process Three and the Conditional Use Permit is in accordance with the provisions of Chapter 3, Article 3, Division 15. The Public Right-of-Way Permit holder for the streetary shall provide a noise impact analysis to the City for consideration before approval of the Conditional Use Permit. The noise impact analysis shall be prepared by a qualified acoustical engineer and shall evaluate noise and vibration impacts to the surrounding neighborhood. A Conditional Use Permit shall not be granted for live entertainment before 8:00 a.m. and after 9:00 p.m. Sunday through Thursday, and before 9:00 a.m. and after 10:00 p.m. Friday through Saturday.
- (M) Outdoor cooking and food preparation within the streetary is prohibited.
- (N) Noise levels within the streetary shall comply with the sound level limits of the adjacent use of the eating or

drinking establishment in accordance with Chapter 5,
Article 9.5, Division 4.

(O) The Gaslamp Quarter Planned District Design Guidelines
shall apply to streetaries located within the Gaslamp
Quarter Planned District.

(P) The Public Right-of-Way Permit *permit holder* shall be
responsible for maintaining the streetary. Maintenance shall
include posting of the name, phone number, and email
address of the *person* responsible for the streetary in a
location visible from the *public right-of-way*, keeping the
streetary free of litter, and preventing litter attributable to
the streetary from entering adjacent properties within the
public right-of-way.

(Q) Streetaries shall remain open to public during all non-
operational hours.

(3) Design Requirements

Streetaries shall be designed in accordance with the Spaces as
Places Design Manual and meet the following regulations to the
satisfaction of the City Engineer:

(A) Streetaries shall be designed as an extension of the
sidewalk with at least one minimum 48 inches wide entry
for every 10 feet of streetary along the curbside edge.

- (B) The width of the streetary shall not extend within 2 feet of the edge of the *street* travel lane.
- (C) A streetary shall provide a *setback* of at least 4 feet from adjacent vehicle parking spaces.
- (D) The deck of the streetary platform shall be flush with the sidewalk.
- (E) Bolting into the *street* or penetrating into the surface of the road shall not be permitted.
- (F) A minimum 36 inches wide emergency access gap with horizontal and vertical clearance shall be required for every 20 feet of the streetary or adjacent streetaries or other structures in the parking lane.
- (G) The accessible path of travel through the streetary shall be a paved sidewalk that is at least 5 feet wide, the width identified in the applicable adopted land use plan, or the width required by the applicable zone or planned district, whichever width is greater.
- (H) Drainage

 - (i) Streetaries shall not impede the flow of curbside drainage.
 - (ii) An 8 inch by 6 inch minimum clear gutter space shall be provided along the entire length of the streetary adjacent to the curb.

- (iii) The applicant shall ensure that the drainage area between the curb and the platform remains clear of debris and proper drainage occurs at all times.
- (I) A 42 inch high railing shall be placed at the edge of the streetary to serve as a barrier from vehicular traffic.
- (J) No horizontal or vertical structure shall be placed above 42 inches from the surface of the streetary except for stanchions needed to provide lighting.
- (K) Umbrellas with an overhang of a minimum of 84 inches from the finished grade of the sidewalk may be used in conjunction with a streetary, but no permanent roof or shelter is permitted over the streetary. The canopy of the umbrella shall be contained within the streetary and shall not protrude into the sidewalk, adjacent parking spaces, adjacent streetaries or the travel or bike lane.
- (J) Solar powered lights shall be permitted but electrical lighting elements that contain wires that cross the clear path of travel shall not be permitted.
- (K) The placement of the name and type of establishment on umbrellas is allowed. Other signs shall not be permitted on a streetary.
- (L) Streetaries shall be designed in accordance with the Spaces as Places Design Manual.

(M) The Gaslamp Quarter Planned District Design Guidelines shall apply to streetaries located within the Gaslamp Quarter Planned District.

(4) Accessibility

(A) Accessible Path of Travel

- (i) An accessible path of travel shall connect the sidewalk to the accessible entry, deck surface, wheelchair turning space, and wheelchair resting space.
- (ii) The accessible path of travel shall be a minimum of 60 inches wide on the sidewalk and shall not pass over tree wells.
- (iii) The accessible path of travel shall be free of obstruction and protruding objects.

(B) Accessible Deck Surface

- (i) The accessible path of travel on the deck surface shall be a minimum of 44 inches wide.
- (ii) The portion of the streetary deck connected by the accessible path of travel to the wheelchair turning space and wheelchair resting space shall be level.
- (iii) The accessible deck surface maximum cross slope (perpendicular to the sidewalk or curb) and the

maximum running slope (parallel to the curb) shall not exceed 2 percent.

(iv) The surface of the accessible route, clear floor spaces, and turning spaces shall be firm, stable, and slip resistant.

(v) Openings in floor or deck surfaces shall not allow the passage of a sphere more than half an inch in diameter. Elongated openings shall be placed so that the long dimension is perpendicular to the dominant direction of travel.

(C) A clear area of 60 inches in diameter located entirely within the streetary shall be provided for wheelchair turning with a maximum overlap of 12 inches on the curb and sidewalk.

(D) A clear floor area of 36 inches by 48 inches shall be provided for wheelchair resting space with a maximum overlap of 24 inches with the wheelchair turning space in any orientation.

(E) The wheelchair resting space shall provide shoulder-to-shoulder alignment adjacent to one side of the fixed seat to serve as wheelchair user companion seating.

(F) A minimum head height clearance of 84 inches from the finished grade of the streetary is required at all times.

(G) Equivalent Facilities

- (i) Where tables, counters, or drink rails are provided, at least one of each feature shall be wheelchair accessible.
- (ii) The top surface height of wheelchair accessible tables, counters and or drink rails shall be 28 inches to 34 inches above the deck surface.
- (iii) Wheelchair accessible tables and counters shall be approachable from the front and provide an unobstructed knee clearance that is at least 27 inches high, 30 inches wide, and 19 inches deep.
- (iv) When movable tables are provided in lieu of fixed tables, at least one of the movable tables shall be accessible.
- (v) Where drink rails are provided, a 60 inch long portion of a drink rail shall have 36 inch wide and level space adjacent to it for a side-approach by a wheelchair user.

(H) Terraced or Multi-Level Streetaries

- (i) Streetaries on streets with grades that exceed 5 percent may construct a terraced streetary with two or more decks.
- (ii) At least one of the terraces shall be wheelchair accessible and provide equivalent seating, tables,

and countertop facilities to those found in other terraces.

(iii) The wheelchair accessible terrace shall provide a wheelchair accessible entry from the sidewalk.

(iv) The wheelchair accessible entry shall include a structure on the sidewalk within the sidewalk furnishing zone that provides a transition between the sidewalk and streetary deck.

(v) Passage between terrace levels shall provide a ramp with a running slope not to exceed 5%.

(vi) Any step or stair shall contain a warning strip at the nose of the step and handrails in accordance with the California Building Code.

(5) Deviation Process

A deviation from the requirements in Section 141.0621(b) may be permitted with a Neighborhood Use Permit decided in accordance with Process Two, as follows:

(A) The applicant shall identify any requirement in Section 141.0621(b) where a deviation is being requested and shall specify why the deviation is necessary.

(B) Deviations related to the following shall not be granted:

(i) Addition of an overhead structure;

(ii) Storm water requirements;

- (iii) Hours of operation;
- (iv) Engineering standards; and
- (v) Accessibility requirements.

(c) Limited Use Regulations for Active Sidewalks

(1) Location Requirement:

- (A) Active sidewalks shall be located along the curbside on streets where metered or unmetered parking exists.
- (B) Active sidewalks shall be located only on streets with a curb-to-curb width sufficient to accommodate a Class IV bicycle lane after installation of the active sidewalk.
- (C) Active sidewalks shall meet the locational requirement to the satisfaction of the City Engineer to ensure public health and safety.

(2) The following uses shall be permitted within an active sidewalk:

- (A) Recreational amenities, including landscaped and seating areas, in accordance with Section 129.0710(d).
- (B) Artworks.
- (C) Outdoor Dining in accordance with Section 141.0621(c)(6).
- (E) Farmers Markets in accordance with Section 141.0503.
- (F) Other uses approved through a deviation in accordance with Section 141.0621(c)(7).

(3) Permit Requirements:

- (A) Prior to installation of any furniture or improvements in the public right-of-way and prior to operation of an active sidewalk, the applicant shall obtain a Public Right-of-Way Permit in accordance with Section 129.0710(d) and an Encroachment Maintenance and Removal Agreement in accordance with Section 129.0715 to the satisfaction of the City Engineer. Violations of a Public Right-of-Way Permit shall be subject to the permit revocation procedures set forth in Chapter 12, Article 1, Division 3.
- (B) Removal of parking, with the exception of accessible spaces in accordance with Title 24 of the California Code of Regulations (California Building Standards Code), shall not be a basis of denial of a Public Right-of-Way Permit for an active sidewalk.
- (C) Prior to issuance of a Public Right-of-Way Permit for an active sidewalk, the applicant shall provide evidence of general liability insurance naming the City of San Diego as additional insured, which shall remain in effect during the operation of the active sidewalk.
- (D) Alcohol, food, or beverages shall not be served or allowed within the active sidewalk before 7:00 a.m. and after 10:00 p.m. Sunday through Thursday, before 7:00 a.m. and after 11:00 p.m. Friday through Saturday.

- (E) Active sidewalk located within 150 feet of an adjacent residential use shall not serve or allow alcohol, food or beverages within the active sidewalk before 7:00 a.m. and after 9:00 p.m. Sunday through Thursday, and before 7:00 a.m. and after 10:00 p.m. Friday through Saturday and the day prior to a City Holiday.
- (F) Live entertainment is not allowed within an active sidewalk unless a Conditional Use Permit is granted in accordance with Process Three and the Conditional Use Permit is in accordance with the provisions of Chapter 3, Article 3, Division 15. The Public Right-of-Way Permit *permit holder* for the active sidewalk shall provide a noise impact analysis to the City for consideration before approval of the Conditional Use Permit. The noise impact analysis shall be prepared by a qualified acoustical engineer and shall evaluate noise and vibration impacts to the surrounding neighborhood. A Conditional Use Permit shall not be granted for live entertainment before 8:00 a.m. and after 9:00 p.m. Sunday through Thursday, and before 9:00 a.m. and after 10:00 p.m. Friday through Saturday.
- (G) All programming along active sidewalk shall be in accordance with the Special Events Ordinance, Chapter 2, Article 2, Division 40.

(H) Smoking and vaping shall not be permitted within the active sidewalk. For purposes of this Section, the terms *smoke*, *smoking*, *vape*, and *vaping* have the same meanings as in San Diego Municipal Code Section 43.1001.

(I) Active sidewalks shall comply with all State of California Department of Alcoholic Beverage Control license requirements, as applicable.

(J) Active sidewalks shall comply with the sound level limits of the adjacent use in accordance with Chapter 5, Article 9.5, Division 4.

(K) The Public Right-of-Way Permit *permit holder* shall be responsible for maintaining the active sidewalk. Maintenance shall include, but not be limited to, posting of the name, phone number, and email address of the *person* responsible for the active sidewalk in a location visible from the *public right-of-way*, keeping the active sidewalk free of litter, and preventing litter attributable to the active sidewalk from entering adjacent properties and the *public right-of-way*.

(4) Design Requirements:

Active sidewalks shall be designed in accordance with the Spaces as Places Design Manual and meet the following regulations to the satisfaction of the City Engineer:

- (A) Permanent expansion of the curb line for an active sidewalk into the parking lane starting at the corner or in the middle of the *street* shall be designed to the satisfaction of the City Engineer.
- (B) The length of an active sidewalk shall be at least 54 feet.
- (C) The design and placement of *street* furniture, trees, and plantings on an active sidewalk shall not impede pedestrian flow, or be placed within 10 feet from an intersection to avoid interfering with *visibility area*, emergency operations, or sight lines, to the satisfaction of the City Engineer.
- (D) The placement of the name and type of the associated establishment on umbrellas shall be permitted. Other *signs* shall not be permitted on an active sidewalk.
- (E) Active sidewalks shall be designed in accordance with current Storm Water standards.
- (F) Active sidewalks shall be designed in accordance with the Spaces as Places Design Manual, Street Design Manual, and all applicable engineering standards.
- (G) The Gaslamp Quarter Planned District Design Guidelines shall apply to active sidewalks within the Gaslamp Quarter Planned District.

- (5) Active sidewalks shall comply with all State and Federal accessibility requirements.
- (6) The exclusive use of a portion of an active sidewalk for outdoor dining, including fixed or moveable furniture placed closer to the adjacent eating and drinking establishment or closer to the adjacent travel lane within the active sidewalk, is allowed so long as:

 - (A) The accessible path of travel is a paved sidewalk that is at least 5 feet wide, the width identified in the applicable adopted land use plan, or the width required by the applicable zone or planned district, whichever width is greater;
 - (B) 42-inch-high railing is provided along the active sidewalk facing the travel lane when seating for outdoor dining is placed adjacent to the *street* travel lane;
 - (C) No horizontal or vertical *structure* is placed above 42 inches from the surface of the active sidewalk except for stanchions needed to provide lighting; and
 - (D) The portion of the active sidewalk used for outdoor dining remains open to public during all non-operational hours.
- (7) Deviation Process

A deviation from the requirements in Section 141.0621(c) may be permitted with a Neighborhood Use Permit decided in accordance with Process Two, as follows:

- (A) The *applicant* shall identify any requirement in Section 141.0621(c) where a deviation is being requested and shall specify why the deviation is necessary.
- (B) Deviations related to the following shall not be granted:
 - (i) Addition of an overhead *structure*;
 - (ii) Storm Water requirements;
 - (iii) Hours of operation;
 - (iv) Engineering standards; and
 - (v) Accessibility requirements.

§141.0628 Outdoor Dining on Private Property

The permanent use of a private property for outdoor dining is permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations:

- (a) Permit Requirements:
 - (1) Written permission from the *record owner* of the *premises* is required.
 - (2) A Building Permit shall be obtained in accordance with Chapter 12, Article 9, Division 2.
 - (3) The Building Permit *permit holder* shall be responsible for maintaining the outdoor dining area. Maintenance shall include posting of the name, phone number, and email address of the party responsible for the outdoor dining area in a location visible from the *public right-of-way*, keeping the outdoor dining area free of

litter, and preventing litter attributable to the outdoor dining area from entering adjacent properties, in *alleys*, or within the *public right-of-way*.

- (4) The use of an *alley* for the purposes of outdoor dining shall not be permitted.
- (5) Removal of required *off-street parking spaces* on a *premises* where any portion of the *premises* is located within a *transit priority area*, with the exception of any existing accessible spaces in accordance with Title 24 of the California Code of Regulations (California Building Standards Code), shall not be a basis of denial of the permit.
- (6) The hours of operation of the outdoor dining operations shall be limited to the hours that the *kitchen* facilities of the associated eating and drinking establishment are open for meal ordering. Alcohol, food, or beverages shall not be served or permitted within the outdoor dining area before 7:00 a.m. and after 10:00 p.m. Sunday through Thursday, and before 7:00 a.m. and after 11:00 p.m. Friday through Saturday and the day prior to a City Holiday.
- (7) Outdoor dining located within 150 feet of an adjacent residential use shall not serve or allow alcohol, food, or beverages within the outdoor dining area before 7:00 a.m. and after 9:00 p.m. Sunday through Thursday, before 7:00 a.m. and after 10:00 p.m. Friday through Saturday.

(8) Outdoor dining shall comply with the sound level limits of the associated eating and drinking establishment in accordance with Chapter 5, Article 9.5, Division 4.

(9) Live entertainment is not allowed within outdoor dining areas unless a Conditional Use Permit is granted in accordance with Process Three and provided that the Conditional Use Permit is in accordance with the provisions of Chapter 3, Article 3, Division 15. The Building Permit permit holder for Outdoor Dining area shall provide a noise impact analysis to the City for consideration before approval of the Conditional Use Permit. The noise impact analysis shall be prepared by a qualified acoustical engineer and shall evaluate noise and vibration impacts to the surrounding neighborhood. A Conditional Use Permit shall not be granted for live entertainment before 8:00 a.m. and after 9:00 p.m. Sunday through Thursday, and before 9:00 a.m. and after 10:00 p.m. Friday through Saturday.

(b) Design Requirements:

(1) Outdoor dining on private property shall be delineated by a barrier from the off-street parking spaces by a railing, fence, or a combination of railing and fence, and planter boxes that are at least 3 feet in height. Solid walls are not permitted.

(A) The barrier may be either permanently installed or moveable. If it is moveable, it shall be affixed to a sidewalk

while the eating and drinking establishment is open for business.

(B) Awnings or umbrellas may be used in conjunction with an area for eating and drinking but shall not be used as a permanent roof or shelter over the area for eating and drinking.

(2) Outdoor dining on private property shall be designed and operated so that it may be used by people of all abilities by complying with all of the following:

(A) The surface of the outdoor dining area shall be level and have a running slope and a cross slope that do not exceed 2 percent (1 unit vertical in 48 units horizontal).

(B) The outdoor dining area shall not be located on a raised platform or in a sunken area, unless an accessible ramp is provided in accordance with the California Building Code, or the Americans with Disabilities Act, whichever provides greater accessibility.

(C) At least one wheelchair accessible seating space shall be provided for every 20 seats, or portion thereof.

(D) When multiple wheelchair accessible seating spaces are provided, they shall be distributed and integrated within the outdoor dining area.

- (E) Wheelchair accessible seating spaces shall have a minimum unobstructed maneuverability dimension of 30 inches in width by 48 inches in depth.
- (F) Access to designated wheelchair seating spaces shall be provided through an accessible path with not less than 36 inches unobstructed width.
- (3) Base Zone regulations for setbacks, and minimum lot coverage, and emergency access in accordance with the California Fire Code shall apply.

§141.0629 Promenade

For the purposes of this Section, a promenade is defined as the partial or complete street closure to vehicular traffic to facilitate active transportation uses such as walking, biking, recreation, outdoor dining, and enjoyable public interaction. Promenades enhance pedestrian safety, encourage non-motorized transportation, and foster neighborhood interaction and outdoor activities, increasing the likelihood that more pedestrians will travel by foot or bicycle. A promenade initiated by the City shall not be subject to the additional requirements of this Section.

- (a) The following uses and other similar uses shall be permitted within a promenade:
 - (1) Recreational amenities in accordance with Section 129.0710(d).
 - (2) Artworks.
 - (3) Outdoor Dining in accordance with Section 141.0621.

(4) Farmers Markets in accordance with Section 141.0503.

(b) Permit Requirements:

(1) The creation of a promenade may be initiated by any applicant.

(A) For a promenade initiated by a public agency, prior to the installation of any furniture or improvements in the public right-of-way and prior to operation of a promenade, the applicant shall obtain a Public Right-of-Way Permit in accordance with Section 129.0710(d), and a plan for maintenance shall be provided to the satisfaction of the Transportation Director. Violations of a Public Right-of-Way Permit shall be subject to the permit revocation procedures set forth in Chapter 12, Article 1, Division 3.

(B) For a promenade initiated by a private applicant, prior to the installation of any furniture or improvements in the public right-of-way and prior to operation of a promenade, the applicant shall obtain a Public Right-of-Way Permit in accordance with Section 129.0710(d) and an Encroachment Maintenance and Removal Agreement in accordance with Section 129.0715. Violations of a Public Right-of-Way Permit shall be subject to the permit revocation procedures set forth in Chapter 12, Article 1, Division 3.

(C) For a promenade where the public right-of-way lies within one ownership for the entirety of the promenade, the

applicant shall obtain a public right-of-way vacation in accordance with Chapter 12, Article 5, Division 9 prior to installation of any furniture or improvements in the public right-of-way and prior to operation of a promenade,

- (2) Removal of parking, with the exception of accessible spaces in accordance with Title 24 of the California Code of Regulations (California Building Standards Code), shall not be a basis of denial of the permit.
- (3) Full access for emergency service vehicles shall be provided at all times to ensure public health and safety to the satisfaction of the City Engineer.
- (4) All programming of activities within the promenade shall be in accordance with the Special Events Ordinance, Chapter 2, Article 2, Division 40.
- (5) Smoking and vaping shall not be permitted within the promenade. For purposes of this Section, the terms smoke, smoking, vape, and vaping have the same meanings as set forth in San Diego Municipal Code section 43.1001.
- (6) A promenade shall comply with all State of California Department of Alcoholic Beverage Control license requirements, as applicable.
- (7) The promenade shall comply with the sound level limits of adjacent uses in accordance with Chapter 5, Article 9.5, Division 4.

- (8) The Gaslamp Quarter Planned District Design Guidelines shall apply to a promenade located within the Gaslamp Quarter Planned District.
- (9) The Public Right-of-Way Permit *permit holder* shall be responsible for maintaining the promenade. Maintenance shall include, but not be limited to, posting of the name, phone number, and email address of the *person* responsible for the promenade in a location visible from the *public right-of-way*, keeping the promenade area free of litter, and preventing litter attributable to the promenade from entering adjacent properties within the *public right-of-way*.
- (c) Design requirements:

 - (1) The design and placement of *street* furniture, trees, and plantings along a promenade shall not impede pedestrian flow.
 - (2) The placement of the name and type of the associated establishment on umbrellas shall be permitted. Other *signs* shall not be permitted on a promenade.
 - (3) The design of a promenade shall be in conformance with current Federal and State accessibility guidelines.
 - (4) The design of a promenade shall be in accordance with current storm water standards.
 - (5) Promenades shall be designed in accordance with the Spaces as Places Design Manual.

(6) The Gaslamp Quarter Planned District Design Guidelines shall apply to a promenade located within the Gaslamp Quarter Planned District.

(d) Exclusive use of a section of the promenade for outdoor dining shall comply with the following:

(1) Alcohol, food, or beverages shall not be served or permitted within the promenade before 7:00 a.m. and after 10:00 p.m. Sunday through Thursday, and before 7:00 a.m. and after 11:00 p.m. Friday through Saturday;

(2) Outdoor dining within 150 feet of an adjacent residential use shall not serve or allow alcohol, food, or beverages within the promenade before 7:00 a.m. and after 9:00 p.m. Sunday through Thursday, and before 7:00 a.m. and after 10:00 p.m. Friday through Saturday; and

(3) The portion of the promenade used for outdoor dining remains open to public during all non-operational hours.

§142.0640 Impact Fees for Financing Public Facilities

(a) [No change in text.]

(b) Payment of Fees

Development Impact Fees (as defined in California Government Code Section 66000) for applicable *development* shall be paid at the time required building permit fees are paid and no later than the first inspection of the *development* performed by the City in areas where Development Impact Fees have been established by City Council resolution or

ordinance. Notwithstanding the above, the City Manager may also require the payment of Development Impact Fees for *development* that would increase demand for public facilities and/or result in the need for new public facilities, including outdoor dining. Development Impact Fees shall not be required for inclusionary *dwelling units* provided pursuant to Chapter 14, Article 2, Division 13 if the *applicant* has satisfied all the requirements of Division 13 for inclusionary *dwelling units* on the same *premises* as the market-rate *dwelling units*. The Development Impact Fee required by the City Manager shall be paid at the time required building permit fees are paid and no later than the first inspection of the *development* performed by the City.

Exemptions:

(1) through (5) [No change in text.]

- (6) For *development* of a streetary, in accordance with Section 141.0621, the DIFs shall be assessed at a rate of 1/15th of the Development Impact Fees established by City Council resolution or ordinance, and shall be collected every two years with the issuance of the applicable Public Right of Way Permit.
- (7) Active sidewalks developed in accordance with Section 141.0621 are exempt from DIFs.

Table 142-06A

[No change in text.]

(c) through (g) [No change in text.]

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DESIGN GUIDELINES


California Coastal Commission

ABOUT THIS MANUAL

The City of San Diego is committed to making our City a place where everyone can thrive.

The **Spaces as Places** Design Manual is a comprehensive guide designed by the City of San Diego's Planning Department to transition temporary spaces from an emergency response to a permanent program with established design and safety standards.

This design manual will demonstrate how public space can be activated to create an enhanced experience for active transportation for people of all abilities while increasing opportunities for businesses to expand indoor dining operations into outdoor operations within the public right-of-way. In addition, the design manual will outline the responsibilities and requirements for restaurant owners, provide step-by-step instructions to apply for a permit and provide a menu of design options to fit the needs of individual businesses, commercial districts and neighborhoods.

Applicants are strongly encouraged to read the **Spaces as Places** Design Manual in its entirety before they begin the process of developing or transitioning their outdoor space. Where conflicts arise between the design manual and the provisions of the San Diego Municipal Code (SDMC), the provisions of the SDMC shall prevail. The City of San Diego Planning Department appreciates the time and effort invested and will invest in making great spaces in San Diego.



*The **Spaces as Places** Design Manual is brought to you by:*
City of San Diego Planning Department

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SPACES AS PLACES OVERVIEW

- 1.1 INTRODUCTION
- 1.2 PROGRAM GOALS
- 1.3 KEY ELEMENTS
- 1.4 PERMIT OPTIONS
- 1.5 OPERATIONAL REQUIREMENTS



1.1 INTRODUCTION

Spaces as Places is the City of San Diego's proposed program to transition temporary outdoor spaces, which were allowed to replace indoor capacity in response to the COVID-19 pandemic which significantly restricted indoor operations, to permanent places that safely bring people together to dine, play and gather. The **Spaces as Places** program will offer a menu of options to allow for the creation of a variety of quality outdoor places for dining, walking, biking, public artwork and other enjoyable public interaction for the post-pandemic world.

On August 4, 2020, the City Council approved an emergency ordinance allowing Temporary Outdoor Business Operations as an emergency response to the COVID-19 pandemic (Emergency Outdoor Operations Regulations). The Emergency Outdoor Operation Regulations allowed businesses to conduct outdoor dining within the public right-of-way as a means to provide dining establishments a way to continue to operate when indoor operations were wholly or partially limited due to public health orders issued to protect public health. On May 18, 2021, the City Council extended the Emergency Outdoor Operations Regulations to continue to allow the temporary use of the public right-of-way for outdoor dining for an additional year due to continuing limits on indoor operations in effect at that time.

While originally conceived as an emergency response to the pandemic, outdoor dining proliferated, often in ways that have resulted in more active and enjoyable use of public spaces not

previously experienced prior to the pandemic. In response to this, the Planning department has been developing the **Spaces as Places** initiative to provide permanent options for outdoor dining that simultaneously provide flexibility for business owners to use the public right-of-way while contributing to the enjoyment of the public space and increasing opportunities for more enjoyable pedestrian travel. A comprehensive program that includes such flexibility, as well as necessary regulations and design standards, is proposed to be presented to City Council for approval in Fall of 2021.

Spaces as Places is focused not only on increasing opportunities for businesses to expand indoor dining operations into outdoor operations within the public right-of-way, but also simultaneously creating an enhanced experience for active transportation consistent with the City's climate goals. The creation of quality pedestrian and bike-friendly spaces to help improve social connections and build strong communities contributes to the City's achievement of the mode share goals for pedestrians and bicyclists in the Climate Action Plan. Active outdoor spaces with corresponding investments, such as tree plantings, can also address the need to adapt to extreme heat due to a changing climate, particularly in areas with the highest extreme heat vulnerabilities. **Spaces as Places** also provides opportunities to support businesses in traditionally underserved communities to ensure that outdoor dining investments that improve public spaces can be equitably enjoyed across the City.



**"Streets are settings for activities
that bring people together."**

From *Great Streets* by Allan Jacobs (1995)



1.2 PROGRAM GOALS

Building on the success of the past year's temporary outdoor dining program, the City of San Diego is committed to developing a permanent program. The **Spaces as Places** program will turn traditional vehicle-accommodating spaces into destinations that create more outdoor recreation and pedestrian activity and make streets more attractive.

1

WORK IN PARTNERSHIP WITH ALL OUR COMMUNITIES

Spaces as Places will work with community members to achieve safe and livable neighborhoods that balance the needs of people walking, riding bicycles, taking transit and traveling by car.

2

INVEST IN QUALITY INFRASTRUCTURE

Spaces as Places will support businesses in traditionally underserved communities to ensure that outdoor dining investment is equitably distributed across the city to achieve sustainable growth and development.



3

CREATE AND SUSTAIN A RESILIENT AND ECONOMICALLY PROSPEROUS CITY WITH OPPORTUNITIES IN EVERY COMMUNITY

Spaces as Places will incorporate mobility, connectivity and sustainability to help improve social connections and build strong communities.

5

DIVERSIFY AND GROW THE LOCAL ECONOMY

Spaces as Places will increase opportunities for businesses to expand indoor dining operations into outdoor operations within the public right-of-way.

4

CREATE DYNAMIC NEIGHBORHOODS

Spaces as Places will enhance neighborhoods by encouraging more opportunities for pedestrians to sit and gather with friends and neighbors in safe and comfortable spaces.

6

PREPARE AND RESPOND TO CLIMATE CHANGE

Spaces as Places will create an enhanced experience for active transportation consistent with the City's climate goals.



1.3 KEY ELEMENTS

Based on the outreach and input received so far, **Spaces as Places** proposes a menu of options to facilitate the creation of wider sidewalks, facilitating outdoor dining and allowing for the creation of more space for pedestrians and bicycles to safely use the streets. Given the City's diverse urban landscape, the program proposes the following options:



**SIDEWALK
CAFE**

Sidewalk Cafes are outdoor dining spaces located within the sidewalk area of public right-of-way that are associated with adjacent eating and drinking establishments.



STREETARY

Streetaries are outdoor spaces created in street space formerly dedicated to parking spaces that serve as an extension of a restaurant or other establishment that sells food and drink.





ACTIVE SIDEWALK

Active Sidewalks consist of a permanent extension of the existing curb into the parking lane to facilitate a variety of activities such as recreation, outdoor dining and enjoyable public interaction, all of which contribute to an enhanced active transportation experience, making it more likely that people will walk or bike. Active Sidewalks are intended to create places for all.



PROMENADE

Public Promenades involve partial or complete street closures to vehicular traffic to facilitate active transportation uses such as walking and biking free from vehicular conflicts. Recreational amenities, outdoor dining and other enjoyable public interactions can facilitate and contribute to the enjoyment of the active transportation experience.








OUTDOOR DINING ON PRIVATE PROPERTY

Outdoor Dining on Private Property is permitted within a private parking lot when the required locational and design requirements are met.



1.4 PERMIT OPTIONS

	 OUTDOOR DINING ON PRIVATE PROPERTY	 SIDEWALK CAFE	 STREETARY	 ACTIVE SIDEWALK	 PROMENADE		
					Outside Agency	Private Developer	Single Ownership
Building Permit	X						
Public Right of Way Permit		X	X	X	X	X	
Encroachment and Maintenance Agreement		X	X	X		X	
Insurance		X	X	X		X	
Maintenance Plan					X		
Street Vacation							X
Neighborhood Use Permit for Deviations		X	X	X			

When all locational, design and operational requirements are met, the application is reviewed ministerially. When certain requirements are not met due to existing site conditions, certain deviations from the requirements can be requested. Deviations will be reviewed through a Neighborhood Use permit. Deviations from engineering standards, operational hours, ADA requirements and storm water requirements cannot be requested.

1.5 OPERATIONAL REQUIREMENTS



- The property owner is responsible for maintaining the outdoor dining area free of litter at all times
- Serving alcohol, food and beverages is allowed between 7 am and 10 pm Sunday through Thursday and between 7 am to 11 pm Friday and Saturday. Entertainment or amplified music is allowed between 8 am to 9 pm Sunday through Thursday and between 9 am to 10 pm Friday through Saturday. The day before a City holiday will follow the operational requirements for Friday through Saturday
- For outdoor dining areas located withing 150 feet of a residential use, serving alcohol, food and beverages is allowed between 7 am and 9 pm Sunday through Thursday and between 7 am to 10 pm Friday and Saturday
- Sidewalk Cafes, Streetaries, Active Sidewalks and Promenades and all outdoor dining areas are designed to create smoke-free and vape-free environments
- Noise levels within outdoor dining areas will comply with the permitted sound levels of the adjacent use
- Programming of activities within Active Sidewalks and Promenades will require a Special Events permit
- A fee will be charged for the exclusive use of the Streetary, a section of the Active Sidewalk or a section of the Promenade



San Diego (Photo Credit: City of San Diego)



2

Rob & Co
HAPPY
HOUR
TO-GO



SIDEWALK CAFE

- 2.1 INTRODUCTION
- 2.2 LOCATION REQUIREMENTS
- 2.3 DESIGN REQUIREMENTS
- 2.4 ACCESSIBILITY
- 2.5 CASE STUDIES

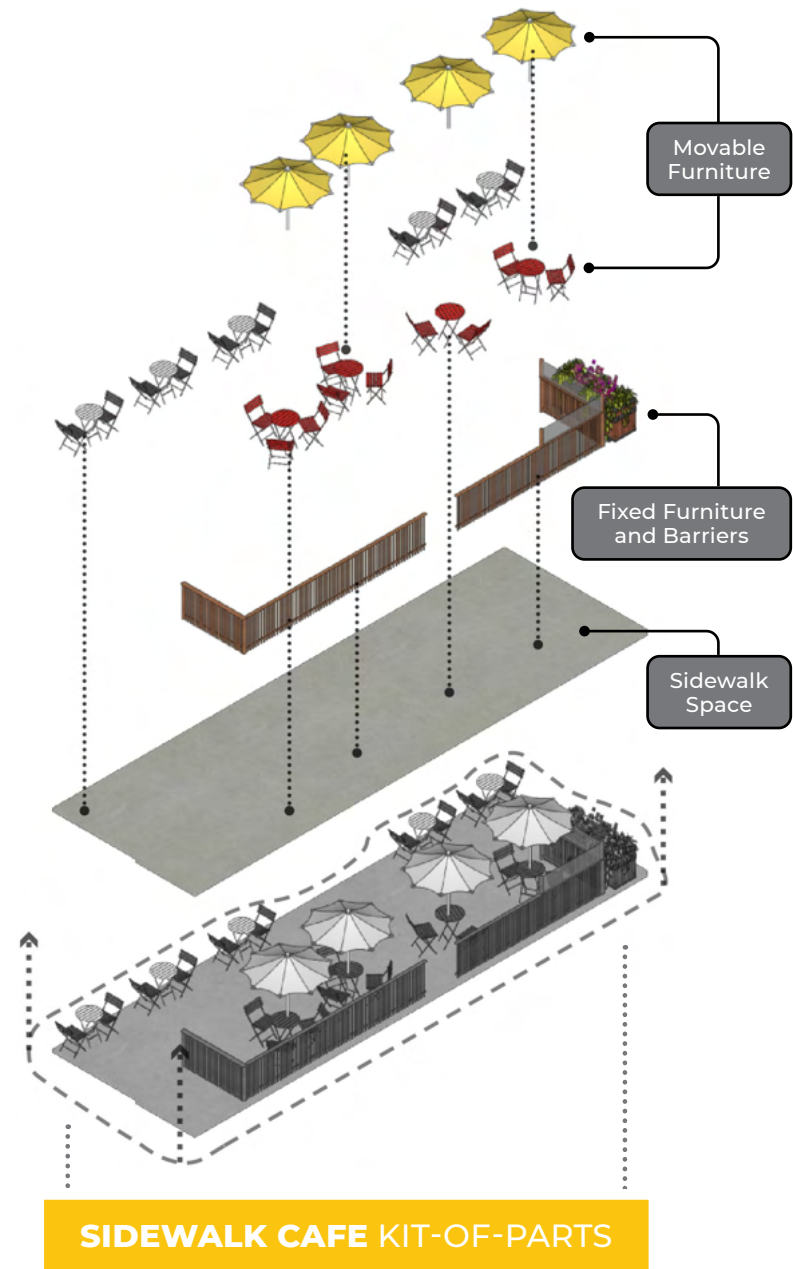


2.1 INTRODUCTION

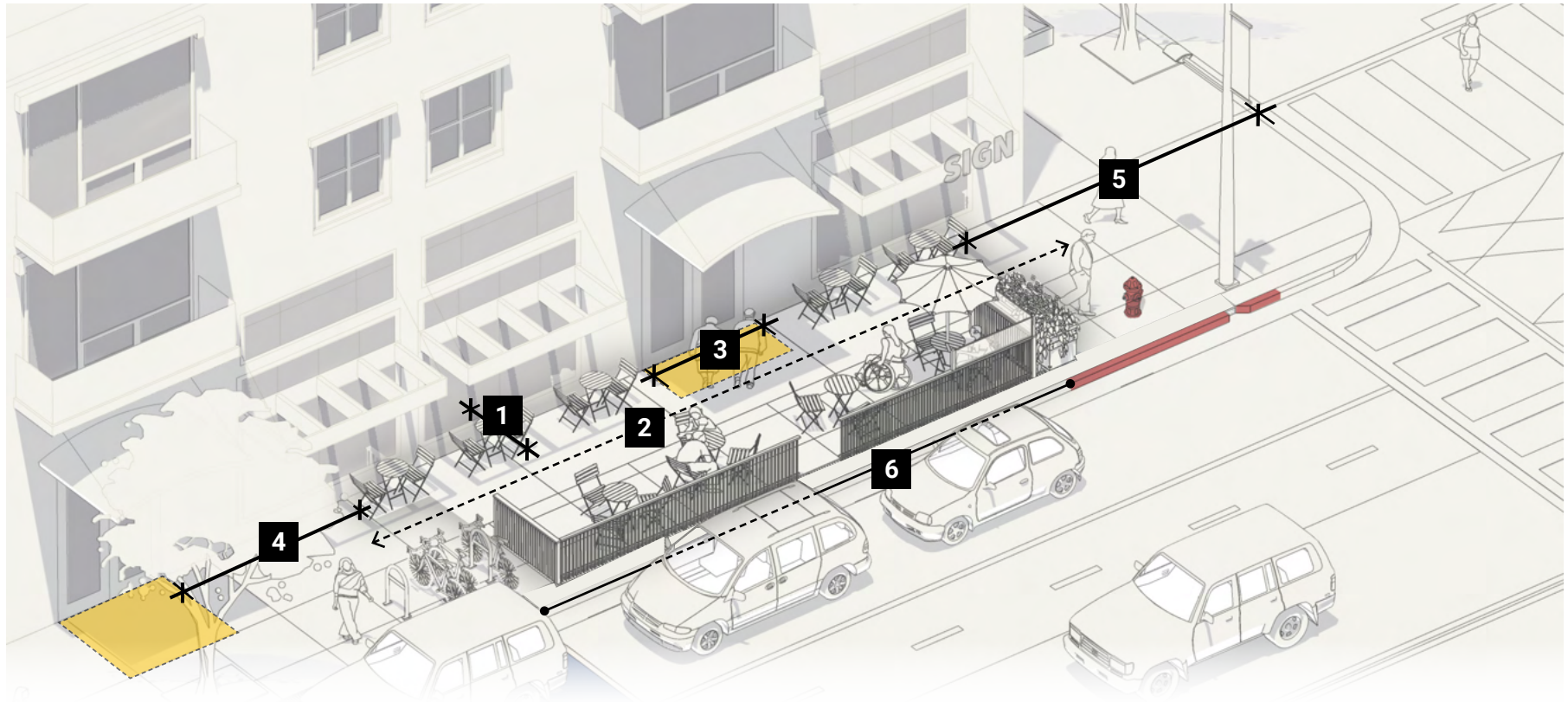
Sidewalk Cafes are outdoor dining spaces located within the sidewalk area of the public right-of-way that are associated with adjacent eating and drinking establishments. Outdoor eating and drinking establishment areas located on private property are not subject to the Sidewalk Cafe regulations.

For more information and to read the regulations about Sidewalk Cafes see:

[Chapter 14, Article 1, Division 6, Section 141.0612 of the City of San Diego Municipal Code](#)

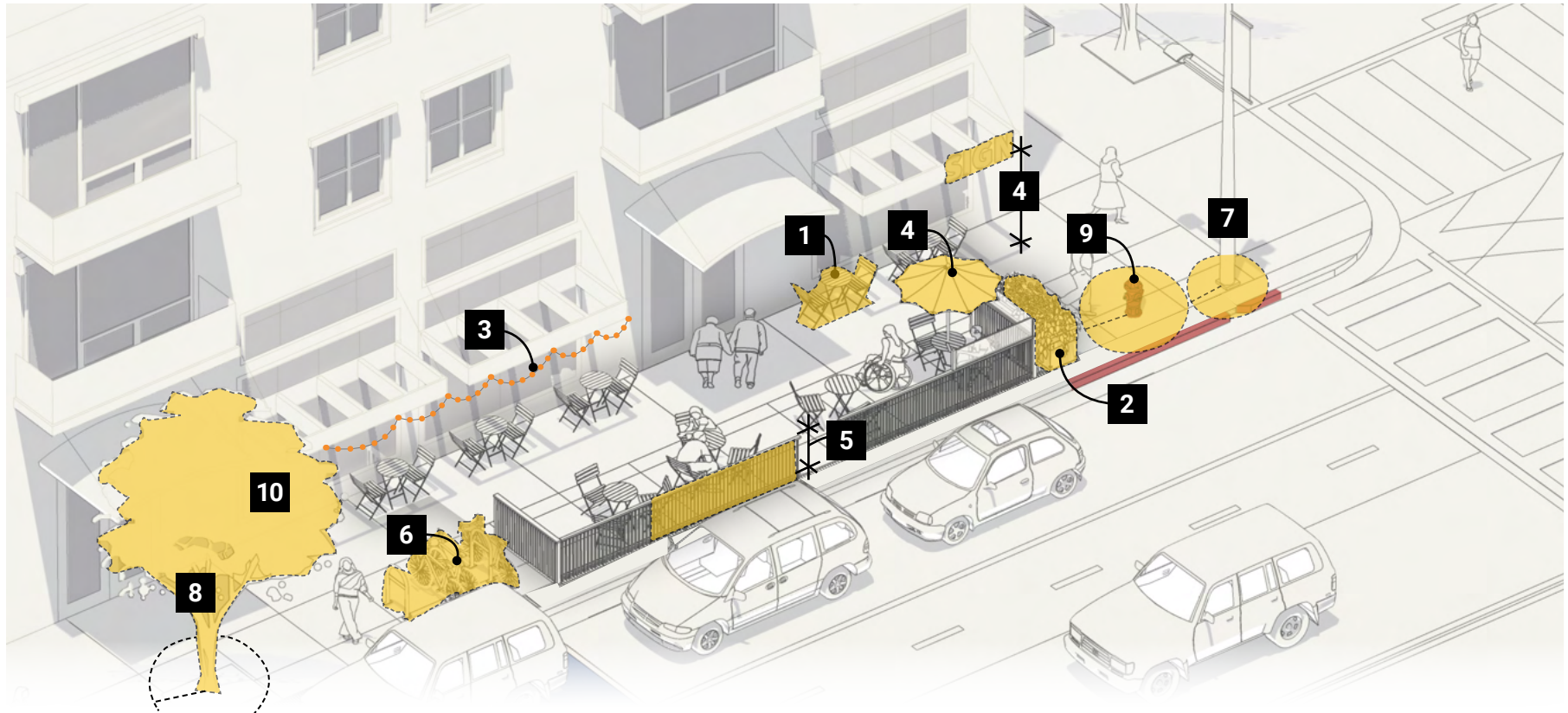






2.2 LOCATION REQUIREMENTS

- 1** Maximum one row of tables and chairs within 4 feet and 6 inches of the building façade
- 2** Maintain 5 feet of minimum clear path for pedestrian travel at all times
- 3** Maintain a minimum 5 feet wide, unobstructed path of ingress and egress between all exit doors and the public right-of-way, as well as between adjacent cafes
- 4** Maintain 8 feet of distance from entrances to adjacent ground floor commercial, unless the property owners and first floor tenants of the affected lease provide a notarized letter of permission
- 5** Cafes and any structures must be located at least 20 feet from any adjacent intersection or street corners
- 6** Sidewalk Cafes are permitted along curbs painted yellow, white, green or non-painted curbs or motorcycle areas. They are NOT permitted along curbs painted blue or red or along areas designated as MTS stops

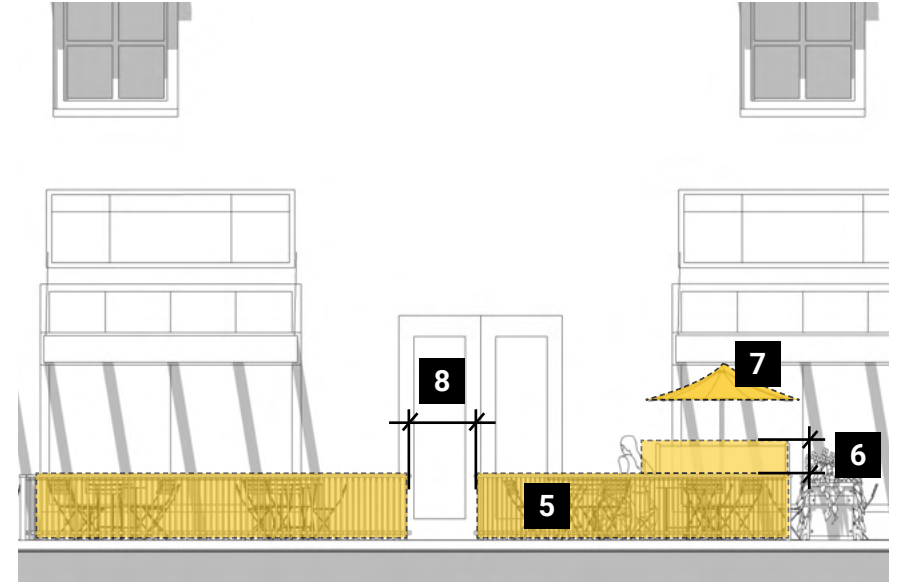
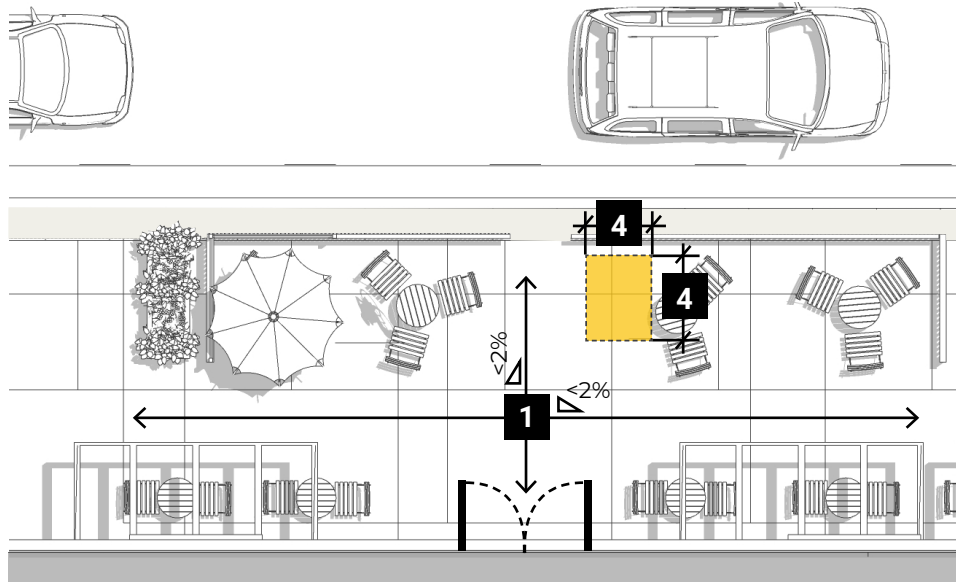


2.3 DESIGN REQUIREMENTS

- 1** Interior of the Sidewalk Cafe shall consist solely of moveable furnishings
- 2** Landscaping may be placed in moveable planters or planted in the ground inside a delineated sidewalk cafe area adjacent to the barrier
- 3** Any lighting fixtures shall not protrude into the clear pedestrian path
- 4** The name and type of establishment can be placed on umbrellas or on the valance of an awning with an overhang higher than 7 feet. Other signs are not permitted
- 5** Provide a barrier adjacent to on-street parking that is 3 feet tall
- 6** Removal or relocation of existing street furniture including bike racks is to be coordinated with and approved by San Diego Development Services Department
- 7** Maintain 4 feet of clear space at the base of existing light poles
- 8** Maintain 6 feet of clear space at the base of existing street trees
- 9** Maintain 5 feet of clear space at the base of existing fire hydrants
- 10** Plants must be regularly irrigated and maintained. Fencing, seating and flooring must be in safe conditions



SIDEWALK CAFE



2.4 ACCESSIBILITY

- 1** The surface of the sidewalk shall be level, and have a running slope and cross slope that do not exceed 2%
- 2** A Sidewalk Cafe shall not be located on a raised platform or a sunken area, unless an accessible ramp is provided
- 3** At least one wheelchair seating space shall be provided for every 20 seats
- 4** Accessible wheel chair spaces shall have a maneuverability dimension of 36 inches in width by 48 inches in depth and shall be accessible via a path with a minimum of 36 inches unobstructed width

FIRE CODE

- 5** The barrier may be either permanently installed or moveable. If it is moveable, it should be affixed to the sidewalk while the sidewalk cafe is open for business
- 6** A clear, transparent shatterproof glass or similar material may be used on top of the barrier which is 3 feet tall; this shall not exceed a total height of 5 feet
- 7** Awnings or umbrellas may be used, but shall not be used as a permanent roof or shelter over the Sidewalk Cafe area
- 8** A minimum emergency service access gap of 3 feet with horizontal and vertical clearance shall be required for every 20 feet of linear street frontage





2.5 CASE STUDIES

CASE STUDY #1



LOCATION

Located within the sidewalk area adjacent to a street-level eating and drinking establishment



ACCESSIBILITY

Provides a maximum of one row of tables and chairs within 4 feet and 6 inches of the building facade. Does not block ingress or egress from the associated establishment



NO OVERHEAD STRUCTURE & MOVABLE FURNITURE

Umbrellas are permitted



MAINTAINS SIGHTLINES & VISIBILITY

Clear sightlines and clear emergency access



2.5 CASE STUDIES

CASE STUDY #2



FIRE & SAFETY

Portable heaters need to be located a minimum of 5 feet away from umbrellas



PLANTERS

Landscaping placed in moveable planters inside delineated Sidewalk Cafe area adjacent to barrier



UMBRELLAS & MOVABLE FURNITURE

Moveable umbrellas and street furniture used in the Sidewalk Cafe area.



ACCESSIBILITY

The surface of the Sidewalk Cafe is level. An unobstructed path of ingress and egress is provided





STREETARY

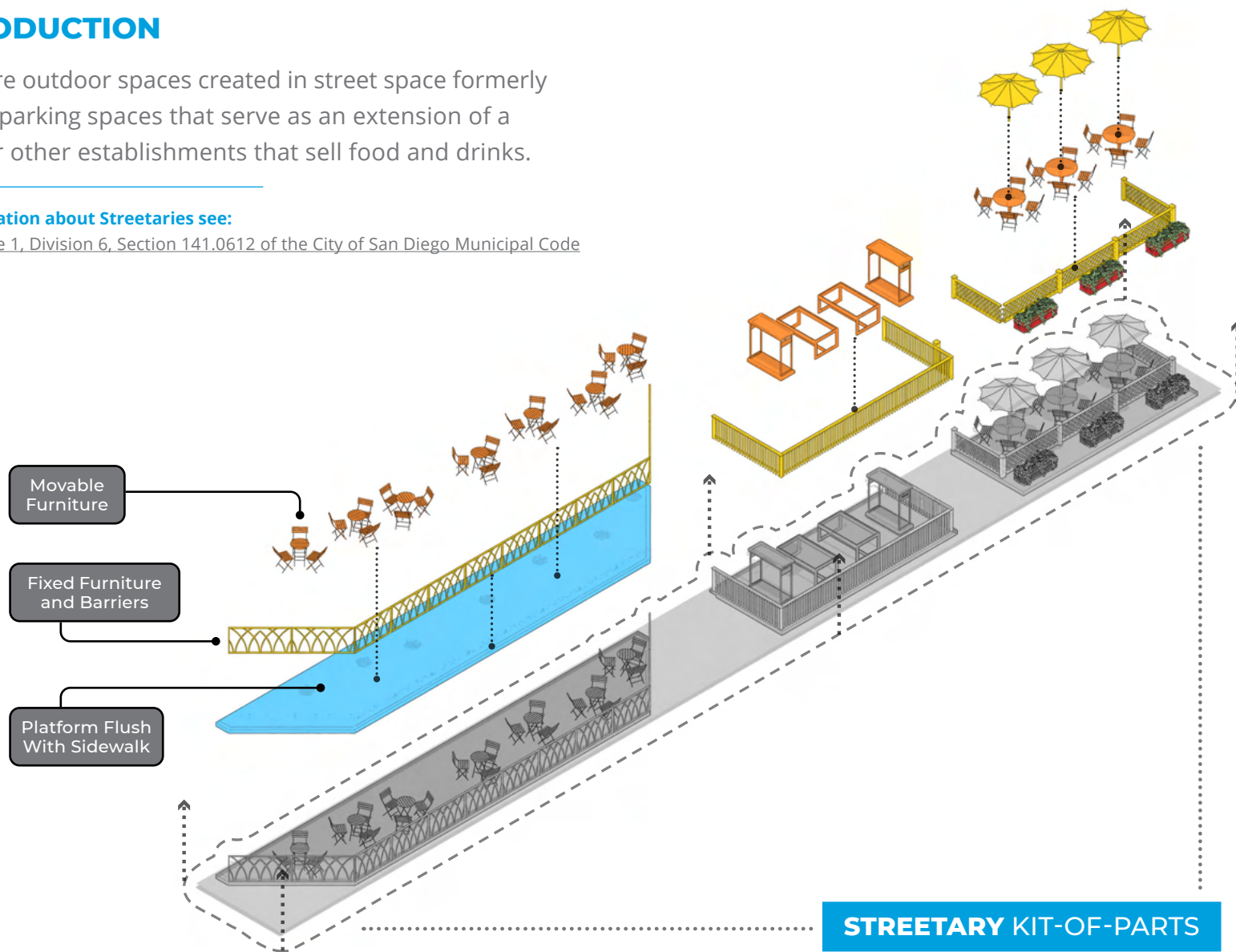
- 3.1 INTRODUCTION
- 3.2 LOCATION REQUIREMENTS
- 3.3 DESIGN REQUIREMENTS
- 3.4 ACCESSIBILITY
- 3.5 CASE STUDIES

3.1 INTRODUCTION

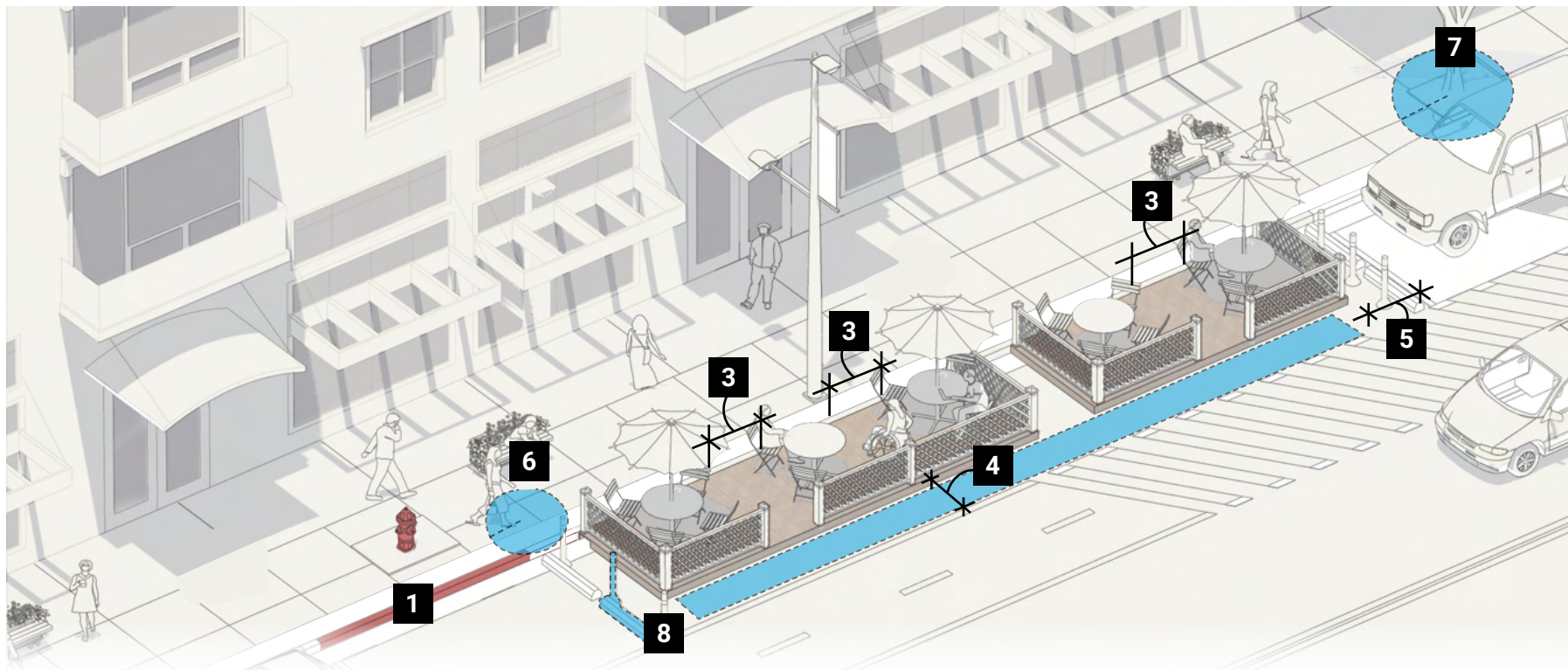
Streetaries are outdoor spaces created in street space formerly dedicated to parking spaces that serve as an extension of a restaurant or other establishments that sell food and drinks.

For more information about Streetaries see:

Chapter 14, Article 1, Division 6, Section 141.0612 of the City of San Diego Municipal Code







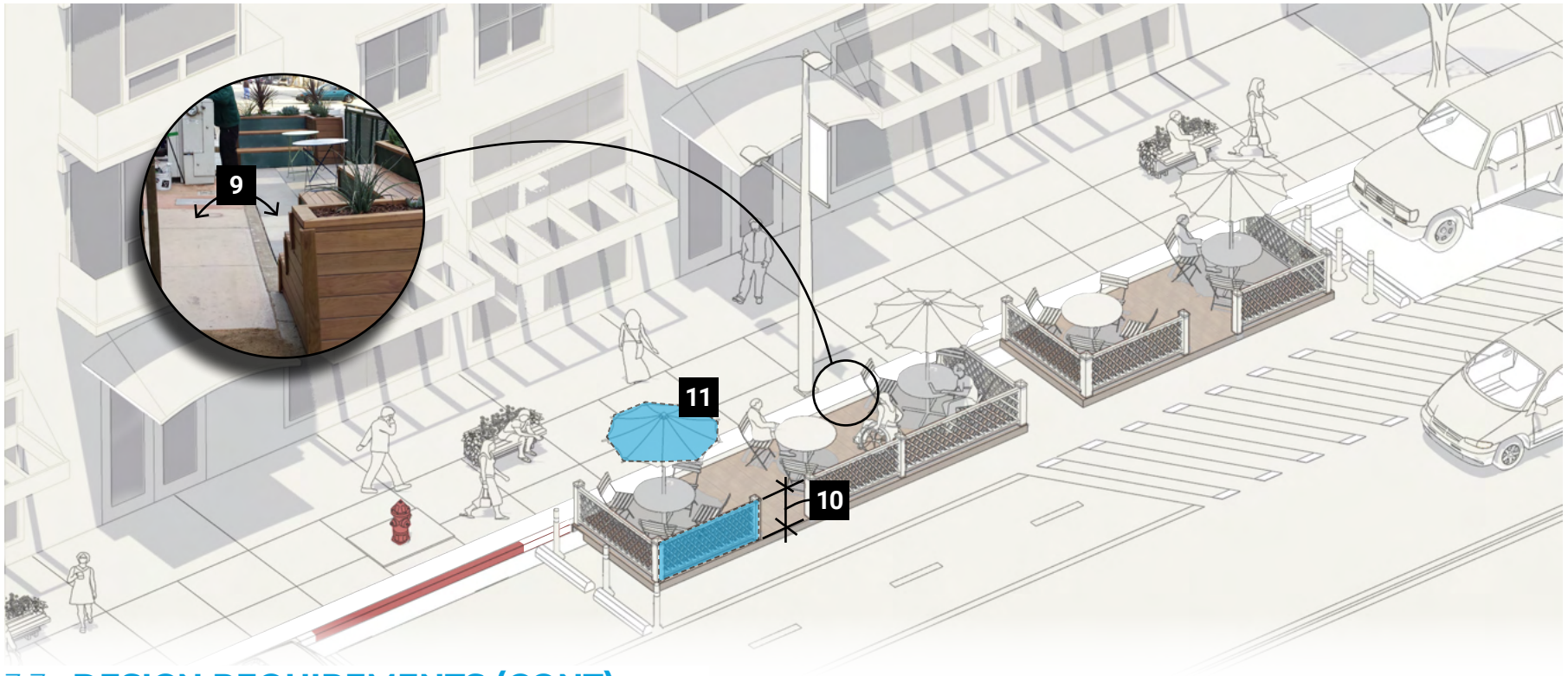
3.2 LOCATION REQUIREMENTS

- 1** Streetaries are permitted along yellow, green, non-painted and motorcycle parking curbs. They are NOT permitted along red or blue curbs and must be at least 20 feet away from the nearest intersection or street corner
- 2** Streetaries are not permitted within or adjacent to an alley, along a MTS stop, within an existing or proposed bicycle lane or bicycle facility, within 5 feet from storm drain inlets or cleanouts, or over utility access panels, manhole covers, handholes, transformers, water meters or water valves

Note: Streetaries may be allowed on streets with grades exceeding 5%. A terraced Streetary may be constructed in accordance with sections 141.0621(b)(G) & 141.0621(b)(H) and the accessibility standards in this chapter.

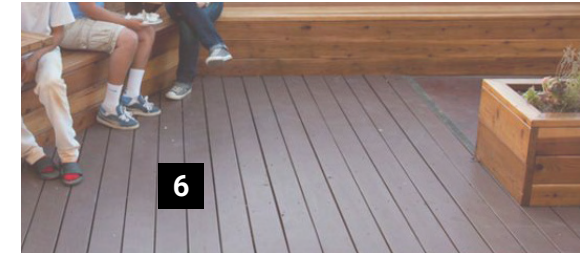
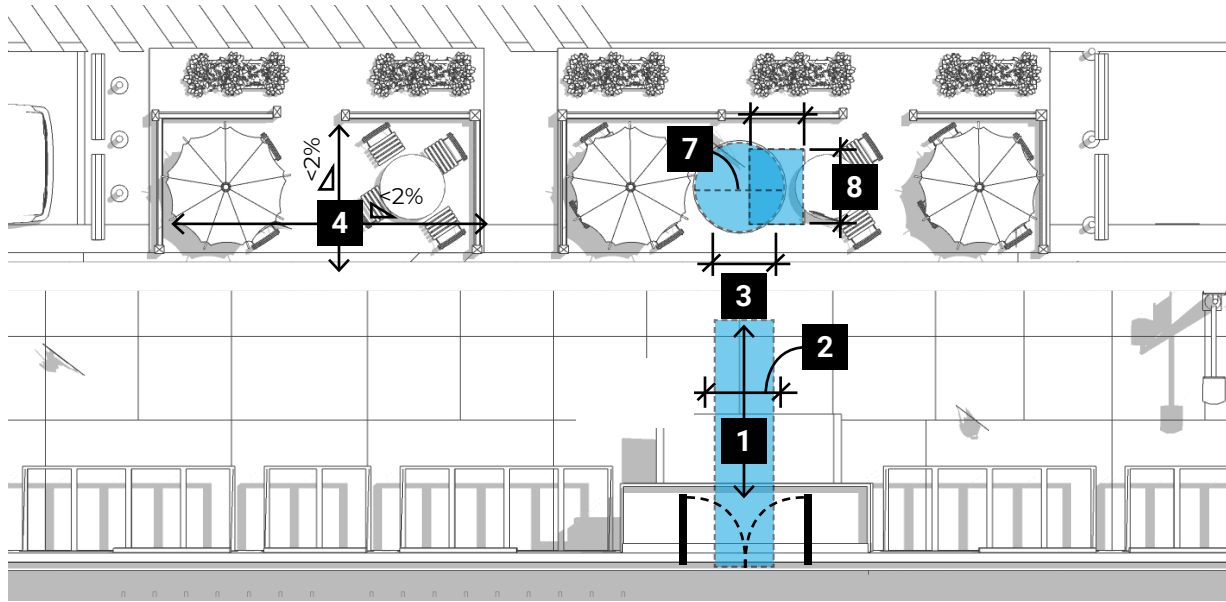
3.3 DESIGN REQUIREMENTS

- 3** Maintain one 5 foot wide entry for every 10 feet of Streetary adjacent to the existing curb line
- 4** Maintain a minimum 2 feet of setback between occupied Streetary space and adjacent on-street travel lanes
- 5** Provide 4 feet of setback from adjacent parking spaces
- 6** Maintain 4 feet of clear space at the base of existing light poles
- 7** Maintain 6 feet of clear space at the base of existing street trees
- 8** Wheel stops and soft hit posts with reflectors must be included at each end of the Streetary



3.3 DESIGN REQUIREMENTS (CONT)

- 9** The deck of the Streetary shall be flush with the sidewalk
- 10** Provide a 42-inch-high railing at the edge of the Streetary to serve as a barrier to vehicular traffic (no horizontal or vertical structure shall be placed above 45 inches from the surface of the Streetary)
- 11** The name and type of establishment can be placed on umbrellas; other signs shall not be permitted



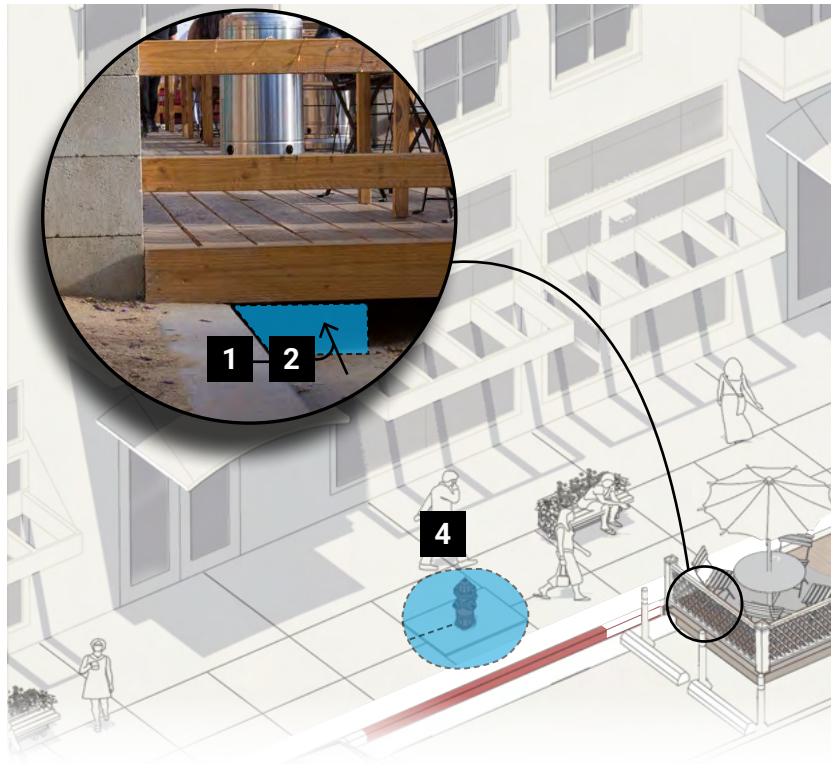
3.4 ACCESSIBILITY

- 1** An accessible path of travel shall connect the sidewalk to the entry, deck surface, wheelchair turning space and wheelchair resting space
- 2** The accessible path shall be a minimum of 48 inches wide and not pass over tree wells unless a compliant grate is provided and shall be free of obstruction and protruding objects
- 3** The accessible path on the deck surface shall be a minimum of 44 inches wide and shall be level
- 4** The accessible deck surface maximum cross slope and running slope shall not exceed 2%
- 5** The surface of the accessible route, clear floor spaces and turning spaces shall be firm, stable and slip-resistant
- 6** Openings in the floor or deck surface shall not be greater than 1/2 inch. Elongated openings shall be placed so that the long dimension is perpendicular to the direction of travel

- 7** A clear area of 60 inches in diameter shall be located entirely within the Streetary for wheelchair turning with a maximum overlap of 12 inches on the curb and sidewalk
- 8** Clear floor area of 36 inches by 48 inches shall be provided for wheelchair resting space with a maximum overlap of 24 inches with the wheelchair turning space
- 9** The wheelchair resting space shall provide shoulder-to-shoulder alignment adjacent to one side of the fixed seat to serve as wheelchair user companion seating

TERRACED OR MULTI-LEVEL STREETARIES

- 10** A terraced Streetary with two or more decks may be constructed on streets with grades that exceed 5%
- 11** At least one of the terraces shall be wheelchair accessible and provide equivalent seating, tables and countertop facilities to those found in other terraces
- 12** The wheelchair-accessible terrace shall provide a wheelchair-accessible entry from the sidewalk. The entry shall include a structure on the sidewalk that provides a transition between the sidewalk and Streetary deck
- 13** Any passage between terrace levels require a ramp with a running slope not to exceed 5%
- 14** Any step or stair shall contain a warning strip at the nose of the step or handrails per the California Building Code



STORMWATER

- 1** Streetaries shall not impede the flow of curbside drainage and the applicant shall ensure that the drainage area between the curb and the platform remains clear of debris and retains proper drainage at all times
- 2** An 8-inch by 6-inch minimum clear gutter space shall be provided along the entire length of the Streetary adjacent to the curb



FIRE CODE

- 3** A minimum emergency access gap of 3 feet with horizontal and vertical clearance shall be required for every 20 feet of the Streetary or adjacent Streetaries
- 4** Maintain 5 feet of clear space at the base of existing fire hydrants
- 5** Umbrellas with an overhang of a minimum of 84 inches may be used in conjunction with a Streetary, but no permanent roof or shelter is permitted over the Streetary



3.5 CASE STUDIES

CASE STUDY #1



ACCESSIBILITY

Platform is even with the sidewalk. Artificial turf that meets ADA requirements is acceptable.



STORM WATER COMPLIANCE

8-inch by 6-inch clear gutter



NO OVERHEAD STRUCTURE

Umbrellas are permitted



MAINTAINS SIGHTLINES & VISIBILITY

Above 42 inches



3.5 CASE STUDIES

CASE STUDY #2



ACCESSIBILITY

Platform is even with the sidewalk and provides an accessible ramp



STORM WATER COMPLIANCE

8-inch by 6-inch clear gutter



NO OVERHEAD STRUCTURE

Umbrellas are permitted



MAINTAINS SIGHTLINES & VISIBILITY

Above 42 inches



FERN SIDE

NATIVE POPPY
pretty. wild. flowers.

FERN



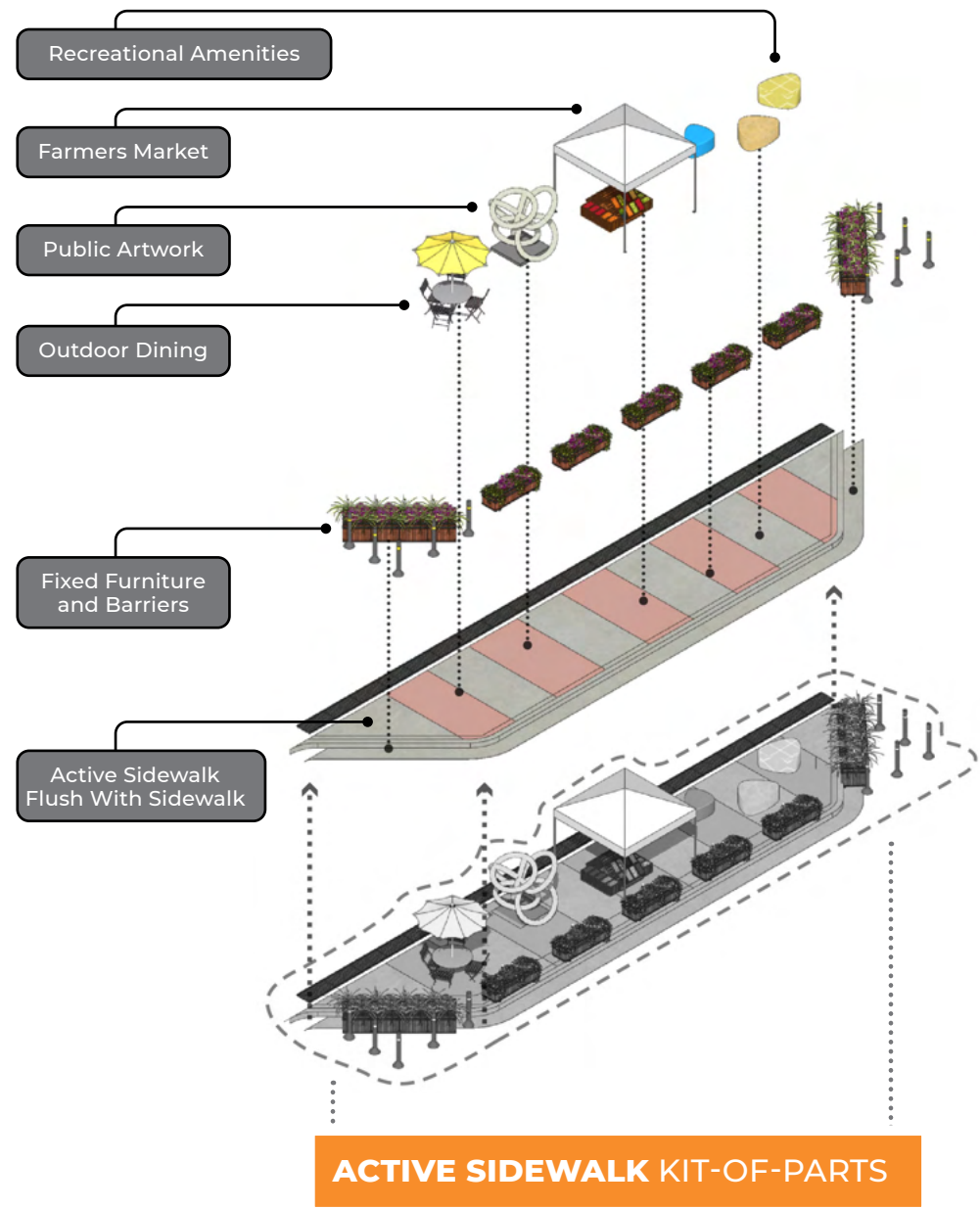
ACTIVE SIDEWALK

- 4.1 INTRODUCTION
- 4.2 LOCATION REQUIREMENTS
- 4.3 DESIGN REQUIREMENTS
- 4.4 CASE STUDIES



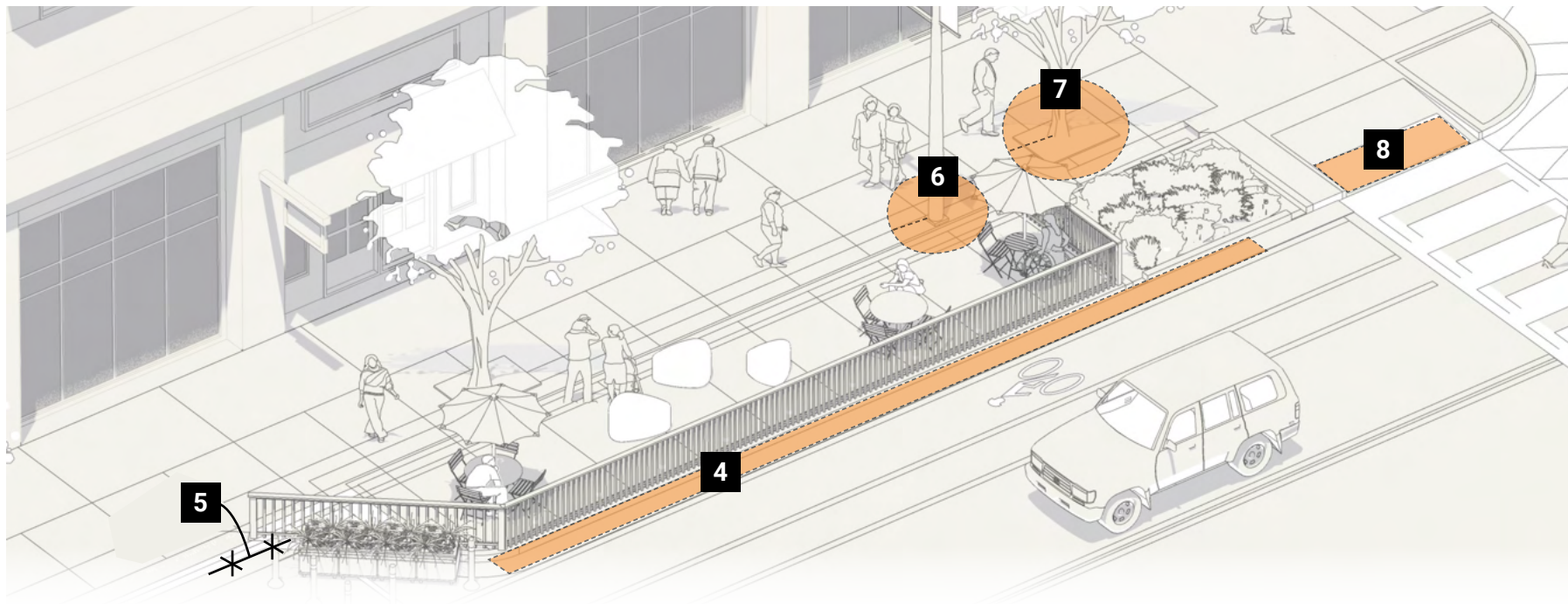
4.1 INTRODUCTION

An Active Sidewalk is the permanent extension of the curb into the parking lane to facilitate a variety of uses and activities to create inviting places for people with all abilities.





Big Kitchen

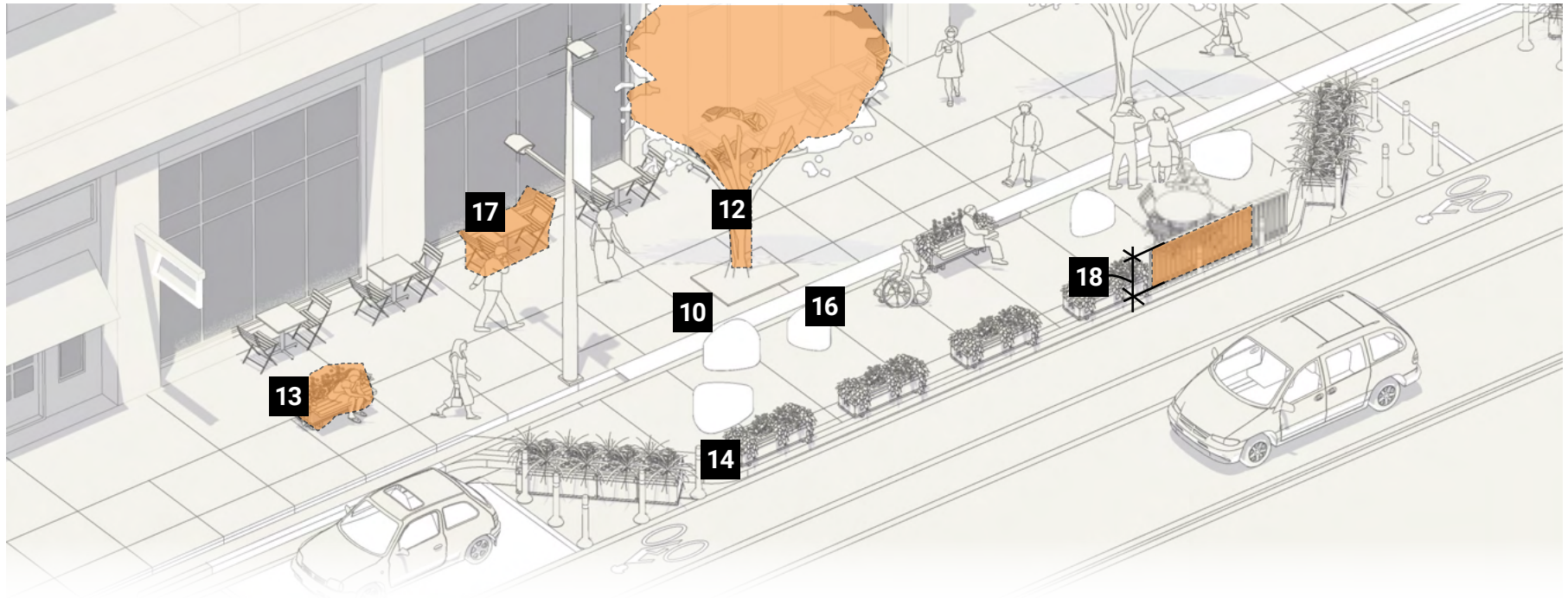


4.2 LOCATION REQUIREMENTS

- 1** Active Sidewalks are permitted along metered or unmetered parking spaces
- 2** Active Sidewalks can be placed at the beginning or at the end of the block or in the middle, on one or both sides of the street to create a gateway or mid-block narrowing as long as all locational requirements to the satisfaction of the City Engineer are met
- 3** Active Sidewalks are permitted on streets with a curb-to-curb width sufficient to accommodate a Class IV bicycle lane after installation of the active sidewalk

4.3 DESIGN REQUIREMENTS

- 4** Maintain 2 feet of clear zone from adjacent vehicular travel lanes
- 5** Provide 4 feet of setback from adjacent parking spaces
- 6** Maintain 4 feet of clear space at the base of existing light poles
- 7** Maintain 6 feet of clear space at the base of existing street trees
- 8** Pedestrian ramps with detectable warning surfaces shall be installed at pedestrian crossings
- 9** Maintain 15 feet of clearance on street for vehicle access



4.3 DESIGN REQUIREMENTS (CONT)

- 10** It is required that the Active Sidewalk is at least 54 feet in length
- 11** Active Sidewalks shall comply with the requirements of the GREENBOOK and WHITEBOOK and meet all engineering standards to the satisfaction of the City Engineer
- 12** Active Sidewalks are to be designed such that the design and placement of street furniture does not impede the pedestrian flow or be placed within 10 feet of the intersection to avoid interfering with visibility area, emergency operations or sightlines
- 13** Removal or relocation of existing street furniture is to be coordinated with San Diego Development Services Department
- 14** Active Sidewalks shall be designed to meet all State and Federal ADA guidelines
- 15** Active Sidewalks shall be designed in accordance with current Stormwater standards

4.3 OUTDOOR DINING

- 16** Active Sidewalks can be used for a variety of activities such as outdoor seating, walking, landscaping, public artwork and outdoor dining
- 17** For outdoor dining within Active Sidewalks, it is encouraged to place the outdoor dining area adjacent to the restaurant and maintain a clear path of travel for pedestrians closer to the vehicular travel lane
- 18** When outdoor dining within the Active Sidewalk is placed next to the travel lane, a 42-inch high railing is required at the edge of the Active Sidewalk fronting the travel lane



4.4 CASE STUDIES

CASE STUDY #1



ACCESSIBILITY

Area of curb extension is even with the sidewalk



PEDESTRIAN FLOW

The design and placement of furniture does not impede pedestrian flow



STORM WATER COMPLIANCE

8-inch by 6-inch clear gutter



MAINTAINS SIGHTLINES & VISIBILITY

Above 42 inches



4.4 CASE STUDIES

CASE STUDY #2



ACCESSIBILITY

Area of curb extension is even with the sidewalk



PEDESTRIAN FLOW

The design and placement of furniture does not impede pedestrian flow



NO OVERHEAD STRUCTURE

Umbrellas are permitted



MAINTAINS SIGHTLINES & VISIBILITY

Above 42 inches





PROMENADE

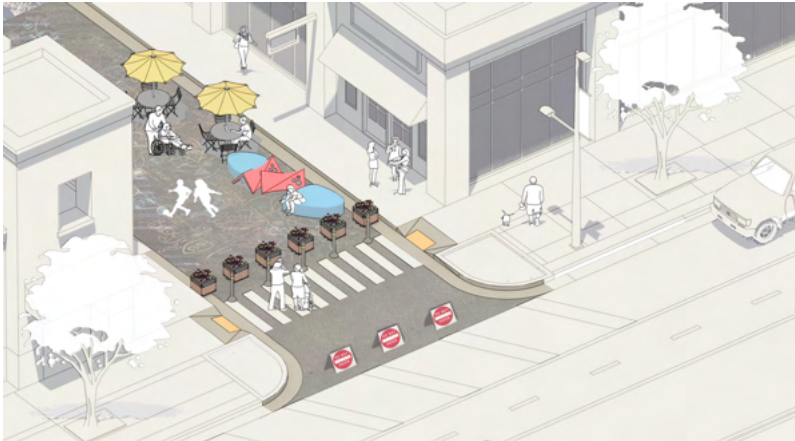
- 5.1 INTRODUCTION
- 5.2 LOCATION REQUIREMENTS
- 5.3 DESIGN REQUIREMENTS
- 5.4 ACCESSIBILITY
- 5.5 CASE STUDIES

5.1 INTRODUCTION

A Promenade is the partial or complete street closure to vehicular traffic to facilitate active transportation uses such as walking, biking, recreation, outdoor dining and enjoyable public interaction. Promenades enhance pedestrian safety, encourage non-motorized transportation and foster safe pedestrian interaction and outdoor activities. It is envisioned that Promenades will create places that are sociable, have a variety of uses and activities, are well-connected to their surroundings and are comfortable and welcoming to people with all abilities. Promenades can help create quality places that give an identity and image to communities, and help attract new residents, businesses and investments. The creation of Promenades is envisioned to be community-driven places that are functional and inviting to all. Promenades present the opportunity for incremental interventions within a neighborhood.

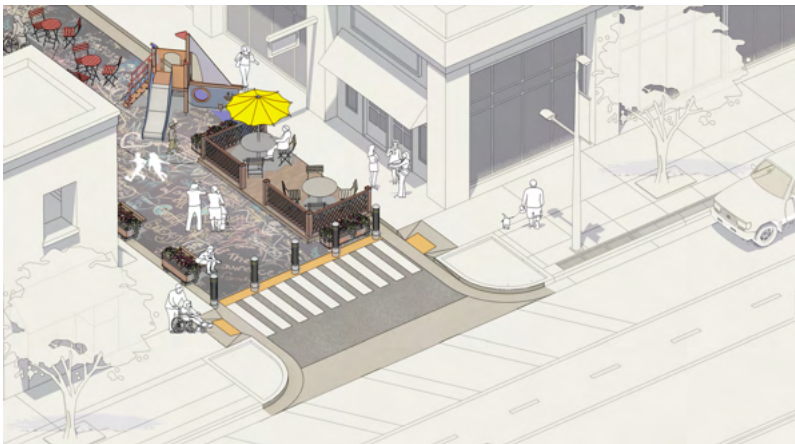


Piazza della Famiglia (Photo Credit: Jeremiah Dragoo)



PHASE 1

The community comes together to propose partial or complete street closure to traffic to encourage pedestrian activity and open up street space for children in the community to play and gather.



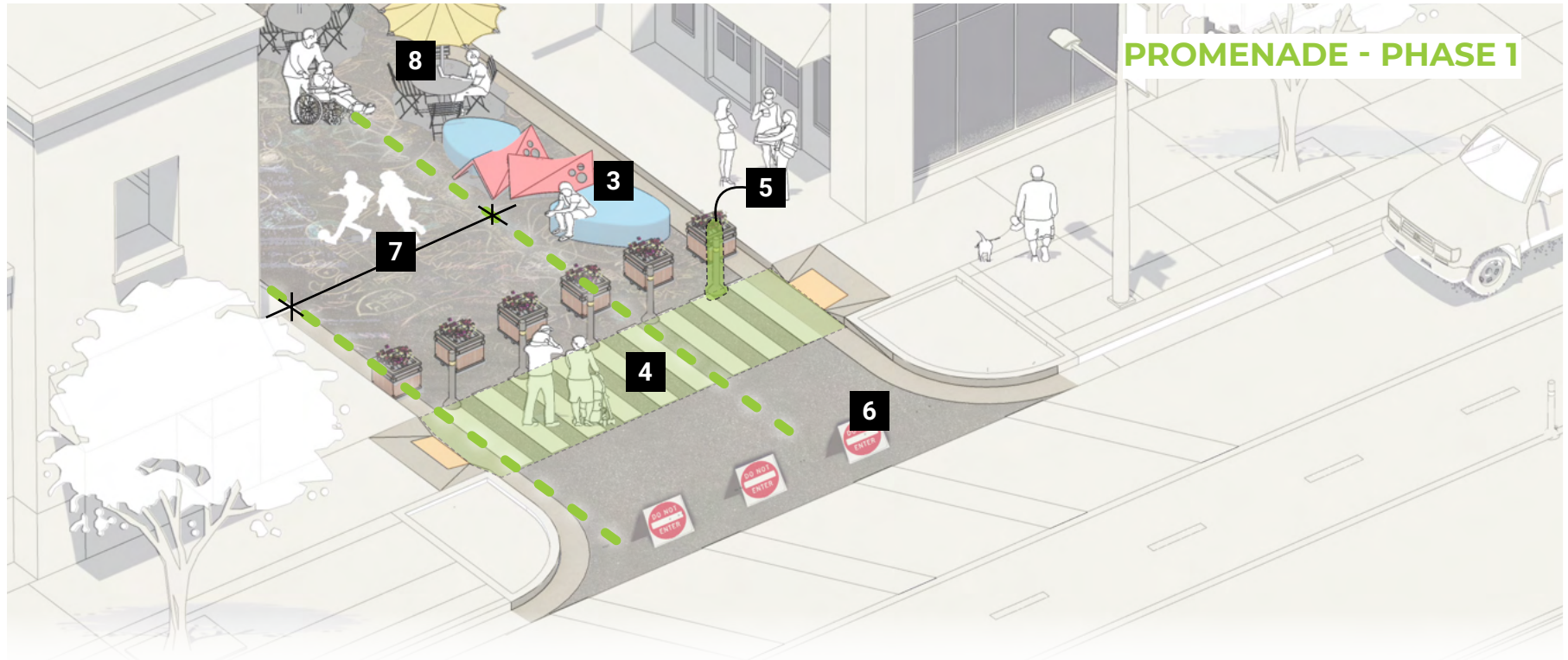
PHASE 2

The community adds recreational amenities to enhance the pedestrian experience and program activities that the community can enjoy.



PHASE 3

The Promenade becomes central to the community and additional investments are made to add lighting, paving, seating areas, trees and other amenities, thus making it a truly community-driven project.

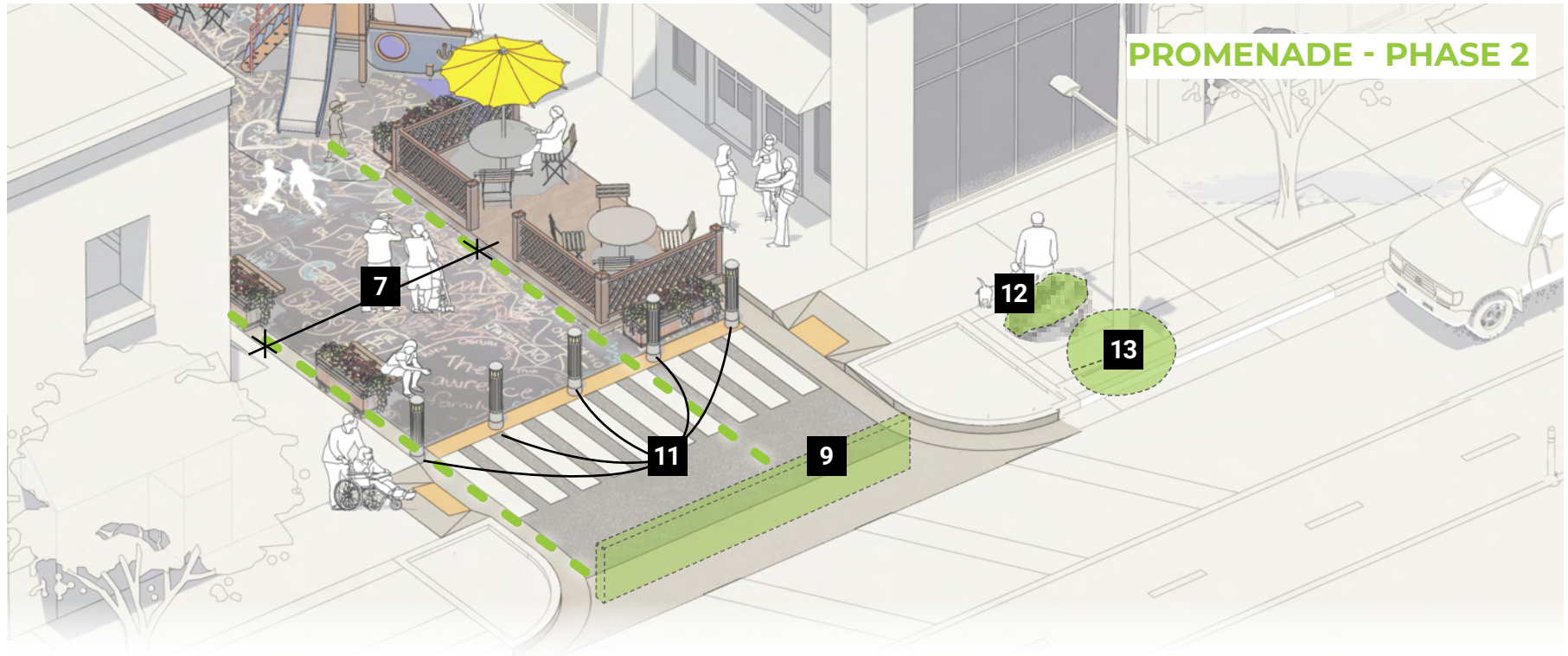


5.2 LOCATION REQUIREMENTS (ALL PHASES)

- 1 Promenades are designed along streets within the City of San Diego to facilitate active transportation and enhance pedestrian experience

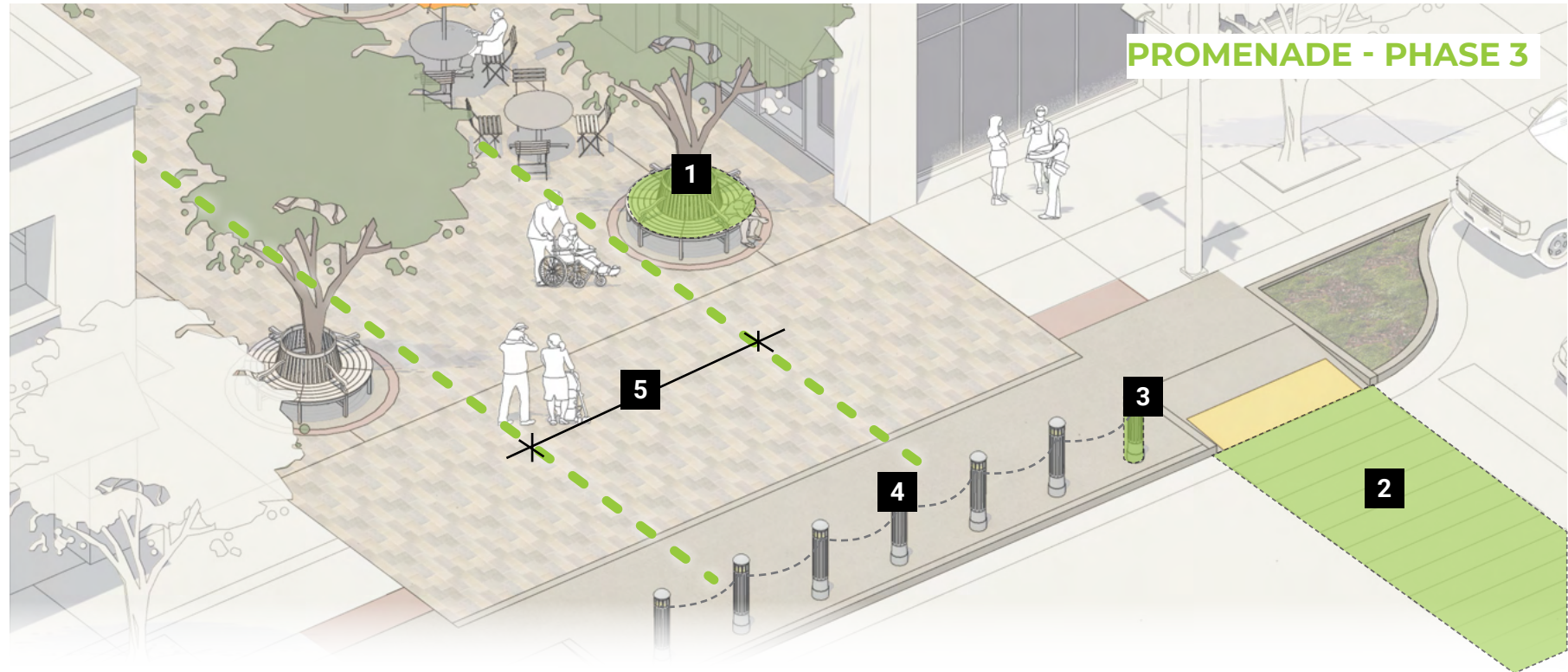
5.3 DESIGN REQUIREMENTS (PHASES 1 & 2)

- 3 Design and placement of street furniture, trees, and plantings shall not impede pedestrian flow
- 4 Crosswalks shall be redesigned or added to ensure a safe, walkable urban environment, per City Engineer
- 5 Traffic calming measures shall be implemented
- 6 No vehicle access and no parking allowed when full closure hours are in effect
- 7 Maintain an emergency access vehicle lane that is at minimum 20 to 26 feet wide (as determined by the City Engineer), provides a minimum of 13 feet and six inches of vertical clearance, and is clear at all times - any planters or furniture within this zone must be easily movable
- 8 Sidewalk Cafes, Streetaries and Active Sidewalks are permitted within the Promenade. Reference chapters 2-4 for design guidelines



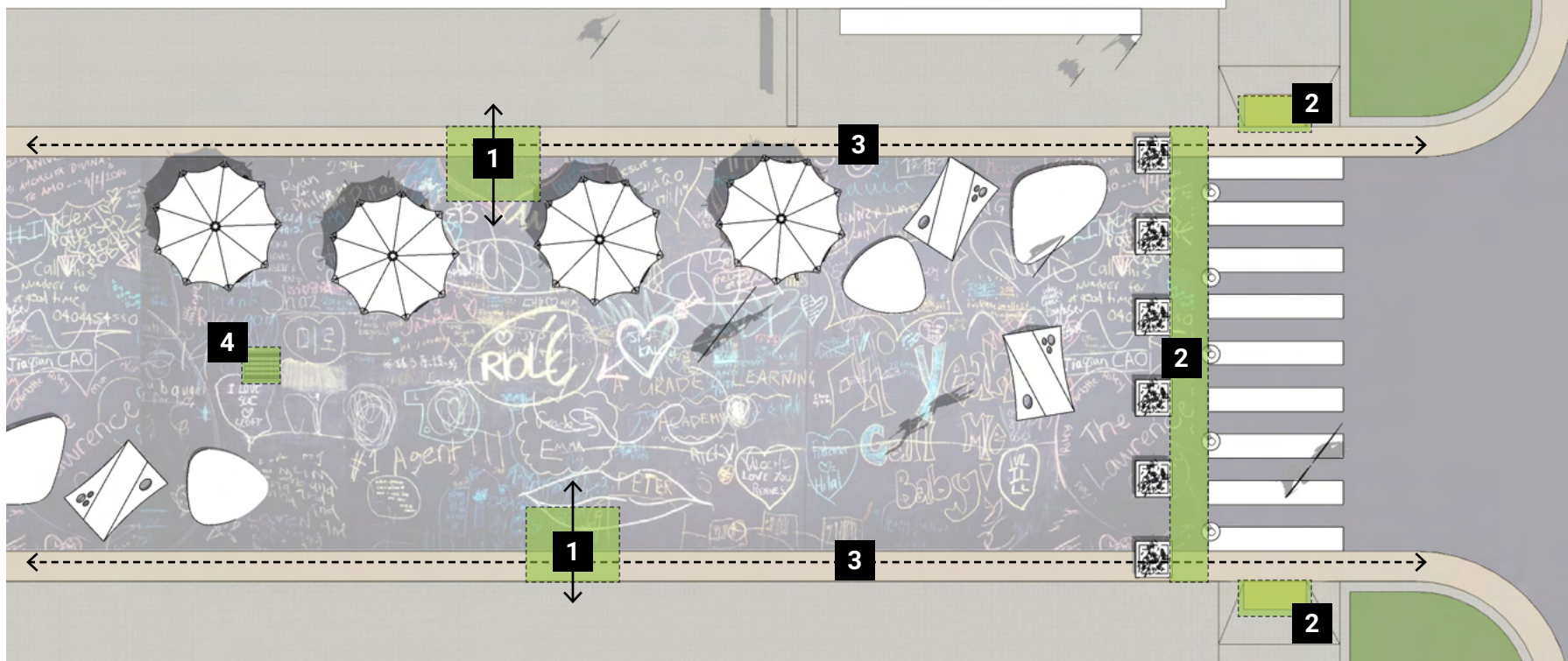
5.3 DESIGN REQUIREMENTS (CONT) (PHASES 1 & 2)

- 9** Street closure materials for temporary full closures may consist of, but are not limited to: A-frame traffic barricade, boulders, jersey barriers, etc. and is to be reviewed and approved by the City
- 10** Street closure design to be reviewed and approved by the City Engineer
- 11** Bollards for full closures shall be located behind the crosswalk (on the side of the Promenade and not the active perpendicular street). Bollards located adjacent to the vehicle access lane should be easily removable, and the design and spacing must be approved by the City Engineer
- 12** Removal or relocation of existing street furniture is to be coordinated with and approved by the San Diego Development Services Department
- 13** Maintain 4 feet of clear space at the base of existing light poles



5.3 DESIGN REQUIREMENTS (PHASE 3)

- 1** Design and placement of street furniture, trees and plantings shall not impede pedestrian flow
- 2** Crosswalks shall be redesigned or added to ensure a safe, walkable urban environment, per City Engineer
- 3** Bollards are to be located at the end of the Promenade, must be easily removable, and the design and spacing shall be approved by the City Engineer
- 4** No vehicle access and no parking allowed when full closure hours are in effect
- 5** Maintain an emergency access vehicle lane that is at minimum 20 to 26 feet wide (as determined by the City Engineer), provides a minimum of 13 feet and six inches of vertical clearance, and is clear at all times - any planters or furniture within this zone must be easily movable
- 6** Sidewalk Cafes, Streetaries and Active Sidewalks are permitted within the Promenade. Reference chapters 2-4 for design guidelines



5.4 ACCESSIBILITY (ALL PROMENADES)

- 1** Mid-block ADA accessible ramps are to be provided for access to the Promenade from the sidewalk
- 2** Truncated domes or ADA approved detectable warning surfaces must be provided at the end of the Promenade

STORMWATER (ALL PROMENADES)

- 3** Promenades shall be designed so as to maintain drainage of stormwater from the gutter and not cause ponding
- 4** Proper location and relocation of catch basins, and utilization of design treatments to channel water through and along the Promenade, shall be required per City standard
- 5** When trench drains are installed, the Maintenance Assessment District or the Business Improvement District shall be responsible for cleaning and maintaining the trench drains at all times
- 6** The design shall be in accordance with current City of San Diego stormwater standards and any changes to the road grade or curb line are to be reviewed and approved by the City Engineer



5.5 CASE STUDIES

CASE STUDY #1



ACCESSIBILITY

There is no accessible path for wheelchair access.



CLOSURE

No vehicle access and no parking allowed when full closure hours are in effect



NO OVERHEAD STRUCTURE

Umbrellas are permitted



MAINTAINS SIGHTLINES & VISIBILITY

Clear sightlines and clear emergency access



5.5 CASE STUDIES

CASE STUDY #2



SAFETY

Bollards or wheel stops added with reflectors at the edge of the travel lane



ACCESSIBILITY

Placement of trees, street furniture and plantings do not impede pedestrian flow



NO OVERHEAD STRUCTURE

Umbrellas are permitted



MAINTAINS SIGHTLINES & VISIBILITY

Clear sightlines and clear emergency access





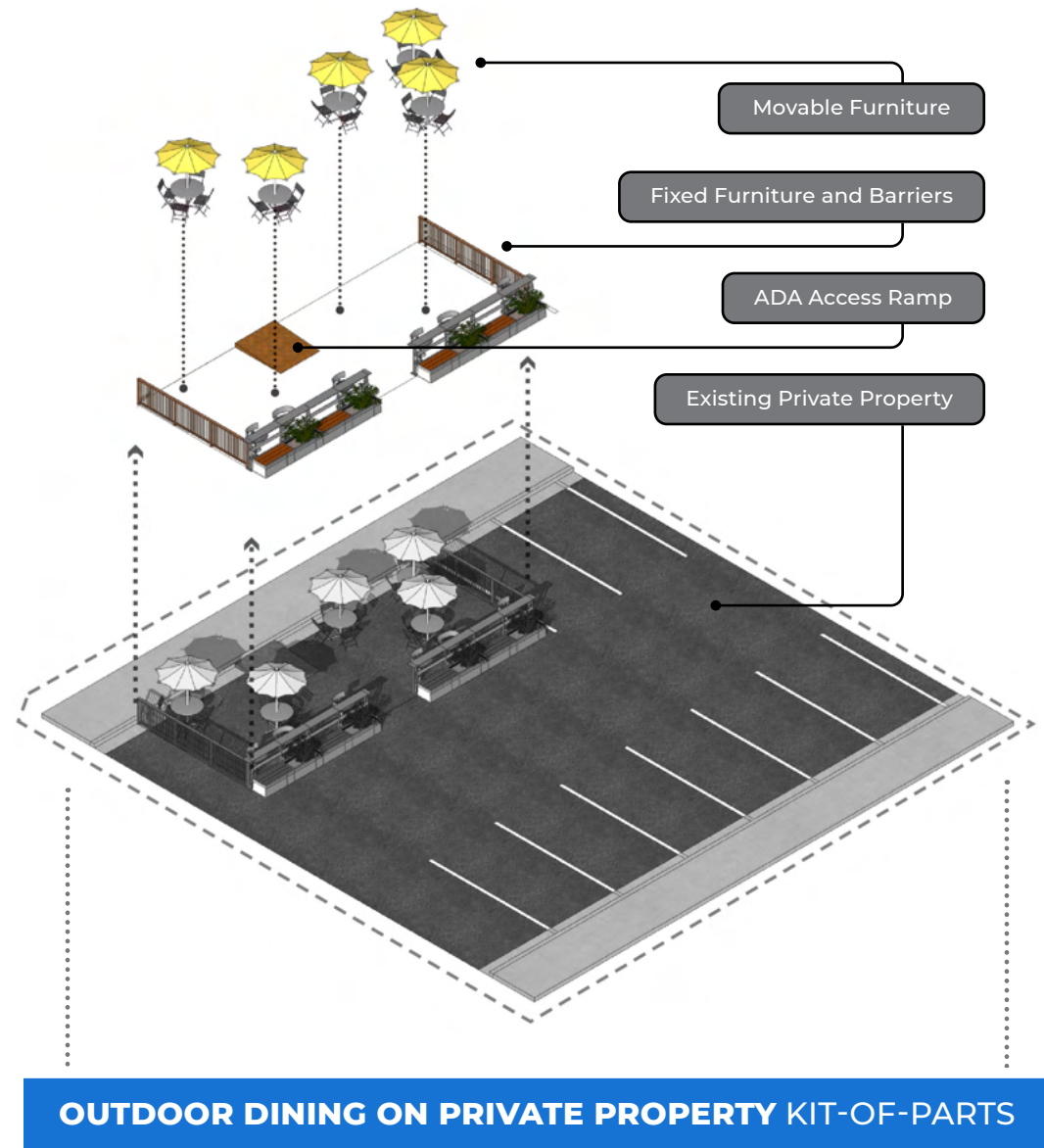
OUTDOOR DINING ON PRIVATE PROPERTY

- 6.1 INTRODUCTION
- 6.2 LOCATION REQUIREMENTS
- 6.3 DESIGN REQUIREMENTS
- 6.4 ACCESSIBILITY
- 6.5 CASE STUDIES



6.1 INTRODUCTION

Outdoor Dining within private property is currently allowed as a temporary use. **Spaces as Places** would include new regulations to allow permanent Outdoor Dining on Private Property to replace existing off-street parking, while also providing necessary locational and design requirements.







6.2 LOCATION REQUIREMENTS

- 1 Outdoor Dining on Private Property is allowed within mixed zones, commercial zones and certain industrial zones

6.3 DESIGN REQUIREMENTS

- 3 The area for eating and drinking shall be delineated from the public right-of-way by a barrier consisting of railings, fences, or a combination of railings and fences, and planter boxes that are 3 feet in height or less. Solid walls are not permitted
- 4 The barrier may be either permanently installed or moveable. If it is moveable, it shall be affixed while the eating and drinking establishment is open for business
- 5 A clear, transparent shatterproof glass or similar material may be used on top of the barrier which is 3 feet tall; this shall not exceed a total height of 5 feet
- 6 Barriers adjacent to parking stalls shall include reflective materials
- 7 Awnings or umbrellas may be used in conjunction with an area for eating and drinking but shall not be used as a permanent roof or shelter over the area for eating and drinking



6.4 ACCESSIBILITY

- 8** The surface of the Outdoor Dining area shall be level and have a running slope and a cross slope that do not exceed 2%
- 9** The Outdoor Dining area shall not be located on a raised platform or in a sunken area, unless an accessible ramp is provided in accordance with the California Building Code, or the Americans with Disabilities Act, whichever provides greater accessibility
- 10** At least one wheelchair accessible seating space shall be provided for every 20 seats, or portion thereof
- 11** Wheelchair accessible seating spaces shall have a minimum unobstructed maneuverability dimension of 30 inches in width by 48 inches in depth
- 12** Access to designated wheelchair seating spaces shall be provided through an accessible path with not less than 36 inches unobstructed width





6.5 CASE STUDIES

CASE STUDY #1



DESIGN

The area for eating and drinking is delineated from the public right-of-way by a barrier



UMBRELLAS

Awnings and umbrellas are used but are not a permanent roof or shelter



ACCESSIBILITY

The surface area of the Outdoor Dining area is level and allows for wheelchair access



6.5 CASE STUDIES

CASE STUDY #2



DESIGN

The area for eating and drinking is delineated from the public right-of-way by a barrier



UMBRELLAS

Awnings and umbrellas are used but are not a permanent roof or shelter



ACCESSIBILITY

The surface area of the Outdoor Dining area is level and allows for wheelchair access

| S | P | A | C | E | S | as P | L | A | C | E | S
CITY OF SAN DIEGO

