



## TEMPORARY USE PERMIT APPLICATION OUTDOOR DINING

Planning Division: 714.754.5245 | [planninginfo@costamesaca.gov](mailto:planninginfo@costamesaca.gov)

Address: \_\_\_\_\_

Business Name: \_\_\_\_\_

Applicant: \_\_\_\_\_

Contact information: Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Property Owner name: \_\_\_\_\_

Contact information: Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Area to be used:  Parking lot  Expansion into another building  Public right-of-way

A detailed site plan, depicting the location of the outdoor dining patio/area, is required to be attached. In addition, include the following information on the site plan: dimensions of the outdoor patio, vertical barrier type and location, tent/canopy location including total square footage, distance of the tent/canopy from existing building(s) and surrounding property lines, any umbrellas or other shade structures, and any ground coverings such as astroturf. Attached site plans can be modified for your use.

Tent, canopies, or other shade structures:

Yes, I will be using a tent Tent size: \_\_\_\_\_  No, I will not be using a tent

**Approval parameters: General (applies to all)**

- All dining areas shall observe State and local health guidelines and requirements for restaurants; refer to [covid19.ca.gov](https://www.covid19.ca.gov) for the most up-to-date health guidelines from the State and [ochealthinfo.com](https://www.ochealthinfo.com) for local guidelines from the County of Orange. A temporary use permit **CANNOT and will NOT** be issued if in conflict with State or County of Orange health guidelines and mandates at the time of applying for the temporary use permit.
- Temporary outdoor seating is restricted to serving existing, on-site restaurants
- Any service of alcoholic beverages in these temporary areas is subject to approval by the ABC; a copy of ABC's approval will be required prior to approval of the temporary use permit
- Temporary outdoor dining on a property within 200 feet of a residential zone to be closed between 11 PM and 6 AM
- Patio shall be posted with a contact phone number so any noise concerns can be reported to the business owner or her/his representative
- A minimum 4-foot-wide pedestrian access is required to accommodate wheelchairs
- Businesses which are permitted to have indoor entertainment shall maintain all such entertainment inside the premises, with no amplification or speakers to broadcast or pipe the entertainment to the outdoor areas.
- No music or other sound amplification is permitted in the outside area nor is it permitted to be audible outside the businesses' premises
- Approval for temporary use shall be for a period of no longer than 180 days (from the date the urgency ordinance was adopted by City Council on June 2, 2020) unless the temporary approvals are extended, subject to a similar reconsideration and potential extension at that time. **All temporary improvements – such as barriers, tents, canopies, etc. -- will be required to be removed by December 2, 2020 unless Urgency Ordinance No. 2020-15 is extended by the City Council**
- Case by case review is possible for expanding restaurant seating area inside of an existing vacant building adjacent to the restaurant (subject to State and County of Orange guidelines for indoor dining)
- The combined occupancy of the existing and temporary indoor and/or outdoor spaces shall not exceed the approved occupant load listed on the certificate of occupancy under non-COVID pandemic conditions.

**Parameters specific to private parking lots:**

- Only parking areas and/or driveways abutting a restaurant or access to a restaurant shall be permitted to be converted to temporary outdoor dining – no satellite patio spaces or crossing of active drive aisles would be permitted unless otherwise approved by staff

- Clearly visible safety barriers (such as planters and other vertical barriers) are required so drive aisles/access for drivers is clearly visible – including in the evening hours
- Temporary outdoor dining must allow for adequate vehicular circulation
- Use of shared parking lots for temporary outdoor seating should be closely coordinated with landlords and/or other users
- Any shade structures, canopies or tents will require typical Fire Department and Building Division approval prior to installation. A temporary use permit will **NOT** be issued until the tents or canopies have been issued a permit by the Fire Department AND Building Division (Note: each review is separate from each other). Contact the Fire Department ([firedepartment@costamesaca.gov](mailto:firedepartment@costamesaca.gov)) and the Building Division ([buildingpermit@costamesaca.gov](mailto:buildingpermit@costamesaca.gov)) for tent permit submittal requirements
- Accessible parking spaces including the access aisle and accessible path of travel must be maintained; no outdoor area may encroach or obstruct the accessible parking spaces, access aisle, or path of travel

***Parameters specific to public rights-of-way:***

- Temporary outdoor seating shall be adjoining or in immediate vicinity to the restaurant
- A minimum 4-foot-wide pedestrian access is required to accommodate wheelchairs
- Pedestrian or vehicular ingress/egress to the subject and/or other businesses may not be obstructed
- An encroachment permit shall be obtained before the establishment of temporary outdoor dining spaces in public rights-of-way; contact the Public Services Department at either 714.754.5323 or [permits-ps@costamesaca.gov](mailto:permits-ps@costamesaca.gov)
- Umbrellas only will be permitted; no canopies or tents will be allowed within public rights-of-way

Additional information regarding the operation may be submitted on a separate sheet/page.

By signing this application, the business and property owners acknowledge that they will comply with the above parameters as well as the limitations of the dining patio as shown on the approved site plan. Failure to comply or causing impacts on neighboring residents could be a basis for summarily revoking this temporary use permit.

**Business Owner signature and date:** \_\_\_\_\_  
**Property Owner signature and date:** \_\_\_\_\_