

PROCEDURES FOR ALLOWING A TEMPORARY EXPANSION OF RESTAURANT SEATING

At the City Council meeting of June 2, 2020, City Council approved an urgency ordinance that allows the temporary outdoor dining patios – or the expansion of existing outdoor dining patios – for restaurants throughout the City of Costa Mesa. There were three different scenarios anticipated: Temporary dining on private properties excluding parking lots; temporary outdoor dining within private parking lots; and outdoor dining within certain public rights-of-way. Temporary dining within private parking lots and in the public right-of-way require a temporary use permit and are detailed elsewhere. Temporary dining on private properties are permitted without a temporary use permit subject to the following operational parameters:

Temporary Dining Opportunities on Private Property (excluding parking lots)

Many properties have oversized sidewalks, plazas or other areas where outdoor seating can be provided. The applicant must gain approval from the property owner/property manager and must comply with the following parameters before establishing or expanding outdoor dining.

- All dining areas shall observe State and local health guidelines for restaurants
- Temporary outdoor seating is restricted to serving existing, on-site restaurants
- Temporary outdoor seating may not be placed in required setbacks or landscaping areas
- Temporary outdoor seating is located within a reasonable proximity to the restaurant
- A minimum 4-foot-wide pedestrian access is provided to accommodate wheelchairs
- Pedestrian ingress/egress to the subject or other businesses may not be obstructed
- Any service of alcoholic beverages in these temporary areas will be subject to approval by the ABC
- Any canopies or tents will require Fire and Building Department approval prior to installation
- Temporary outdoor dining on a property within 200 feet of a residential zone will be required to be closed between 11 PM and 6 AM
- Patio will be posted with a contact phone number so any noise concerns can be reported to the business owner or her/his representative.
- 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.
- 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**
- 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