



May 21, 2020

Subject: Curbside Permits to Help Businesses Creatively Use Parking and the Public Right of Way

Dear County Elected Officials:

On behalf of Circulate San Diego, whose mission is to create excellent mobility choices and vibrant, healthy neighborhoods, we are writing with recommendations for “Curbside Permits” for businesses to utilize parking spaces and the Public Right of Way (PROW) to operate outside and adhere to public safety guidelines.

We are thankful for the ongoing efforts of our region’s jurisdictions to reduce the spread of COVID-19. Once State and County health orders allow for more reopening of our economy, opening streets and parking for flexible outdoor business uses is a logical next step in the region’s recovery.

Our team of policy experts and planners are available to help your jurisdiction implement these recommendations.

1. Allow Businesses to Use Parking and the PROW through a No Cost, Curbside Permit

Circulate supports the use of a Curbside Permit to transform parking spaces and the PROW to support the safe opening of restaurants, retail, and other commercial uses.

a. Location for Curbside Permits:

A Curbside Permit process should allow for outdoor business uses in parking spaces and the PROW. The locations must be used in a manner that preserves transportation and accessibility, which is detailed in the subsequent Design Guidelines section.

The Curbside Permit should be available for outdoor business activities in the following locations:

- Sidewalks
- Street parking spaces
- Public and private parking lots
- Travel lanes
- Alleys

b. Applicants for Curbside Permits:

The permits should be available for individual businesses with a brick-and-mortar location, or neighborhood-based business groups like Business Improvement Districts (BIDs).

More businesses will be able to adapt if this permit allows for a range of uses, including use of the sidewalk in front of a single business, to the utilization of the entire PROW of a full block or more by multiple businesses. BIDs or other business groups should be able to apply for a portion or the entirety of their districts as well as individual businesses, if a BID is not already pursuing the permit for its PROW.

c. Permissible Activities for Curbside Permits:

Curbside Permits should allow for sale and consumption of food, retail activities, music, entertainment, outdoor leisure activities, and other commercial uses in locations that they were previously not allowed. To the extent that the California Department of Alcohol Beverage Control provides for it, the Curbside Permit should also allow for safe and appropriate sale and consumption of alcoholic beverages within permit boundaries.

Curbside Permit recipients must abide by any State and County health orders for their outdoor business activities.

d. Creation of Curbside Permits:

We urge every jurisdiction to either utilize or amend an existing permit process, or to utilize emergency authorities to create a Curbside Permit. It is key for the Curbside Permit to be quick to publish, simple to fill out, and inexpensive to submit.

A Curbside Permit established by an emergency order may not allow for the new creative use of the PROW to continue once the state of emergency declarations are lifted. Therefore, jurisdictions that rely on emergency powers for an initial permit should consider later adopting more permanent permitting processes to allow open-air business operations after the emergency orders are lifted.

e. Approval Processes for Curbside Permits:

Curbside Permits should be ministerial for review and approval purposes. This will allow professional staff to quickly review and approve applications.

It is important for the efficiency of a Curbside Permit to allow businesses to rely on simple and published design guidelines. Design guidelines should also be developed, which are discussed in detail in the next section. This will allow applicants to receive a permit without burdensome staff review, if the applicant follows the design guidelines.

f. CARES Act and Other Recovery Funding:

We recommend that jurisdictions that receive CARES Act or other recovery funds make grants to businesses specifically to cover the cost of permit applications, materials, and labor for transitioning outdoors. The CARES Act funds can also pay for City staff time, or outside consultants, to develop the permit process and guidelines, and review applications. Other funding options include appropriating revenues from parking districts, or expanding existing funding sources like existing placemaking funds.

2. Create Design Guidelines for Easy Implementation of Curbside Permits

Design guidelines can create a level of flexibility for each business to pursue their own creative approach to opening in parking lots, or in the PROW, within constraints set by the City. Our design guideline recommendations create safe spacing, ensure safe pathways for pedestrians, and follow best planning and urban design practices.

Attached to this letter is an example of a simple design guideline. A more complete guideline document can and should be created to help businesses easily apply for a Curbside Permit. Specifically, we recommend that design guidelines include:

1. Any part of a Curbside Permit that proposes to use a sidewalk must maintain a designated walking path that is at a minimum 5'-0" wide. For businesses with a take-out or retail function, a Curbside permit should also feature a designated waiting space for business patrons.
2. Businesses should install removable sidewalk waiting space decals to indicate where patrons should wait for service. This would be appropriate for outside restaurants, pick up at retail stores, and other services like dry cleaning. Decals should not exceed 14" x 14" size and are to be placed at minimum 6'-0" apart.
3. Applicants can deploy a maximum of two (2) pedestrian crossing signs and six (6) temporary bollards for the crossing area, to be located every 200". If available from the jurisdiction, an applicant can request to borrow the pedestrian crossing signs and bollards for the duration of the permit.
4. Jurisdictions should allow up to two (2) parking spaces directly outside of a street-level business storefront to be repurposed for outdoor business activities, for an individual business applicant. Repurposed spaces will be designed to meet physical distancing requirements and must provide a physical barrier between the seating area and vehicle travel lane. Barriers could be planters, bollards, cones, moveable bike racks, or a similar treatment.
5. For permits requesting use of the sidewalk only, a jurisdiction will allow for up to one (1) parking space to be designated for take-out/curbside pick-up parking with a maximum time limit of 15 minutes.
6. Businesses can install temporary signage with information about curbside pick-up zones, patron waiting areas, and other relevant information. Signs will not exceed 24" x 36" and should be affixed to existing sign poles using removeable materials such as zip-ties. Temporary signs should not interfere nor obstruct other regulatory signs.

A Curbside Permit that proposes to shut down any length of a full street should preserve a pathway for public safety access that can also be used by pedestrians and bicyclists.

The COVID-19 crisis has created an opportunity to think creatively about safely living, working, and playing in the San Diego region. We hope that a Curbside Permit that incorporates these recommendations can move forward quickly, to provide much needed relief to San Diego businesses and allow them to succeed.

Circulate San Diego has experience developing policy and working with jurisdictions on changes to their built environment. We are available to help jurisdictions that wish to implement these recommendations to support vibrant neighborhoods and to recover the economy.

Thank you for your work keeping San Diego safe during this pandemic.

Sincerely,



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