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June 17, 2020

Elyse Lowe  
Development Services Department  
City of San Diego  
1222 First Avenue, MS 401  
San Diego, CA 92101

**Subject: Response to Proposed Emergency Ordinance for Temporary Outdoor Business Operations**

Dear Elyse Lowe,

On behalf of Circulate San Diego, whose mission is to create excellent mobility choices and vibrant, healthy neighborhoods, I am writing in response to the May 27<sup>th</sup> memorandum regarding the proposed emergency ordinance for temporary outdoor business operations. The ordinance proposes to waive Special Event Permit application fees and most Sidewalk Café permit requirements to facilitate street closure and reduce permit cost and processing time.

Circulate San Diego shares the goal of facilitating temporary outdoor business operations and has released a Curbside Permit<sup>1</sup> plan with our own recommendations on how to best implement these actions. There are a few changes to the ordinance proposals submitted by the Development Services Department which we feel would increase the speed and efficiency of opening temporary outdoor business operations.

**1. The Proposed Changes to the Special Events Permit Would Still Require a Host Organization and Would Not Increase Speed or Ease of Applications.**

Under the proposals of the memorandum, many requirements for the Special Events Permit still remain, including the need for an operational plan and site plan.<sup>2</sup> Circulate proposes a streamlined application process including design guidelines and quick review which would decrease the time from application to a business operating in the open air. The design guidelines allow for businesses to take a flexible approach to opening up while providing them with simple and clear guidelines ensuring safe spacing, pathways for pedestrians, and good planning and design.

Waiving Special Event Permit application and review fees will help local businesses apply, however finding other ways to expedite the review process and streamline the application is also needed.

<sup>1</sup> Circulate San Diego, *Letter: Curbside Permits to Help Businesses Creatively Use Parking and the Public Right of Way*, (May 21, 2020), available at [http://www.circulatesd.org/letter\\_curbside\\_permits\\_to\\_help\\_businesses\\_creatively\\_use\\_parking\\_and\\_the\\_public\\_right\\_of\\_way](http://www.circulatesd.org/letter_curbside_permits_to_help_businesses_creatively_use_parking_and_the_public_right_of_way)

<sup>2</sup> The City of San Diego Special Event Planning Guide, available at <https://www.sandiego.gov/sites/default/files/legacy/specialevents/pdf/planningguide.pdf>.

Incorporating design guidelines provides some flexibility without the need of an operational plan, and does not bar the City from inspecting the site to ensure compliance with ADA and other regulations.

**2. The Proposed Changes to the Sidewalk Café Permit Would Maintain Some Level of Cost for Business Owners or Host Organizations.**

The memorandum proposes to remove most Sidewalk Café requirements but does not specify which requirements are to be eliminated. Although it is proposed that Special Events permit fees would be waived, there is no specific mention of the waiving of the Sidewalk Café application fees. Circulate recommends for the application and permit to be no cost, with the funding coming from grants from the CARES Act and other recovery funding.

Circulate's recommendations to the Emergency Ordinance for Temporary Outdoor Business Operations would increase accessibility, speed, and ease while decreasing application cost, and we hope they are incorporated into the Ordinance.

We are pleased to see the memorandum include waiving parking requirements for businesses that propose using their own parking lots for business use, a truly innovative step towards economic recovery. Thank you for proactively leading on supporting the implementation of Curbside Permits and soliciting input from stakeholders.

Sincerely,



Maya Rosas  
Director of Policy