



# CITY OF DANA POINT

COMMUNITY DEVELOPMENT DEPARTMENT  
33282 Golden Lantern, Suite 209  
Dana Point, CA 92629  
(949) 248-3564 | [www.danapoint.org](http://www.danapoint.org)

## PLANNING DIVISION

### TEMPORARY OUTDOOR OPERATING PERMIT

*The Temporary Outdoor Operating Permit was developed to assist businesses to establish a safe, clean environment for workers and customers in compliance with State COVID-19 Industry Guidance. The Temporary Outdoor Operating Permit was created in accordance with City of Dana Point Emergency Proclamation, Amendment 1, as ratified by the City Council on March 31, 2020.*

**BUSINESS OWNER NAME:** \_\_\_\_\_

**BUSINESS NAME:** \_\_\_\_\_ **PHONE #:** \_\_\_\_\_

**BUSINESS ADDRESS:** \_\_\_\_\_ **EMAIL:** \_\_\_\_\_

CURRENT NUMBER OF SEATS (PRE-COVID): INTERIOR \_\_\_\_\_ EXTERIOR \_\_\_\_\_

PROPOSED NUMBER OF SEATS: INTERIOR \_\_\_\_\_ EXTERIOR \_\_\_\_\_

PROPOSED HOURS OF OPERATION FOR OUTDOOR SEATING: \_\_\_\_\_

WILL TABLES AND CHAIRS (NON-PERMANENT STRUCTURES) BE PLACED ON THE SIDEWALK/IN THE CITY PUBLIC RIGHT-OF-WAY?: YES / NO IF YES, AN ENCROACHMENT PERMIT WILL BE ISSUED IN CONJUNCTION WITH THIS TEMPORARY OUTDOOR OPERATING PERMIT.

ARE TABLES AND CHAIRS PROPOSED IN PARKING SPACES?: YES / NO IF YES, IDENTIFY THE NUMBER OF PARKING SPACES UTILIZED FOR TABLES AND CHAIRS: \_\_\_\_\_ AND NUMBER OF PARKING SPACES REMAINING \_\_\_\_\_

PROVIDE A **SITE PLAN** FROM AN AERIAL PHOTO (GOOGLE/BING MAPS) OR OTHER MEANS THAT IDENTIFIES THE LOCATION OF THE RESTAURANT, SIDEWALK, PARKING AREA, AND PROPOSED OUTDOOR DINING AREA. THE OUTDOOR SEATING SHOULD IDENTIFY THE NUMBER OF TABLES AND CHAIRS THAT ARE PROPOSED. PHOTOS OF THE AREA MAY ALSO ASSIST IN THE REVIEW PROCESS. SEE ATTACHED EXAMPLE OF THE SITE PLAN.

#### NOTIFICATION TO THE APPLICANT:

Proposals that increase the number of seating (pre-COVID-19 seating conditions) or displace parking spaces will be reviewed to ensure neighborhood compatibility. City staff will coordinate with you to mitigate potential impacts while allowing the reopening of your business in compliance with the state and county regulations. If needed, additional conditions of approval and justification/findings associated will be incorporated into your permit.

PLEASE SUBMIT APPLICATIONS OR QUESTIONS TO SENIOR PLANNER, JOHN CIAMPA AT [JCIAMPA@DANAPOINT.ORG](mailto:JCIAMPA@DANAPOINT.ORG) AND COMMUNITY DEVELOPMENT DIRECTOR, BRENDA WISNESKI AT [BWISNESKI@DANAPOINT.ORG](mailto:BWISNESKI@DANAPOINT.ORG)

QUESTIONS REGARDING SEATING/TABLES IN THE PUBLIC RIGHT OF WAY MAY BE DIRECTED TO PUBLIC WORKS DIRECTOR MATT SINACORI ([msinacori@danapoint.org](mailto:msinacori@danapoint.org)) OR MATT KUNK ([mkunk@danapoint.org](mailto:mkunk@danapoint.org)).

**CONDITIONS OF APPROVAL FOR TEMPORARY OUTDOOR OPERATING PERMIT**

**Initial the boxes below for acknowledgment of the required conditions.**

1. The Applicant acknowledges and agrees to the following as a condition of the rights conveyed by the approval granted by the City, as well as any orders of or conditions imposed by the Director. \_\_\_\_\_
2. The approval granted hereby is based upon emergency conditions and is intended to be temporary in nature. It is subject to revocation and/or modification at the discretion of City’s Director of Community Development (the “Director”.) \_\_\_\_\_
3. The initial approval was granted by the Director as part of an expedited effort to enable the reopening of businesses in the City, without the benefit of typical review processes. \_\_\_\_\_
4. The Director intends to perform a more detailed review of each Temporary Emergency Business Operation Permit issued when time permits, and the Applicant expressly acknowledges that different or additional conditions are likely to be imposed; moreover, that it is possible that criteria initially approved may be deemed inappropriate and revoked or modified. \_\_\_\_\_
5. No vested rights are created by this approval, and any rights conveyed, by virtue of their nature as temporary emergency measures, may be revoked at any time by the Director. \_\_\_\_\_
6. As the fluid emergency situation evolves, changes to the approvals granted hereby are likely to occur and eventually the Director will terminate the temporary emergency approvals granted. \_\_\_\_\_
7. Applicant expressly acknowledges that this approval merely permits operating conditions to occur that might otherwise be contrary to the City’s municipal code or other regulations or contrary to entitlements otherwise applicable to the Applicant. It does not relieve the Applicant from complying with State, County or Federal Orders or guidelines applicable to the COVID 19 emergency, nor does it relieve Applicant of its obligations to comply with other State or Federal laws or regulations. \_\_\_\_\_
8. Outdoor dining areas located on the sidewalk and/or in the Public Right-of-Way shall not obstruct pedestrian traffic or ADA access (4 feet clear from obstructions). \_\_\_\_\_
9. The outdoor dining area and operation shall be kept free from debris, not create nuisances, provide social distancing for patrons. Outdoor dining areas shall not be cleaned and/or washed off with water, unless it is fully captured on site, to avoid runoff into any drainage system or storm drain. \_\_\_\_\_
10. The Applicant shall be responsible for the security and maintenance of the outdoor dining area, and the tables and chairs shall be removed after business hours and located out of the Public Right-of-Way in a secure location. \_\_\_\_\_
11. Live entertainment shall be prohibited, unless authorized under a separate permit. \_\_\_\_\_
12. The property owner has authorized the right to use the leased property for the intended use. \_\_\_\_\_
13. If outdoor dining is located on an adjacent property, the Applicant shall notify the property owner of the subject property. \_\_\_\_\_
14. BE A GOOD NEIGHBOR. Ensure your business operations for the Temporary Emergency Outdoor Operating Permit do not result in a negative impact to adjacent residents, businesses, pedestrians, and patrons. \_\_\_\_\_

**Applicant Name (print)** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Applicant Signature:** \_\_\_\_\_

## TEMPORARY OUTDOOR DINING PERMIT

EXAMPLE SITE PLAN. Identify restaurant location, sidewalk, parking area, and proposed outdoor dining area. The outdoor seating should identify the number of tables and chairs that are proposed

