



Development Services
Engineering Division

May 20, 2022

Subject: Notice of Expiration of Temporary Outdoor Business Operations (TOBO) Permit
****Action Required: Apply for Spaces as Places Permit to Continue Outdoor Operations.****

Dear Permit Holder,

Unless you received a Notice of Violation or Civil Penalty Notice, this letter supersedes any prior notification regarding your TOBO. On Wednesday, July 13, 2022, your TOBO Permit will expire.

All TOBO permitted operations must cease by this date, and all related structures, decks/platforms, and items in the street, sidewalk or parking lane(s) must be removed. The site must be restored to its original condition. ***You must have submitted for or have an approved Spaces as Places permit, as outlined below, to continue business operations outdoors.***

What happens after July 13, 2022?

Continuation of TOBO operations beyond July 13, 2022, without submitting an application or having a valid Spaces as Places permit (information below) will be considered a violation of the City of San Diego Municipal Code and subject to Civil Penalties. In addition, the City may pursue legal remedies should you fail to act. Given the timeline for permit review, you are encouraged to apply as soon as possible to ensure you have a new permit issued in advance of July 13, 2022. Submittal of a Spaces as Places application, only available to eating and drinking establishments, does not guarantee you will be issued a permit.

Permit Requirements for Removing the TOBO – Ready to Remove your TOBO?

Before removing your TOBO, you must first obtain a Traffic Control Permit (TCP). After TCP issuance and removal of your TOBO, a site inspection will be conducted to ensure the public right of way is restored to its original condition. Removing any structure within the public right of way must be performed safely to protect the public against personal injury or property damage. To obtain your TCP, please visit sandiego.gov/DSD, click on "Apply for a Permit Online," select "Traffic Control Permit," and follow the instructions.

Following your inspection, if it is determined that there is damage to the street or resulting from your TOBO installation, you will be required to obtain a Right-of-Way Permit to restore the right of way to its original condition. Visit sandiego.gov/DSD, click on "Apply for a Permit Online," select "Right-of-Way Permit," and follow the instructions.

Want to Continue Operations in the City's Public Right of Way?

Eating and drinking establishments may be eligible to apply for a Spaces as Places Permit. If your business is not an eating and drinking establishment, it does not qualify for a Spaces as Places Permit. Spaces as Places permits allow for business operations outdoors, including Streetaries, Dining on Private Property, and Sidewalk Cafes, which may offer additional options for your business. Please note that your currently permitted TOBO operations may be ineligible and require substantial investment and assistance from a licensed engineer to comply with the new Spaces as Places requirements. To comply with the new Spaces as

Places regulations after the expiration of the TOBO Emergency Ordinance, you must have a valid Spaces as Places Permit, or an application must be submitted for one. In good faith, the business must diligently pursue the permit for qualified TOBO operations to continue after July 13, 2022. The City will work with eating and drinking establishments to allow TOBOs to continue while Spaces as Places Permits are pending. However, all violations must be corrected before any TOBO will be allowed to remain in place while the corresponding Spaces as Places Permit is approved. Visit sandiego.gov/spaces-as-places for more information.

Is Your Business Located in the Coastal Zone?

The California Coastal Commission must certify or approve the new regulations that allow for Spaces as Places before the regulations can be utilized in the Coastal Zone. You should still apply now for a Spaces as Places Permit in anticipation of Coastal Commission certification. The time frame for the Coastal Commission certification is not known. A Right-of-Way Permit for Spaces as Places cannot be issued until after the Coastal Commission certifies the regulations. This may delay the issuance of a Spaces as Places Permit for locations in the Coastal Zone.

Need Help?

The Development Services Department's Small Business and Restaurant Assistance Program provides dedicated resources and information to help you with your planning and permitting needs. Visit sandiego.gov/DSD and click on the Small Business and Restaurant Assistance Program feature card at the bottom. Additionally, you can contact the Economic Development Department at sdbusiness@sandiego.gov or at 619-236-6700 for assistance.

Sincerely,



Chris Larson
Program Coordinator
Development Services Department
City of San Diego