

Exhibit A

Emergency Expanded Restaurant Dining and Other Uses Program

This Emergency Expanded Restaurant Dining and Other Uses Program (the “Program”) allows for the expansion of dining and use areas temporarily to open-air spaces and parking lots on private property where certain requirements are met. Expanded outdoor dining and use areas are intended to allow Goleta restaurants and specified uses to re-open safely, ensuring safe and adequate pedestrian and vehicle circulation while simultaneously meeting physical distancing and public health standards to prevent the spread of COVID-19.

The Program is intended to address in particular the following three elements of the worksite-specific COVID-19 prevention plan required to be established under the California Department of Health COVID-19 Industry Guidance for Dine-In Restaurants (“State Dine-In Guide”):

1. Prioritize outdoor dining and curbside pickup;
2. Physically distance six feet between workers and customers; and
3. Physical distancing of check stands, terminals, deli counters and lines restrooms, host stands and waiting areas.

This Program temporarily suspends City zoning and/or land use permit provisions applicable to business premises or restaurant dining areas that are in conflict with the expanded dining or use areas allowed by this Program.

Dining and Use Area Expansions - Applicability

Food service establishments and other uses specified herein located within the City of Goleta may add to or expand their premises for outdoor dining or other allowed uses onto adjacent open-air spaces and/or privately-owned parking lots as provided herein. “Open-air spaces” refer to any paved, unenclosed surface area that is not in the public ROW or used for motor vehicle circulation or parking.

Expansions of dining and use areas under this Program may occur only in open-air spaces and/or privately-owned parking lots. No dining area or use may be expanded into the public right of way, including public sidewalks, under this Program without first obtaining an encroachment permit in addition to any other permit required under this Program.

This Program applies only to existing restaurants and other uses specified below located within the City of Goleta that are currently validly permitted and meet all other license requirements.

The City of Goleta reserves the right to suspend, revoke or amend expanded dining and use areas allowed under this Program provision at any time, if problems, complaints or conflicts arise as a result of the expanded dining or use areas.

Allowed Uses

In addition to dining at food service establishments, this Program allows the following other uses to expand to outdoor areas, where and when specified requirements are met:

1. Retail sales
2. Fitness classes and yoga
3. Faith-based gatherings

Program Requirements

The Program requires applicants to apply for a Temporary Use Area Expansion Permit in accordance with the requirements of this Program. The Program takes a two-tiered approach to allowing expansions of dining and use areas. The Program automatically allows expansion of food service establishment dining area and use expansions within open-air spaces that meet the criteria and requirements specified below and that do not encroach into parking areas or affect vehicle circulation (Group 1). Expansions that propose to use parking areas, reduce the number of available parking spaces and/or could affect vehicle circulation (Group 2) must meet all the criteria and requirements of Group 1 and in addition must meet other additional requirements specified below.

Group 1 Expansion Requirements

Group 1 dining and use area expansions may expand into open-air spaces in front of or immediately adjacent to the existing restaurant or business premises. They may not expand into parking areas or decrease the number of existing parking spaces provided. Group 1 expansions must meet all of the following requirements listed below.

Group 1 expansions are allowed provided that the expansion:

1. Has in place a COVID-19 prevention plan consistent with the State Dine-In Guide or other applicable State guidelines and approved by County Public Health;
2. Has permission from the underlying property owner;
3. Is an allowed use in the zone district where the expansion is located;
4. For all food service establishments, follows the requirements under Santa Barbara County Health Order No. 2020-8.2, including completion of self-certifications;
5. Meets all other County rules (e.g., environmental health regulations and Health Officer Orders) and State laws (e.g., State Dine-In Guide and alcohol beverage consumption laws), as verified by County Public Health or other responsible agency;
6. Follows an outdoor dining or occupancy plan at the proposed location that meets all Fire Dept. standards, including number of occupants, points of egress, access to fire extinguishers, and tent and awning ratings, if applicable;
7. Maintains access required under the Americans with Disabilities Act at all times;
8. Ensures fire hydrants shall remain unobstructed at all times;

9. Includes suitable demarcation of the boundary of the outdoor dining or use area, such as bright tape or temporary fencing not exceeding 4 ft. in height, placed in safe manner around outdoor dining area;
10. Does not encroach into any public right of way, restrict vehicle circulation or reduce the number of available parking spaces;
11. Clearly and physically separates the outdoor expansion area from pedestrian traffic and preserves adequate and safe circulation for pedestrians;
12. For all food service establishments, does not exceed any existing overall dining capacity limit currently permitted for the restaurant;
13. Does not include installation of any permanent item or structure;
14. Provides for restricted hours of operation for outdoor dining or other uses on private property that coincide with the hours of operation for the corresponding business or use in question;
15. Prohibits all forms of outdoor music and speaker amplification associated with the outdoor dining provided under this order;
16. Assures compliance by businesses with the City's noise regulations in the Goleta Municipal Code;
17. Includes temporary signage to designate the use of the outdoor area for dining or other allowed use;
18. Ensures that outdoor areas are maintained and free of trash and other debris. Food service establishments must provide conveniently located outdoor waste and recycling receptacles for customers, and the receptacles must be regularly serviced and maintained;
19. For food service establishments, provides that all tables and associated seating must be spaced at least six feet apart from other tables and seating or, for other uses, maintains a six-foot physical separation between persons;
20. Does not permit groups of 10 or more at one table;
21. Provides that all lines for patrons for food orders or pick-up, as well as onsite restroom facilities, clearly demarcate a minimum distance of 6 feet between patrons in line - for example, by placing labels or tape markings on the ground;
22. Consistent with Resolution No. 20-30, adopted May 5, 2020, requires all employees and patrons to wear face coverings, with the exception of patrons who are seated at tables provided and who are eating or drinking;
23. Does not permit smoking in the expanded outdoor dining or other use areas;
24. Provides maintenance standards for the outdoor dining or other use area;
25. Provides and posts onsite the name and contact phone number for a designated contact person authorized to address any complaints regarding expanded dining or use areas.

Group 2 Expansion Requirements

In addition to the Group 1 requirements listed above, Group 2 expansions that propose to encroach into parking areas, reduce the number of available parking spaces or could affect vehicle circulation must submit a plan and obtain a Temporary Use Area Expansion Permit from the City to ensure the expanded dining or use area:

26. Preserves adequate and safe circulation for vehicles and pedestrians;

27. Ensures vehicular traffic onsite would not create a traffic problem (e.g., queueing) on public roads or obstruction of public sidewalks; and
28. Is protected by a surrounding barrier approved by the Public Works Department.

Fees

There are no fees applicable to processing of Temporary Use Area Expansion Permits pursuant to this Program.

Denials, Suspensions and Revocations / Appeals

If a business violates the Program standards, criteria and conditions, the Director of Planning and Environmental Review may immediately suspend or revoke the Temporary Use Area Expansion Permit.

Any denial, suspension or revocation of a Temporary Use Area Expansion Permit may be appealed to the City Council pursuant to the procedures for appeals of business licenses as set forth in Chapter 5.01 of the Goleta Municipal Code. Appeal fees would be as shown for Land Use Permits on the adopted Planning and Environmental Review Department fee schedule.