



COVID-19 RELIEF Temporary Outdoor Facilities Registration Program Guidelines

The City of San Leandro has established a registration process for restaurants and other commercial businesses seeking to utilize outdoor areas on public and private property (including private property, private parking lots, public sidewalks, and other public property) in compliance with the current health order. Filing a registration and complying with applicable city, county and state regulations grants businesses the ability to use outdoor areas on a temporary basis.

The intent of the registration program is to encourage safe operations and promote social distancing for restaurant patrons, business customers, and employees in locations that would otherwise require an Outdoor Facilities Permit or an Encroachment Permit. Registration is free and no inspections are required. By registering and following the guidelines, the City will waive the usual requirement for businesses to obtain a permit.

In conformance with the [Alameda County Shelter-in-Place Order](#), businesses permitted to operate, whether indoors or outdoors, need to develop and comply with a [Site-Specific Protection Plan](#) (template provided through this link) and implement risk assessment and individual control measures, physical distancing, disinfecting and cleaning protocols, and employee training to prevent the spread of COVID-19. For more information, visit <http://www.acphd.org/2019-ncov/shelter-in-place.aspx>.

Additional guidance for operating procedures for businesses by type may be found in the [California Statewide Industry Guidance](#). Guidance for a number of industries is provided, including for [restaurants and bars](#), [retail](#), [shopping centers](#), [fitness](#), [hair salon and barbershops](#), [personal care services](#), and [places of worship](#). For more information, visit <https://covid19.ca.gov/industry-guidance/>.

General Program Information

Is my restaurant or business eligible for this program?

Businesses eligible to use an Outdoor Business Area under this program include the following, at which time they are allowed to operate under the Health Orders of Alameda County, as amended:

- Bars (subject to ABC permit)
- Business Services
- Cafes
- Brewpub
- Convenience Stores
- Department Stores
- Drugstores
- Farmers' Market
- Fast Food Establishments, Large Scale
- Fast Food Establishments, Small Scale
- Furniture, Electronics, and Appliance Sales
- Health and Fitness Centers
- Home Improvement/Interior Decoration

- Instruction and Improvement Services
- Massage Therapy
- Neighborhood/Specialty Food Markets
- Nurseries
- Offices, Business and Professional
- Regional Mall
- Restaurants, Full-Service
- Retail Sales
- Retail Sales, Big Box
- Retail Services, including hair/nail salons, barbers, skin care and waxing services
- Secondhand Sales
- Supermarkets

Any of the above types of business that register and adhere to the guidelines below may open and expand outdoors in conformance with the guidelines/requirements of the program in order to provide additional seating or retail opportunities in areas that might otherwise require a permit.

Are there zoning districts where this is restricted?

There are no location restrictions.

When does my approval expire? How long does this program last?

Permission to operate in temporary outdoor areas is revocable at any time at the City's sole discretion, and will remain in effect until December 31, 2020 or upon the expiration of the City's emergency declaration, whichever occurs first; or as otherwise terminated, modified or extended by the San Leandro City Council. Businesses will have one week after the expiration date of the City's emergency declaration order to remove all temporary outdoor elements associated with their registration.

Temporary seating areas or outdoor furniture may need to be removed or relocated in the event the city or other utility provider needs access to maintain or repair utilities or other public infrastructure.

Operational and Design Requirements

Can I use the public sidewalk?

Registration will allow restaurants and other businesses that provide sit-down food service to use an abutting sidewalk area for food and beverage service. Personal Services, including hair salons, barbershops, nail salons, skin care and waxing services and non-medical massage providers may be permitted to operate on the sidewalk, provided the minimum requirements of sidewalk operation described below, including the ability to maintain a 4 foot wide path of travel, are met. Other commercial businesses may use an abutting sidewalk area to provide displays and/or seating for the public and customers waiting to enter the business establishment.

Use of the public sidewalk must not extend beyond your business frontage, unless written permission from the subject business owner and appropriate insurance coverage is obtained, and must maintain a minimum clear pedestrian through zone (i.e., contains no objects) along its entire length that is at least four feet (4') wide with seven feet (7') of vertical clearance above the sidewalk surface.

Where on private property can I establish a temporary outdoor area?

Hardscaped areas on private property, including parking lots, can be accessed for temporary outdoor uses. In order to preserve established landscaping, planted areas cannot be used or removed. Areas designated for stormwater retention and conveyance, such as bioswales, drainage basins, gutters and culverts, may not be used.

Can I use a private parking lot, public parking lot or other public property?

Yes, the City's off-street parking requirements on public and private property are waived to accommodate temporary outdoor uses. Private parking areas adjacent to your business may be used subject to compliance with applicable requirements. Public, off-street parking areas, and other public property (such as a plaza) adjacent to your business may be used subject to compliance with applicable requirements, submittal of required insurance, and approval by the City. Consent from the property owner or property owner's authorized agent is required prior to use of private parking areas. Emergency vehicle access routes and fire lanes may not be obstructed. ADA accessible parking spaces and paths of travel must be maintained.

Do I need to provide additional parking?

No, the City's off-street parking requirements on private property are being waived under this program to accommodate temporary outdoor uses.

Can I use parking spaces on private property exclusively for temporary pick-up and delivery parking?

Yes, with approval from the property owner or property owner's authorized agent.

What are the allowed hours of operation for the temporary outdoor uses?

Temporary outdoor uses may operate between the hours of 7:00 a.m. and 10:00 p.m. daily.

Note: These hours apply to the new, temporary outdoor patio space only. Existing permanent patios that have been approved may follow the previously permitted hours.

What types of safety equipment and barriers are required?

Temporary outdoor uses within areas accessible by vehicles must be clearly identified and delineated with traffic control measures (i.e., barricades, signs, precast concrete bollards, heavy planter pots, etc.) to ensure separation of pedestrians and vehicles without blocking pedestrian or vehicular access.

Heavy planters and precast bollards are recommended. Water-filled Jersey Barriers are allowed (white is preferred). If used, make a 3-foot gap in the barrier every 20 feet for emergency access.

What type of outdoor furniture/design elements are allowed on the public sidewalk?

The following are generally permitted on public sidewalks and must be brought in nightly:

- Removable tables, benches, and chairs
- Umbrellas - must be secured and maintain a minimum clearance of 84"
- Barriers as required by Alcoholic Beverage Control (ABC)
- Materials for the operation of outdoor personal services, if approved by the City

Items placed in the Abutting Sidewalk Area shall be set back a minimum of two feet (2') from the curb and must maintain a four foot (4') clear pedestrian path of travel.

The sidewalk or other public property cannot be physically altered, including by attaching any objects to the sidewalk. Tables, chairs, and barriers may not obstruct access to business entrances, manholes, valve boxes, fire hydrants (15' clearance), fire department connections, or stormwater inlets.

The following are prohibited in the sidewalk area:

- Flames of any type, including, stoves, burners, heat lamps and candles;
- Amplified sound or entertainment;
- Advertising;
- Consumption of alcohol except in compliance with ABC rules and regulations;
- Smoking; and
- Storage of materials or equipment.

What type of outdoor furniture/design elements are allowed on private property and public parking lots?

The following features will be allowed in temporary outdoor areas on private property. Such features may also be permitted on public parking lots and other paved public property adjacent to businesses (such as plazas) with City approval

- Removable tables, benches, and chairs
- Umbrellas - must be secured and maintain a minimum clearance of 84"
- Barriers to delineate seating areas and protect from traffic, and/or as required by ABC
- Heating units with a UL or AGA listing may be used outside of any tent or canopy area. Heating units shall not be installed over or near exits from the building. Units shall maintain the required clearances from combustible materials. A minimum of 6'8" headroom clearance shall be maintained under heating unit.
- Extension cords shall be:
 - Listed and labeled as outdoor rated in accordance with UL 817;
 - Plugged into an outlet with a GFI protected circuit or a listed corded in-line Ground Fault Circuit Interrupter (GFCI);

- Secured in a manner that is compliant with ADA accessibility standards, does not impede any person's path of travel and does not constitute a tripping hazard; and
- Disconnected from their electrical sources each day at the conclusion of operations in the Outdoor Business Area.
- Equipment, supplies and furniture as required to operate a permitted personal services business, subject to applicable health regulations.

All movable items must be removed or secured daily at closing.

No part of the temporary outdoor area may be physically altered, including by attaching any objects to the pavement. Tables, chairs, and barriers may not obstruct access to business entrances, manholes, valve boxes, fire hydrants (15' clearance), fire department connections, or stormwater inlets.

The following are prohibited in temporary outdoor areas:

- Amplified sound or entertainment in such a manner as to disturb the peace, quiet and comfort of neighboring residents or persons of normal sensitivity;
- Flames other than heat lamps located outside of tents, including stoves, burners and candles;
- Storage, including food service equipment or service staging areas;
- Advertising;
- Consumption of alcohol except in compliance with ABC rules and regulations;
- Overhead elements without a minimum clearance of 84";
- Generators;
- New water or electrical service

How should trash be handled?

Businesses must provide their own garbage receptacles within the temporary outdoor area and shall regularly empty containers into the business's trash enclosure area. The business operator will be responsible for daily pick-up of discarded and wind-blown waste, and debris at the premise and the surrounding areas. Trash capture devices and storm drain inlets must always be kept clean of trash and debris (i.e., no paper napkins or menus in the inlets). Rinsing or sweeping debris into the storm drains is prohibited.

Are canopies/tents allowed in temporary outdoor areas?

Canopies/tents are only allowed on private property and *must be open on all sides*. A separate review, approval, and issuance of a fire code operational permit by the Alameda County Fire Department (ACFD) is required for tents open on all sides with a cumulative total floor area of 700 square feet or more and/or tents with one side or more in excess of 400 square feet to ensure compliance with 2019 California Fire Code Requirements as adopted by the City of San Leandro.

Canopies/Tents must be at grade and properly secured to prevent the tent from becoming a wind-blown projectile. Ensure that any stakes and guy lines on private property do not pose a tripping hazard.

Are fences allowed in temporary outdoor areas?

Fences and other temporary barriers not exceeding 42 inches in height are allowed if required by ABC for alcohol service but must be properly secured to prevent the barrier from becoming a wind-blown projectile or overturning. Ensure that ballasts and fencing do not have any sharp edges that could cause injury.

Is additional signage allowed?

No additional temporary signage will be permitted, except as required to implement proper observation of public health and safety guidelines and ABC regulations. An incidental sign displaying a daily menu or specials visible to patrons on the premises may be provided so long as it complies with these guidelines.

What clearances need to be maintained around outdoor areas?

Restaurants, retailers, and personal service providers may expand activity on public sidewalks, public property, or private property when 4 feet of pedestrian clearance is available and must not obstruct access to business entrances, manholes, valve boxes, fire hydrants (15' clearance), fire department connections, or stormwater inlets.

Temporary outdoor facilities must be designed to maintain clear existing legal exits from the building to the public way. A minimum 44-inch wide exit path must be maintained from the building and temporary outdoor areas. Outdoor Business Areas with an occupancy greater than 50 require two exits.

Is wheelchair accessible seating required?

Yes, local and federal accessibility codes require accessible restaurant seating. Five percent (5%) of seating whether indoors or outdoors must be accessible to wheelchair use (or at least 1 if less than 20 tables in entire facility). Maintain a path of travel measuring at least 36 inches wide adjoining a wheelchair location. Food service aisles must also be a minimum of 36 inches wide.

For each 20 seats, you must have at least one (1) accessible table available that must:

- Be between 28 to 34 inches high
- Have at least 27 inches of space from the floor to the bottom of the table
- Provide knee clearance that extends at least 19 inches under the table
- Have a total clear floor space of 33" x 48" per seat or 33" x 60" for side access
- Be located a minimum distance of 4 feet to the nearest obstruction
- Have a label displaying the International Symbol of Accessibility

Can I provide alcohol service in the temporary outdoor seating area?

Businesses that wish to provide alcoholic beverage service in the temporary outdoor area must provide exterior edge/railings of at least forty-two (42") inches tall and obtain an approved [COVID-19 Temporary Catering Authorization Application](#) from the California Department of Alcoholic Beverage Control. Signs

stating “No Alcohol Beyond this Point” are required at all ingress and egress points to the contained alcohol service areas. For more information, visit <https://www.abc.ca.gov/abc-218-cv19-instructions/>.

Bars must obtain approval from ABC and the San Leandro Police Department through the ABC Temporary Catering Authorization in order to operate outdoors. Bars may not operate outdoors unless they serve alcohol in conjunction with a meal. If a bar does not have an onsite kitchen, they may contract with another vendor or nearby business to provide food service for outdoor dining. However, the alcohol must be served in the same transaction as a meal. For more information see the ABC [Temporary Catering Authorization Instructions](#), the ‘Restaurants and Meals’ section of the Alameda County Shelter-in-Place [Frequently Asked Questions](#), and ABC guidance on [what constitutes a meal](#).

What do I do if I have multiple locations?

If your business has more than one location, you must apply for each location individually.

Health Requirements

What are the public health requirements for restaurants (e.g., how many tables allowed, minimum spacing, number of occupants, face coverings while eating)?

Restaurant operations and temporary outdoor seating must be consistent with the [Alameda County Order to Shelter-in-Place](#), as amended, which generally follows the [California State Guidance for Dine-In Restaurants](#) (including table spacing, max number of patrons per table, reservation guidelines, and cleaning protocols). For more information on State guidance, visit <https://covid19.ca.gov/pdf/guidance-dine-in-restaurants.pdf>.

Full Alameda County restaurant requirements include, but are not limited to the following:

- Alameda County guidance for Social Distancing and the wearing of masks shall be followed.
- Tables to be placed at least 6 feet apart. If tables cannot be moved and placed 6 feet apart, a 6 foot high separation (such as plastic barrier) shall be provided, or customers shall not be placed at adjacent tables.
- Hand sanitizer or a hand washing station shall be provided at the point of entry.
- Tables shall be fully cleaned and sanitized between customers and all items shall be removed and sanitized.
- Reusable tableware (plates, silverware, cups, etc.) may be used, however they shall be removed and fully cleaned and sanitized between customers. Reusable menus may be used if laminated and removed and fully cleaned between customers.
- Employees must wear masks and practice social distancing.

Restaurants must review and comply with the full Alameda County guidelines for restaurants once complete. For the latest updates, visit <http://www.acphd.org/2019-ncov/shelter-in-place.aspx>.

Am I required to get approval from the Alameda County Environmental Health Department if I serve food?

Yes, the [Alameda County Department of Environmental Health](#) has indicated that they will require review and approval of outdoor dining areas. The Department of Environmental Health is developing their full requirements and application process, which may be applied for concurrently with the City's process. For the latest updates, visit <https://deh.acgov.org/covid-19.page?>

What types of personal services are permitted outdoors?

Certain personal care services are permitted to operate outdoors beginning August 28, 2020, including:

- Hair salons
- Nail salons
- Non-medical massage providers
- Barbershops
- Skin care and waxing services

Personal care services not permitted to operate indoors or outdoors at this time include:

- Services that may require a client to remove their face covering
- Eyebrow threading and waxing and eyelash treatments
- Shampooing of hair and chemical hair services, including relaxing and dyeing, cannot be performed outdoors due to the inability to ensure adequate drainage and proper waste disposal.
- Tattoos, piercings and electrolysis

What are the public health requirements for personal services?

The operation of personal care services must comply with all applicable health, business and industry regulations, including the guidelines in the Alameda County Shelter-in-Place Order, [Appendix C](#). The California Department of Public Health has also developed industry guidelines for [Outdoor Hair Salon and Barbershops](#) and [Outdoor Personal Services](#). Personal care service operations must also comply with the [guidelines of the California Department of Consumer Affairs](#) for barbering and cosmetology licensees.

Key elements of the regulations related to the physical operation of the businesses are summarized below. Please review the full regulations, provided through the links below, for full details on sanitizing and other safety procedures. All businesses must complete a Site-Specific Protection Plan and protocols and procedures to protect customers and employees from COVID-19 must be in place when businesses reopen.

Alameda County Department of Public Health:

- 1) Providers must only provide services by appointment only and must refuse service to walk-in customers. Appointments must be spaced to permit time to clean and disinfect service areas between customers.
- 2) Providers must call customers in advance of the appointment to:
 - a) confirm that the customer has not experienced symptoms of, or been tested positive for, COVID-19 during the preceding 14 days, and has not come into contact with someone who has symptoms of, or who has been tested positive for, COVID-19 in the prior 14 days;
 - b) instruct the customer to come alone (unless a parent or guardian needs to accompany a minor, or an attendant needs to accompany a customer with disability); and

- c) instruct them not to arrive at the facility more than 5 minutes before the appointment.
- 3) All indoor areas except for restrooms, hand washing facilities, and as needed to access outdoor service areas are to remain closed to the public. No customers may gather or linger in indoor areas.
 - 4) To the extent feasible, Service Providers must erect barriers such as plexiglass screens to separate the customer from the service provider.
 - 5) Service Providers and Customers must wear face coverings at all times. Providers must wear face coverings; glasses goggles, or face shields; disposable or washable smocks (laundered between use with different clients); and disposable gloves if appropriate for the service provided.
 - 6) No Personal Service Provider may offer or perform any service that would require or likely lead to the customer's removal of a face covering. Eyebrow waxing and threading, eyelash treatments, removal of facial hair, and facials are prohibited at this time. Haircuts and hair styling are allowed so long as they do not require the removal of face coverings.
 - 7) Dual services, in which two or more providers attend a single customer at the same time, are prohibited.

Applicable regulations include, but may not be limited to:

- Alameda County Department of Public Health - <https://covid-19.acgov.org/covid19-assets/docs/shelter-in-place/20-14c-appendix-c-1-additional-businesses-permitted-to-operate-eng.pdf> (see end)
- California Department of Public Health:
 - [Hair Salon and Barbershops](https://files.covid19.ca.gov/pdf/guidance-outdoor-hair-salons--en.pdf) - <https://files.covid19.ca.gov/pdf/guidance-outdoor-hair-salons--en.pdf>
 - [Personal Care Services](https://files.covid19.ca.gov/pdf/guidance-outdoor-personal-care--en.pdf) - <https://files.covid19.ca.gov/pdf/guidance-outdoor-personal-care--en.pdf>
- California Department of Consumer Affairs:
https://www.dca.ca.gov/licensees/personal_care_services_outdoors_guidance.pdf

Required Insurance

You must have at least \$1,000,000 in general commercial liability insurance coverage identified with your registration in order to operate a temporary outdoor facility.

If you wish to use a public sidewalk or any portion of a public property adjacent to your business, you must also name the City of San Leandro as additional insured and provide the following insurance documents within five (5) business days of filing your registration:

1. A certificate of insurance (COI) with the City of San Leandro named as certificate holder, with your coverage information including at least \$1 million in General Commercial Liability per occurrence and \$2 million aggregate, Statutory Workers' Compensation Insurance; and
2. An Additional Insured endorsement naming the City of San Leandro as additional insured.

Please ask your insurance provider for these documents. Please contact us with questions at covid19biz@sanleandro.org.

Application Process

To register for a Temporary Outdoor Facility on private property, simply:

1. Complete the FREE Temporary Outdoor Facilities Registration form:
https://www.sanleandro.org/c19/covid19_resources/outdoorbusiness.asp

2. Email a copy of the completed form to covid19biz@sanleandro.org.

To apply for a Temporary Outdoor Facilities Permit on an abutting public sidewalk, public parking lot or public property (such as a plaza), simply:

1. Complete the FREE Temporary Outdoor Facilities Registration form:
https://www.sanleandro.org/c19/covid19_resources/outdoorbusiness.asp
2. Email a copy of the completed form to covid19biz@sanleandro.org.
3. Email a copy of your Certificate of Insurance with City of San Leandro named as certificate holder with Commercial General Liability of at least \$1 million per occurrence/ \$2 million aggregate, in addition to statutory Workers' Compensation coverage. You must also submit an endorsement naming the City of San Leandro an additional insured to your General Liability policy. Submit insurance documents and photos of your outdoor facilities to covid19biz@sanleandro.org within five (5) business days. Please contact us with questions.

Staff will contact you if there are any issues with your registration form or insurance documents. You may start using the designated outdoor space upon submitting your registration and compliance with applicable city, county and state requirement, including obtaining the required ABC Temporary Catering Authorization (if applicable) in accord with the current Alameda County Public Health Order.