



City of Palo Alto

City Council Staff Report

(ID # 11408)

Report Type: Study Session

Meeting Date: 6/8/2020

Summary Title: Outdoor Dining & Retail

Title: Staff Recommends that Council Provide Direction Regarding Proposed Adjustments to Regulations to Facilitate and Enhance Outdoor Dining and Outdoor Retail Throughout Palo Alto During and After the COVID-19 Pandemic and State, County, and Local Emergencies

From: City Manager

Lead Department: Planning and Development Services

Recommendation

Staff recommends that Council provide direction regarding adjusting regulations to facilitate and enhance outdoor dining and outdoor retail on parcels throughout Palo Alto during and after the COVID-19 pandemic and state and local emergencies. Staff propose to implement policy or programmatic changes to address each topic area discussed.

Executive Summary

The staff report discusses several actions the City can take to facilitate and enhance outdoor dining and outdoor retail throughout Palo Alto during and after the current pandemic and state and local emergencies. The focus of this staff work is to support our business community and the broader Palo Alto community through this challenging time and further efforts that support recovery from the current public health emergency.

These proposed actions are a result of several formal and informal discussions and roundtable sessions with local businesses and seek to support the Palo Alto business community during this unprecedented time in our community's history. Actions include City Council adopting resolutions or ordinances, staff adjusting review processes, and enhancing collaborative efforts between the City and businesses.

The actions range across several topics, including:

- (1) Sidewalk Dining

- (2) Street Closures
- (3) Parklets
- (4) Private Parking Lots
- (5) Outdoor Retail Display and Sales Activities
- (6) Alcohol Consumption

Staff is seeking feedback from Council on proposals and direction to further support staff efforts underway to support the local business community. Based on direction and feedback, staff intends to return to Council later in June with the appropriate resolutions, ordinances, and other information enabling Council action.

Background

On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency due to the threat of Coronavirus Disease 2019 (“COVID-19”). On March 12, 2020, because of the escalating increase in cases and community spread of COVID-19 in Santa Clara County, City Manager Ed Shikada, acting as the Director of Emergency Services, issued a Proclamation of Local Emergency. The City Council ratified the issuance of the proclamation on March 16, 2020. Also, on March 16, 2020, the public health officers for the six Bay Area counties, including Santa Clara County, took the unprecedented and dramatic step of issuing “shelter-in-place” orders directing county residents to shelter at home beginning March 17 (the SIP Order).

The SIP Order limits activity, travel, and business functions to only the most essential needs. The Order requires all businesses other than “essential businesses,” as defined, to cease activities at facilities located in the county. Since that time, the County has updated the SIP Order, with the most recent update taking effect on June 5, 2020 at 12:01 am (Attachment A). This update allows several businesses and services to resume, including outdoor dining and in-person, indoor retail sales. These services are subject to certain restrictions identified in Appendix C-1 of the updated SIP Order (Attachment A).

The State’s guidance for restaurants resuming service under Phase 2 of the Governor’s four-phase reopening plan includes prioritization of outdoor seating, as well as curbside pickup, to minimize cross flow of customers in enclosed environments. Facilitating greater outdoor dining opportunities would allow the community to expand its access to food and restaurants and resume more of daily life. Restaurant owners and managers feel that outdoor dining will significantly impact the financial sustainability of their restaurants and the continued vibrancy of our local community. The ability to safely serve patrons in an outdoor setting will allow restaurants to generate more revenue, pay their employees, and stay in business. Some restaurants that have ceased operations during the shelter-in-place may be able to re-open. For Palo Alto, ensuring restaurants can survive the shelter-in-place period is critical to ensuring that

the business districts remain thriving places where residents and visitors can spend leisure time, meet their daily needs, as well as generate sales tax revenue to pay for local infrastructure and services.

Through proposals described in the discussion section, staff hopes the City can meaningfully partner with the business community to enable local businesses and the greater community to thrive. These potential actions seek to further support our community's effort to recover quickly from this public health emergency.

Discussion

This section provides information regarding several topics of interest to the local business community, specifically restaurants and retailers. The information is intended to inform Council discussion and deliberation regarding the best means to support the local business community during the COVID-19 pandemic considering the updated SIP Order. This package of proposals emphasizes using public streets and sidewalks; thus, staff have given the package the name "Summer Streets."

Sidewalk Dining

Presently, under Palo Alto Municipal Code Section 12.12.020, eligible retailers can apply for a commercial sidewalk encroachment permit to use a portion of a public sidewalk for uses such as outdoor sales and display areas of flower and plant shops, and outdoor eating areas. The handout, available online, summarizes the process to obtain this encroachment permit.¹ Staff proposes streamlining the process for obtaining this permit, to decrease the time required. Through streamlining, more eligible retailers can obtain the permits, serve customers, and begin to restore the vibrancy of Palo Alto's commercial areas.

Staff proposes to create a "Summer Streets" encroachment permit that reduces submission requirements to:

- (1) Submission of a plan that depicts the location of necessary elements, such as the location and dimensions of tables and chairs, facility entrances and exits, the location of any obstructions or street furniture (light pole, fire hydrant), the location of utilities, and a clear path of travel.
- (2) Indemnification and hold harmless, and insurance that names the City as an additional insured and follows the requirements in Palo Alto Municipal Code.
- (3) Waives the fees associated with the permit application.
- (4) Summer Streets permits would expire on December 31, 2020.

This streamlined process would remove the "ARB Minor Project with Staff Approval"

¹ Commercial Sidewalk Encroachment:

<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=70372.97&BlobID=66044>

application and review. This application is intended to allow the Planning and Development Services Department (PDS) to review the proposed materials, colors and style for the tables, chairs, umbrellas, railings, flowerpots, and other aesthetic elements of the sidewalk encroachment. While the architectural review supports a high-quality public realm in Palo Alto, it adds time to the process that cannot be afforded given the circumstances. Staff propose that after the streamlined permits expire at the end of this calendar year; applicants would complete the minor architectural review for future encroachment permits.

Alternatively, PDS staff could create a set of standards for tables, chairs, umbrellas and other elements. While standards might provide clarity and maintain high quality materials, standards will take time to develop and may also stifle creativity. In addition, in the near term, restaurants may repurpose indoor furniture for outdoor seating. Such repurposing would allow restaurants to make good use of existing materials and supplies instead of investing in new furniture, especially under the current Health Order requirements that do not allow indoor restaurant dining. In such cases, PDS staff review and subsequent suggestion of different materials would impose a cost burden on restaurants.

Implementing the streamlining process described may require City Council action to the extent that a Municipal Code required process such as design review is omitted. Waiving the fees for applicants also requires City Council action. Otherwise, to the extent that the current Code process is followed, even if in a more streamlined form, the Director of Public Works can issue the encroachment permits.

Street Closures

Temporarily closing public streets to vehicular traffic would provide a large physical area in which restaurants can spread tables and seating for dining, and where retailers can display merchandise. The size of the area could allow restaurants to satisfy the distance requirements of the SIP Order, which specify there must be at least six feet between tables. Staff propose to temporarily close portions of California Avenue and potentially University Avenue to traffic to allow encroachment into the street for tables, chairs, food service, dining, and retail display and sales.

Temporary street closures can be implemented through a temporary street closure permit under the Municipal Code, and utilization of the public right of way by individual businesses would be affected through individual encroachment permits. If the temporary street closure would continue for an extended period, staff may seek separate Council approval or ratification. However, for the near-term partial closure proposed, the City can utilize existing processes. To the extent that any desired activities would conflict with the Municipal Code or Planning permits for individual businesses, those conflicts could be addressed in an urgency interim ordinance.

During outreach sessions and discussions, retailers along California Avenue expressed strong support for closing California Avenue to traffic. As proposed, the closure would extend from El Camino Real to Park Boulevard, with a small break at Birch allowing cross traffic on Birch to cross California Avenue. The physical layout of California Avenue, the fact that it is not a through street, and the high density of restaurants make closure of the street desirable for businesses. The retailers, restaurateurs, patrons, and motorists are also familiar with the street closing for the farmers' market. As a side note, the farmers' market would continue during the Summer Streets closure program.

Business owners and managers expressed strong support for closing California Ave up to 7 days a week. Staff is currently planning to close the street each weekend on Thursday through Sunday evening, beginning on June 11, with the closures proposed to continue at least through the July 4th holiday weekend. As the closures occur, staff will observe the impacts and make any needed adjustments. Staff remain open to eventual full week closure if the weekend closures indicate this approach would be beneficial. Some issues, such as how to ensure the street is cleaned properly remain to be resolved, but staff is confident these issues can be resolved.

Downtown restaurants and retailers remain divided on the utility of closing University Avenue. Closing University Avenue remains the most expedient means to provide a large area for outdoor dining or other retail activities. Closing the street and allowing the encroachment of tables and chairs has a low setup cost for businesses. Many residents and members of the public who have called for the street closure look forward to reclaiming this public space for people instead of vehicles and enjoying a meandering pedestrian mall. This also aligns with the Palo Alto Comprehensive Plan, where Program T1.16.2 states: Consider marketing strategies, such as a recurring Palo Alto Open Streets program of events potentially in coordination with local business groups, which would include street closures and programming.

Closing the street, however, also disrupts curbside pick-up for carry out, prevents employees and customers of non-retail establishments from easily accessing the street with vehicles, and could decrease visibility of businesses. In addition, customers coming to downtown by car may be required to park further from their destinations. Restaurants not located on University Avenue questioned how this street closure would benefit their businesses. Finally, due to the length of the proposed closure, from Emerson to Cowper, and the uneven density of restaurants throughout, the closure could result in diminished vibrancy and activity rather than increased. So, while the community has voiced a strong desire to close University Avenue to traffic, businesses have expressed serious concerns in both roundtable discussions and one-on-one conversations with City staff.

Still, due to the potential for immediate positive impacts and the expediency of a street closure, some businesses remain open to the concept. Staff propose testing closure of University

Avenue for a limited time, such as one evening (Friday or Saturday), one weekend day, or one full weekend. This limited closure would provide insight into the effectiveness of a closure and its impacts on business. The closure could also be limited to a smaller section of University Avenue.

Parklets

Parklets are seating and/or dining areas located in curbside parking spaces. By creating parklets, a city can enhance its pedestrian environment. In the context of the pandemic and dining restrictions, parklets can allow restaurants to serve customers outdoors where, according to Santa Clara County, the risk of viral transmission is decreased. Parklets are particularly needed when the sidewalks are too narrow to accommodate outdoor dining under an encroachment permit.

Parklets, which originated in San Francisco, come in many forms. In California, parklets are typically raised platforms in a parking space that may be flush with the curb. The platforms are surrounded by a railing and or other barrier between the parklet and passing vehicular traffic. Parklets typically have seating and tables and are most often installed by private property owners. Some cities require that any member of the public be allowed to use a parklet, while others entitle the parklet permit holder with exclusive use of the parklet.

Many neighboring peninsula cities allow the installation of parklets, including Menlo Park, Los Gatos, Redwood City, San Carlos and others. Many of these cities allowed parklets before the COVID-19 pandemic, and thus had created and implemented standards for permitting, constructing, and operating parklets. By contrast, Palo Alto staff have only recently begun working closely with the community to develop a local parklets program.

Business and property owners, specifically those located downtown, expressed a desire to install parklets. Parklets allow more space for restaurants to offer outdoor dining. Due to the low demand for parking presently, parklets can be installed with limited competition from drivers.

Parklet installation, however, can be expensive. A capital outlay at this time may be beyond the financial capacity of many restaurants. In addition, due to the investment, most restaurants would like to see parklets as permanent installations, not temporary installations. If installations are permanent, the amount of on-street parking available will be limited. Finally, the number of guests who can be accommodated at a parklet may be small. Depending on the dimensions of the parking space, the tables, and chairs, parklets may accommodate as few as 6 guests while 6-foot social distancing remains in place.

Staff recommend creating a parklet program. The program would establish minimum parklet standards for construction and operation. To expedite the installation of parklets, staff

recommend establishing two pre-approved architectural designs: one for parallel parking spaces, the other for angle parking spaces. If restaurants follow these designs, no architectural review is needed. If restaurants choose to alter the designs, minor ARB with staff level approval will be needed. Staff recommend parklet permits be renewed annually. While the program is inspired by the circumstances of the present time, a temporary parklet program may not yield the desired participation due to the expense.

Staff can, using the encroachment permit process, issue permits for parklets. Council may wish, though, to more formally authorize the development of a temporary parklet program. This could include establishing or declining to establish fees specifically for the program.

Private Parking Lots

Many restaurants and retail establishments are located within shopping centers or have their own, private, off-street parking. Staff propose allowing such establishments to use up to 50% of their parking lot area for outdoor dining and/or outdoor display of merchandise and retail sales. Council could extend a greater proportion to smaller parking lots by allowing those with 10 parking spaces or fewer to request that 100% of their parking be repurposed. These would be considered on a case-by-case basis.

Staff propose that applicants would submit a plan indicating the parking area(s) that would be repurposed for dining and retail. Staff review would ensure that the parking areas maintain adequate circulation, safety, and drainage and that appropriate barriers are proposed to protect shoppers and diners in the repurposed areas.

To allow this temporary reduction in parking, Council would need to approve an interim ordinance to temporarily modify conflicting requirements in the Municipal Code, such as parking requirements in the Zoning Code, and any conflicts with existing permit conditions for individual businesses, for a specified duration.

Outdoor Retail Display and Sales Activities

The Palo Alto Municipal Code only permits the commercial display and sale of flowers and plants on sidewalks. While the new SIP Order allows customers to enter retail establishments, only one customer can enter per every 200 square feet. For retailers large and small, this could lead to queues forming or deter in-person shopping altogether. Being able to browse merchandise in the open air may enhance feelings of safety for shoppers. Additionally, displaying some merchandise outside and/or conducting sales outside will create greater visibility for the retailers so that passersby know the business is open. For these reasons, staff recommend that Council consider amending the Municipal Code to allow other merchandise to be displayed on public sidewalks.

To allow the display and sale of other merchandise on public sidewalks, the City Council would

need to amend PAMC Section 12.12.020 to provide that commercial sidewalk encroachment permits can be issued to any retailer. This change could be done temporarily, enduring only while the local emergency lasts or for another specified duration, or it could be a permanent change. A temporary change can be executed more expediently through an urgency interim ordinance; a permanent change could be done through a separate ordinance brought forward later. Whether temporary or permanent, this allowance would only apply to businesses with valid commercial sidewalk encroachment permits.

Alcohol Consumption

The Palo Alto Municipal Code generally prohibits consumption of alcoholic beverages in public places, such as parks, streets, and sidewalks, except as allowed by the Council. In addition to prohibitions placed on alcohol consumption by the California Department of Alcoholic Beverage Control (ABC), the City places additional restrictions on some businesses through Conditional Use Permits (CUPs) and other discretionary permits.

Due to the COVID-19 pandemic, ABC has issued five notices of regulatory relief from a variety of regulations. These notices include allowing bonafide eating establishments to sell beer, wine, and cocktails for takeout with the purchase of a meal. The notices of regulatory relief are available on [ABC's website](#), in the section addressing COVID-19 response.²

To facilitate the public enjoyment of meals and their alcoholic beverages, the City could temporarily allow the public consumption of alcoholic beverages in conjunction with a meal, consistent with ABC requirements. This temporary measure would allow those dining in parklets and closed streets to consume an alcoholic beverage purchased from the restaurant serving the meal. This could be permitted during certain hours and limited to specific areas.

Likewise, the Council could temporarily suspend restrictions of CUPs and other regulations so that restaurants in shopping centers, and with dedicated parking lots, can serve alcoholic beverages with bonafide meals in outdoor dining areas. This would only apply if the restaurant operator already has a CUP and ABC license allowing onsite sale and consumption of alcohol. This would be specifically for the proposed outdoor dining areas established by repurposing portions of private parking areas.

While these measures may enhance sales for local restaurants and enjoyment for their customers, the open consumption of alcohol may not be desirable. Prohibitions against the open consumption of alcohol, common in many cities, seek to maintain order and limit actions that could lead to public drunkenness. The risks of the proposed changes are mitigated by requiring the consumption of a meal with the beverage. The City could also prohibit the consumption of alcoholic beverages in public parks and plazas.

² <https://www.abc.ca.gov/law-and-policy/coronavirus19/>

Alternatively, City could require each restaurant that is currently licensed to serve alcohol, but that is not authorized to serve alcohol in outdoor eating areas, to apply for and receive permission to serve alcoholic beverages in parklets, new outdoor seating, or existing outdoor seating. This process would need to be completed by a number of businesses, creating a backlog of applications to be reviewed and issued. This process would delay alcohol service during street closures, in parklets, and other areas.

Policy Implications

Each of the above items describes pros and cons associated with each policy decision. The proposed changes would be temporary, to address the impacts of the statewide and local emergency. Temporary changes are appropriate for most items, with parklets being one exception. Parklet regulations can certainly be temporary; a temporary parklet program, however, may decrease participation thus not yielding the desired outcomes.

Council must also consider the implications of streamlining approvals. By eliminating architectural review, the Council saves time and expense. This will allow restaurants and retailers to serve more customers, to provide work for their employees, and continue to operate. While eliminating architectural review could have some aesthetic implications, if the allowances are temporary, there would be no long-term aesthetic impacts.

While the proposals above will have meaningful and tangible impact for the business community, they will not make up for the severely decreased customer base. Many of the business owners and managers attribute substantial pre-COVID sales volume to daytime workers, visitors, students, and others who do not live in Palo Alto. Due to the Bay Area-wide SIP Order and the halt of much global air travel, these visitors are not currently coming to Palo Alto. Unless and until a significant portion of these persons return, local restaurants and retailers are unlikely to have sales return to pre-pandemic levels. This limitation might encourage Council to be more flexible and permissive, in order to reduce the hardships placed on businesses during this time.

Resource Impact

The proposals above may require:

- (1) Staff time to receive and review applications, conduct any inspections, and issue permits;
- (2) Dedicated staff and apparatus to close streets and monitor the closures;
- (3) Design resources, such as using on-call planning and architecture consultants to design parklet templates;
- (4) Staff time to prepare any ordinances, regulations, applications, and/or standards.

Based on Council interest in implementing one or more proposals, staff will explore funding

options where needed.

Timeline

The updated SIP Order takes effect on Friday, June 5 at 12:01 am. To support local businesses as much as possible, staff has begun issuing streamlined commercial sidewalk encroachment permits. Staff has not been collecting fees, in anticipation that Council will support the fee waiver. Staff has also worked with local restaurants to initiate parklet prototypes to gain greater insight into how to create standards that fit Palo Alto.

To advance the additional proposals, staff await Council's input.

Stakeholder Engagement

Throughout the Shelter in Place, the City has engaged in dialogue with the business community to better understand their needs, the challenges they face, and how the City can be a partner on the road to recovery. The City hosted 6 business roundtables, facilitated by Peter Coughlan of IDEO. The roundtables created space for general sharing, and also included one "shareback" session, a discussion of expanded seating design, and one discussion of the future of retail. Additionally, staff from the City Manager's Office have conducted outreach with over 100 businesses, including emails, phone calls, and going door-to-door in commercial districts.

On Monday, June 1, 2020, City Manager Ed Shikada hosted two virtual meetings to discuss the street closure proposal; one meeting with Cal Ave businesses and another with Downtown businesses. These meetings provided valuable feedback, which is incorporated into the substance of this staff report.

In addition, the City Council and City Manager received several emails expressing support for closing streets Downtown and in the Cal Ave area.

The Chamber of Commerce also launched a survey to collect opinions from businesses regarding a number of items, including closing the streets, parklets, and other topics. The results of the survey are available online: [https://chambermaster.blob.core.windows.net/userfiles/UserFiles/chambers/2469/CMS/PA-Chamber-Press-Release-re-Street-Closure-Surveys\(1\).pdf](https://chambermaster.blob.core.windows.net/userfiles/UserFiles/chambers/2469/CMS/PA-Chamber-Press-Release-re-Street-Closure-Surveys(1).pdf).

Environmental Review

Although Council will not be approving a project at this time, the proposals for discussion are statutorily exempt under California Environmental Quality Act (CEQA) section 20180(b)(4) (specific actions necessary to prevent or mitigate an emergency) and is categorically exempt from CEQA under CEQA Guidelines 15301 (existing facilities), 15304(e) (minor temporary use of

land having negligible or no permanent effects on the environment).

Attachments:

Attachment A: June 5, 2020 SIP Order Updates

Executive Summary

June 5, 2020 Shelter-in-Place Order Updates

Because of the continued substantial progress our community has achieved in slowing the spread of COVID-19, this updated Shelter-in-Place Order allows certain additional businesses and activities to resume, subject to restrictions to reduce transmission risk.

This updated Order will go into effect at 12:01 am on Friday, June 5, 2020, and will remain in effect until the Health Officer amends or rescinds it. This updated Order modifies the current order, which went into effect on May 22, 2020. This summary refers to the May 22 order as the "Current Order" and this updated Order as the "June 5 Order" or "Order."

What changes does this updated Order make?

The June 5 Order allows several new categories of businesses and activities to reopen, subject to specific conditions and limitations. It also keeps key restrictions in place, requiring people to stay in their homes except when engaging in certain essential or allowed activities. The new activities and businesses allowed to reopen under the updated Order are referred to as "Additional Activities" and "Additional Businesses" and are explained in Appendices C-1 and C-2 to the Order. These and other significant changes are highlighted below.

Additional Businesses:

- Outdoor dining at restaurants and other facilities that prepare and serve food, subject to limitations/social distancing
- Retail and shopping centers for in-store shopping, subject to limitations/social distancing
- Childcare, summer camps, summer school, and all other educational or recreational programs for *all* children, in stable groups of up to 12 children
- All manufacturing, warehousing, and logistics, subject to limitations/social distancing
- House cleaning and other no-contact in-home services
- Low contact/no contact service businesses such as shoe repair, watch repair, and other similar services, subject to limitations/social distancing
- All pet grooming

Additional Activities:

- Outdoor small ceremonies and religious services, in groups no larger than 25
- All outdoor recreational activities that do not involve physical contact, with social distancing, including swimming pools, hiking, tennis, golf, etc.
- Camping, subject to limitations/social distancing
- Drive-in Theaters and other car-based gatherings

Social Distancing Protocol:

There has been no change to the Social Distancing Protocol businesses are required to implement under the Order. As a reminder:

- To operate, all businesses must complete a Social Distancing Protocol (Appendix A to the Order) using the template in Appendix A.

- To show that they are implementing the Social Distancing Protocol to keep their staff and customers safe from COVID-19, all businesses must print and post in a prominent place near the entrance to the businesses (1) a COVID-19 PREPARED Sign and (2) a Social Distancing Protocol Visitor Information Sheet. Both the Sign and Visitor Information Sheet can be found in Appendix A to the Order.
- All businesses must post signage required in the Social Distancing Protocol to educate customers about health and safety requirements. Sign templates are available on the County's [website](#).

Construction Project Safety Protocols:

The Construction Project Safety Protocol in Appendix B-1 and B-2 have changed as follows:

- The threshold for an essential infrastructure project subject to the Large Construction Project Safety Protocol has changed from five workers to 20 workers. All essential infrastructure projects with less than 20 workers present at the jobsite at any one time are now subject to the Small Construction Project Safety Protocol in Appendix B-1.
- Appendix B-1 now specifies that specified steps must be taken if a worker at a construction site tests positive for COVID-19, and both appendices now state that COVID-19 cases associated with construction must be immediately reported to the County Public Health Department by both telephone and by email.

What's Open?



Subject to social distancing protocols and COVID-19 related safety requirements to protect workers, customers and the community.

Business and Government Agencies

Already Open

- All healthcare services
- All essential governmental activities
- All essential infrastructure, including internet/communications
- Grocery stores, pharmacies, and similar essential businesses
- Agencies providing food/shelter/social services
- Newspapers, television, and radio
- Gas stations, auto-supply, and auto-repair
- Bicycle repair and supply shops
- Banks and related financial institutions
- Hardware stores
- Plumbers, electricians, exterminators, and other home repair services
- Mailing and shipping services
- Minimum Basic Operations for all businesses, including offices
- Landscaping and gardening services
- Most manufacturing
- Medically necessary pet grooming
- All retail stores, but for curbside pickup only
- Real estate agents, escrow agents, notaries, and title companies
- Plant nurseries and garden centers
- Laundromats, dry cleaners, and laundry services
- Restaurants, but only for delivery or carry out
- Airlines, taxis, rental cars, and rideshare services
- Home-based care for seniors/children/pets
- Residential facilities and homeless shelters
- All businesses that deliver goods to homes

Open June 5, 2020

- Outdoor dining at restaurants
- In-store shopping at retail and shopping centers
- All manufacturing, warehousing, and logistics
- House cleaning and other no-contact in-home services
- Low contact/no contact service businesses including shoe repair, watch repair, and other similar services
- Pet grooming and dog walking

Education, Childcare, and Children's Activities

Already Open

- Educational institutions including public and private K-12 schools, colleges, and universities, but only for facilitating distance learning or performing essential functions
- Childcare establishments for children of workers of allowable businesses in stable groups of 12
- Summer camps and other educational or recreational programs for children of workers of allowable businesses in stable groups of 12
- Change of groups allowed every four weeks

Open June 5, 2020

- All childcare, summer camps, summer school, and all other educational or recreational programs for all children in stable groups up to 12 children
- Change of group allowed every three weeks

Outdoor Ceremonies, Outdoor Religious Gatherings, and Outdoor Recreation

Already Open

- Outdoor recreational activities with members of one's own household
- Parks and outdoor recreation areas
- Outdoor museums, outdoor historical sites, and publicly accessible gardens
- Car parades

Open June 5, 2020

- Small outdoor ceremonies and outdoor religious gatherings in groups no larger than 25
- All outdoor recreational activities that do not involve physical contact, with social distancing and with up to one other household, including hiking, tennis, Frisbee and golf
- Outdoor swimming pools
- Camping
- Drive-in theaters and other automobile-based gatherings

Appendix C-1: Additional Businesses Allowed to Operate

Effective June 5, 2020

General Requirements

The “Additional Businesses” listed below may begin operating, subject to the requirements set forth in the Order and to any additional requirements set forth below or in separate industry-specific guidance by the Health Officer. These businesses were selected to implement a measured expansion of commercial activity based on health-related considerations including the risks of COVID-19 transmission associated with types and modes of business operations, the ability to substantially mitigate transmission risks associated with the operations, and related factors, such as the following:

- **Increase in mobility and volume of activity**—the overall impact the reopening will have on the number of people leaving their homes and traveling to work at or access the business;
- **Contact intensity**—the type (close or distant) and duration (brief or prolonged) of the contact involved in the business;
- **Number of contacts**—the approximate number of people that will be in the setting at the same time;
- **Modification potential**—the degree to which mitigation measures can decrease the risk of transmission.

To mitigate the risk of transmission to the greatest extent possible, each Additional Business must, before resuming operations:

- 1) Prepare and complete a Social Distancing Protocol (SDP) for each of its facilities in the County used by Personnel or the public, using the template provided in Appendix A to the Order.
- 2) The COVID-19 PREPARED Sign and SDP Visitor Information Sheet, which are included with Appendix A, must be printed and posted at or near the entrance of the facility, such as a window, and shall be easily viewable by the public and Personnel from outside the facility.
- 3) The SDP must be distributed to all Personnel working at the facility. Implement all measures in the Social Distancing Protocol prior to opening.
- 4) Print and post all signage required in the SDP. Several sign templates are available on the Public Health Department’s website at:
<https://www.sccgov.org/sites/covid19/Pages/learn-what-to-do-flyers.aspx>.

As used in this Appendix C-1, “Personnel” means the following people who provide goods or services or perform operations associated with the Additional Business in the County: employees; contractors and sub-contractors (such as those who sell goods or perform services onsite or who deliver goods for the business); independent contractors (such as “gig workers” who perform work via the Additional Business’s application or other online interface); vendors who are permitted to sell goods onsite; volunteers; and other individuals who regularly provide services onsite at the request of the Additional Business.

In addition, each Additional Business must comply with Social Distancing Requirements and all relevant state guidance and local directives. Where differences exist between the state guidance and local public health directives related to the COVID-19 pandemic, the most restrictive provision controls.

List of Additional Businesses

For purposes of the Order, Additional Businesses include the following:

(1) Retail

- a. Basis for Addition. Retail typically involves a moderate level of contact for a short duration of time and can proceed with limitations to ensure adequate social distancing and decrease the risk of transmission.
- b. Description and Conditions to Operate. All retail businesses, including wholesale businesses, may operate subject to the following limitations in addition to those required elsewhere in the Order:
 - i. Unless operating as an Essential Business or Outdoor Business or to carry out an Essential Governmental Function, the total number of Personnel present at a facility that qualifies under this category must at any one time be no more than one Personnel per 300 gross square feet of the facility, and no more than one customer per 200 square feet of space open to the public.

(2) Manufacturing

- a. Basis for Addition. Risks associated with this activity can be mitigated through measures that ensure adequate social distancing and limit intermixing between households.
- b. Description and Conditions to Operate. All manufacturing businesses may operate subject to the following limitations in addition to those required elsewhere in the Order:
 - i. Unless operating as an Essential Business or to carry out an Essential Governmental Function, the total number of persons (including Personnel, customers, delivery persons, or other persons) present at a facility that qualifies under this category must at any one time be no more than one person per 300 gross square feet of the facility.

(3) Logistics, Warehousing, Delivery, and Distribution

- a. Basis for Addition. Risks associated with this activity can be mitigated through measures that ensure adequate social distancing and limit intermixing between households.
- b. Description and Conditions to Operate. All logistics, warehousing, delivery, and distribution businesses may operate subject to the following limitations in addition to those required elsewhere in the Order:
 - i. Unless operating as an Essential Business or to carry out an Essential Governmental Function, the total number of persons (including Personnel,

customers, delivery persons, or other persons) present at a facility that qualifies under this category must at any one time be no more than one person per 300 gross square feet of the facility.

- ii. All delivery and distribution activities must take place with the minimum number of persons in a vehicle necessary to safely operate the vehicle and carry out relevant job functions.
- iii. In addition to the requirements set forth in the Order regarding face coverings, Personnel must wear face coverings at all times when inside a vehicle to carry out operations that qualify under this category, except Personnel who are exempted from the face covering requirement pursuant to the Health Officer's Critical Guidance on Face Coverings.

(4) Outdoor Museums, Outdoor Historical Sites, and Publicly Accessible Gardens

- a. Basis for Addition. Visiting outdoor museums, outdoor historical sites, and publicly accessible gardens involves low contact intensity and a low number of contacts so long as proper social distancing is maintained at all times. Interactions and activities that occur outdoors carry a lower risk of transmission than most indoor interactions and activities. Because outdoor recreation is already allowed under the Order, resumption of this activity should result in only a relatively modest increase in mobility and may decrease congestion in other outdoor locations like public parks and beaches.
- b. Description and Conditions. Outdoor museums, outdoor historical sites, and publicly accessible gardens may open subject to the following limitations in addition to those required elsewhere in the Order:
 - i. Members of the public are not allowed to access any indoor facilities associated with outdoor museums, outdoor historical sites, or publicly accessible gardens, except to use restrooms, which must be frequently cleaned. All business and transactions involving members of the public must occur outdoors.
 - ii. Businesses operating under this category must implement measures to ensure that social distancing of at least six feet is maintained at all times other than between members of the same household.

(5) Childcare, Camps, and other Educational or Recreational Institutions for All Children

- a. Basis for Addition. These businesses are critical to children's physical, mental, and social development, and also play a vital role in families' social and economic wellbeing. However, these programs involve a relatively high quantity, intensity, and duration of contacts, and children are often unable to consistently follow social distancing and sanitation requirements that apply to other types of businesses. Risk associated with this category of businesses can be mitigated to some degree with limitations on the size of the groups and on intermixing between groups. In addition, because many of these businesses are already allowed to operate for some children, this addition creates a relatively modest expansion of activity.

- b. Description and Conditions to Operate. All childcare establishments, camps, and other educational or recreational institutions or programs may provide their services to all children subject to the following limitations in addition to those required elsewhere in the Order:
- i. Programs must be carried out in stable groups of 12 or fewer children (“stable” means that the same 12 or fewer children are in the same group each day).
 - ii. Children within a program shall not change from one group to another within that program.
 - iii. If more than one group of children is at one facility, each group shall be in a separate room. Groups shall not mix with each other.
 - iv. Providers or educators shall remain solely with one group of children.
 - v. Children may not move from one program to another more frequently than once every three weeks, or take part in more than one program simultaneously.

(6) Limited Services That Do Not Require Customer Contact

- a. Basis for Addition. The limited services allowed to open involve minimal, low-intensity, short-duration interaction between Personnel and customers. Risks associated with this activity can be mitigated through measures that ensure adequate social distancing and limit intermixing between households.
- b. Description and Conditions to Operate. Limited services that do not require customer contact including but not limited to, pet grooming (including mobile pet grooming), pet daycare, dog walking, repair services (including shoe, watch, jewelry, and other repair services), home cooking services, tailoring, car detailing, residential and janitorial cleaning services, and home maintenance, may operate subject to the following limitations in addition to those required elsewhere in the Order:
- i. If the service is operated out of a business facility that is not an Essential Business or Outdoor Business or used to carry out an Essential Governmental Function, the total number of persons (including Personnel, customers, delivery persons, or other persons) present at the facility must any one time be no more than one person per 300 gross square feet of the facility, and no more than one customer per 200 square feet of space open to the public.
 - ii. To the extent feasible, all interactions and transactions between Personnel and customers must occur outdoors.
 - iii. To the extent feasible, businesses must provide an option to customers that allows them to order and pay for products online or by phone prior to arriving at the facility.
 - iv. To the extent feasible, items serviced must be disinfected prior to being returned to customers.

(7) Outdoor Dining

- a. Basis for Addition. Outdoor dining provides access to freshly prepared meals at a relatively low risk of transmission. Because food service will be limited to outdoor areas, the overall volume of increased activity will be modest. In addition, interactions and activities that occur outdoors carry a lower risk of transmission than most indoor interactions and activities. Risks associated with these operations can be substantially mitigated with conditions to ensure adequate social distancing and limit intermixing between households.
- b. Description and conditions to operate: Restaurants and other food facilities that provide sit-down food service may provide outdoor, sit-down meals, subject to the following limitations in addition to those required elsewhere in the Order:
 - i. Outdoor seating arrangements shall limit the number of patrons at a single table to no more than six (6) individuals, all of whom must be from the same household or living unit. Members of separate households or living units are not allowed to dine at the same table.
 - ii. All tables must be separated to ensure that six-foot minimum social distance can easily be maintained between all members of separate households or living units at all times. For clarity, patrons who are members of the same household or living unit and seated together at a table do not need to be six feet apart.
 - iii. Alcohol may be sold to patrons in conjunction with a meal, but it may not be sold independently.
 - iv. Bar areas must remain closed to customers.
 - v. Entertainment events are not allowed at this time.
 - vi. Outdoor dining, placement of outdoor seating arrangements, and food service must be in compliance with local laws, regulations, and permitting requirements.
 - vii. Facilities that open for outdoor dining must offer curbside pickup, takeaway, and/or delivery service alternatives.

(8) Outdoor Swimming Pools

- a. Basis for Addition. Outdoor swimming pools have few high-touch surfaces and do not require shared equipment. Risks associated with outdoor swimming pools can be substantially mitigated with limitations to ensure adequate social distancing and limit intermixing between households.
- b. Description and Conditions to Operate. Outdoor swimming pools may operate subject to the following limitations in addition to those required elsewhere in the Order:
 - i. Lap swimming must be limited to one swimmer per lane, except that members of the same household or living unit may occupy a single lane.
 - ii. Use of shared swimming areas must be limited to no more than one swimmer per 300 square feet of shared pool space.
 - iii. Except for members of the same household, swimmers shall remain at least six feet apart at all times.
 - iv. At least one person, separate from a lifeguard, shall be on duty at all times to ensure that the social distancing protocol applicable to the facility and all limitations herein are followed.

- v. Locker rooms shall be closed to the public, except for use as a restroom.
- vi. All gathering shall be prohibited outside the pool, such as on pool decks, except that members of a household may observe a child or other person swimming to ensure safety and supervision.

(9) Campgrounds

- a. Basis for Addition. Camping is an outdoor activity and can occur with members of one's own household without generating substantial risk of contact with other households. Risks associated with this activity can be mitigated through measures that ensure adequate social distancing and limit intermixing between households.
- b. Description and Conditions. Campgrounds may operate subject to the following limitations additional to those required elsewhere in the Order:
 - i. Only designated camping spots shall be used.
 - ii. Each camping spot shall be occupied by no more than one household or living unit.
 - iii. If camping spots are immediately adjacent to one another, there shall at least one closed camping spot between each open camping spot to maintain adequate distance between households or living units.
 - iv. Yurts, dorms, cabins, "glamping" facilities, and other permanent facilities may not be used, except for restrooms, food lockers, dishwashing stations, and drinking water stations, which must be frequently sanitized.
 - v. To the extent feasible, reservations shall be made by phone or online prior to arrival.