

City of Campbell



Outdoor Business Operation Guidelines Private Property Outside of Downtown Campbell

July 27, 2020

Flexible Business Operation Guidelines Private Property Outside of Downtown Campbell

Purpose – The purpose of the Flexible Business Operation Guidelines is to temporarily allow businesses the opportunity to alter their operations beyond that approved by the City in an effort to encourage economic recovery as a result of the COVID-19 pandemic. These Guidelines will serve as land use allowances until such time as the County Public Health Officer Orders are discontinued or the City determines that such operational expansions are no longer warranted.

The following guidelines must be followed by each business that chooses to operate outdoors.

Application – The following Guidelines apply to commercial businesses that are located and operated entirely on private property. All permitted businesses are eligible to take advantage of these allowances as long as businesses comply with State and County Health Orders and Mandatory Directives allowing outdoor dining, outdoor display of merchandise, and outdoor operations in general, thereby creating improved flexibility from any previously established land use entitlements received for the particular business. Although these are City established Guidelines, the tenant will need property owner permission to implement such allowances.

Allowances – The City is allowing businesses to expand their operations outside of their enclosed tenant spaces provided that they comply with [California State Industry Guidance](#), the [County of Santa Clara Health Order and Mandatory Directives](#), and professional standards issued by [State Licensing Boards and Bureaus](#) in the following manner:

1. Common Area – A business may expand into a property’s common areas. Such expansion shall preserve site accessibility in order to allow pedestrians and individuals with disabilities the ability to safely navigate throughout the private property. Written permission from the property owner is required to use common areas.
2. Parking Area – A business may occupy private parking stalls so long as the stalls are located immediately contiguous to a sidewalk which fronts the subject building occupied by merchants. In other words, a guest should not have to walk across a vehicle drive aisle in order to gain access into an area being used for business activity. Written permission from the property owner is required to use common areas.

- a. The number of parking stalls used for outdoor activities and operations shall not exceed 40% of the parking stalls required for the particular business. In other words, if a business requires ten parking stalls, only four stalls can be used for the expansion.
 - b. Parking stalls used for dining, outdoor retail, and other business activities shall be located immediately contiguous to any sidewalk which fronts the subject building occupied by merchants, so as to avoid having a customer walk across a vehicle drive aisle in order to gain access into the area being used for the dining, retail or other business activity;
3. Hours of Operation – The hours of operation shall not exceed 6:00 a.m. to 11:00 p.m.
4. Expansion Area Safety – The business expansion area shall be marked with appropriate barriers that will achieve employee and customer safety as well as define the area’s periphery. Such barriers shall be selected between the property owner and tenant in that the City has relinquished all responsibility from these allowances. Implementation of these Guidelines is solely up to the permissions granted by the property owner and under a mutually acceptable agreement between owner and tenant.
5. Heating Devices – Heating devices, such as propane heaters, may be utilized for day or nighttime operations. Storage of propane canisters shall be in conformance with required Fire Codes.
6. Tents and Coverings –Tents and coverings are permitted only within private parcels, private common areas or private parking lots. Such fabric should be fire retardant and comply with applicable Fire Codes. Tents and coverings must have at least three open sides to allow for adequate air flow. Umbrellas are permitted within the public right-of-way sidewalk.
7. Lighting – Lighting will be permitted for nighttime operations. Such lighting shall not disrupt surrounding properties or create vehicle circulation issues. Any extension cords used to provide power to the expanded area shall be securely fastened to the ground to avoid tripping hazards or impede in accessibility.
8. Alcohol Service – Operational expansions involving the sale of alcoholic beverages for restaurants and other food service facilities with an existing ABC license require a [Temporary Catering Authorization](#) (TCA) from the Department of Alcohol Beverage Control (ABC). The TCA Application is available [here](#). Applicant is responsible for securing this and any other permits from ABC.

Except for wine tasting businesses, alcohol can only be purchased on the same receipt as a bona fide meal.

9. Live Entertainment – No live entertainment or amplified music is allowed exterior to the business.

Performance Measures – The following measures shall be followed:

1. Social Distancing – Maintain at least 6 feet from others at all times, and provide hand washing/sanitizing supplies to customers and staff.
2. Face Coverings -- Employees and patrons must wear masks or face coverings at all times except for very young children, people for whom face coverings are medically inadvisable, or for communication by or with people who are hearing impaired.
3. Reporting COVID-19 Cases to County Public Health Department – Businesses must alert the Public Health Department if workers test positive for COVID-19, and ensure workers alert their employers if they were at work while infectious.
4. Signage -- All businesses must print the updated “COVID-19 Prepared” Sign and “Social Distancing Protocol Visitor Information” sheet included in the current County [Social Distancing Protocol](#). Both items must be posted prominently at all facility entrances.
5. Maintenance – The business expansion area shall be maintained free of debris and clutter and shall not create public nuisance issues as specified in CMC Sec. 6.10 (Nuisance Abatement and Administrative Penalties). Appropriate waste collection containers shall be provided, and all areas shall be regularly cleaned pursuant to the current County Public Health Officer Order. Exterior business trash cans shall be emptied every evening at close of business. It is the responsibility of the tenant to implement this requirement on a regular basis.
6. Storage – Except for any tents, furniture or display racks, all loose items and products shall be brought inside the business tenant space at close of business to diminish vandalism or clutter.
7. Discontinuance – Once the County Public Health Officer Order has been rescinded or the City of Campbell makes the determination that the Flexible Business Operation Guidelines no longer apply, the City will notify the property owner and tenant that the expansion area shall be returned back to its pre-existing purpose. The area shall be returned back to its previous existing purpose within 30 days of such notice.

8. Accessibility – All accessibility requirements are required to be maintained consistent with State and local laws.
9. Waiver of Permits – No permits from the City shall be required so long as the outdoor business activities comply with all Guidelines.