



City of Newark

Limited Outdoor Business Operations

GUIDELINES

Effective **Friday, August 28, 2020** and pursuant to the [Alameda County Shelter in Place Order HO 20-14c](#) (SIP Order), the City of Newark will augment the existing outdoor dining program to include limited outdoor operations for businesses providing personal care services.. Similar to the assistance provided to restaurants, the City will allow personal care service providers to temporarily operate outdoors, in areas such as patios and walkways, in parking areas, and in the public right-of-way consistent with the current SIP Order and the guidelines provided below. This temporary allowance will remain in effect until the SIP Order is replaced, amended, or rescinded, or as directed by the Newark City Council.

Please note, business owners/operators shall read and comply with the current Public Health Orders issued by the [State of California](#) and the [Alameda County Department of Public Health](#). For more detail, please review the resources provided below.

- [Expanded Personal Care Services Provided Outdoors \(CAL/OSHA\)](#)
- [ACDPH Additional Businesses and Activities Permitted](#)
- [Guidance for Dine-in Restaurants in California \(CAL/OSHA\)](#)
- [Cal/OSHA COVID-19 General Checklist for Dine-in Restaurants \(CAL/OSHA\)](#)
- [COVID-19 Site Specific Protection Plan: Guidance and Template for Developing Your Own Plan \(ACDPH\)](#)

Application and Registration (No Cost)

Businesses wishing to conduct temporary outdoor operations shall register with the City by obtaining a Minor-Use Permit through the Planning Division. The submittal requirements and process are provided in the Limited Outdoor Operations Application. In addition, please consult the General Guidelines outlined below.

Parking areas immediately adjacent to businesses may be considered for temporary outdoor business activity.

General Guidelines

The following guidelines are provided to support the City's business community. There are no permits required for outdoor business activity on private property with an area of less than 500 square feet or for permanently constructed patios of any size in place as of August 28, 2020. If a business plans to use a private parking area or a public sidewalk, plaza, or on-street parking space,

a permit is required. Specific instructions are listed in the next section (Dining Parklets and Public Spaces).

- a) Outdoor seating/station arrangements shall limit the number of patrons at a single table/service area to no more than six (6) individuals, all of whom must be from the same household, living unit, or "Social Bubble" as defined in the most recent Alameda County Department of Public Health Officer Order.
- b) Outdoor seating/station arrangements shall maintain a minimum six-foot (6'-0") social distance between all members of separate households, living units, or Social Bubble.
- c) Outdoor activity areas shall comply with ADA access requirements. A minimum four-foot (4'-0") wide path of travel shall be maintained along all pedestrian walkways from the parking lot and/or public right-of-way to all public building entrances.
- d) The business operator shall obtain authorization from the property owner or authorized representative for the use of private sidewalks or other areas for the respective outdoor activity. Generally, outdoor activity may be located on sidewalks or patio areas immediately adjacent to the front of the respective business. Written authorization from the property owner or authorized representative shall be provided to the City as part of a Minor-Use Permit, described below.
- e) Tenants in shopping centers with multiple businesses shall work with management and other tenants to equitably allocate the available sidewalks and patios for temporary outdoor activity.
- f) Tables, chairs, umbrellas, or other temporary objects shall be located in a manner that does not obstruct the entrance to any building or fire safety equipment, impede the flow of pedestrian or vehicle traffic, or create a hazardous condition (such as a tripping hazard).
- g) It is recommended that outdoor furniture be of high-quality materials.
- h) No furniture, fixture, or equipment shall be permanently affixed in the temporary outdoor operation area.
- i) Outdoor storage or preparation of food, beverages, or personal-care products is not permitted.
- j) Operating hours for the outdoor activity shall be consistent the indoor operating hours.
- k) Removable barriers, such as stanchions, retractable belts, plants, or screens no more than three feet (3'-0") in height, may be used to delineate outdoor dining areas from the pedestrian path of travel.
- l) Alcohol may be sold to patrons in conjunction with a meal but may not be sold independently.
- m) Bar areas shall remain closed to customers. The California Department of Alcoholic Beverage Control (ABC) has additional information at: <https://www.abc.ca.gov/abc-218-cv19-instructions/>.
- n) The use of tents, temporary shelters, or coverings for outdoor dining shall require review and approval by the Newark Fire Prevention Division in accordance with current

regulations and fees. Tents (no walls) with an area less than 700 sq.ft., do not require a permit.

- o) Heating or cooling devices installed or placed outdoors are subject to Fire and Building codes.
- p) Business operators shall maintain the cleanliness and appearance of all outdoor activity areas.
- q) Access to indoor restroom must be provided; portable toilets are not permitted.
- r) Each restaurant may post one sign with a maximum area of four (4) square feet in the outdoor dining area. An A-frame sign is recommended with the restaurant's name, logo or menu.
- s) Avoid long runs of extension cords, especially across walkways and sidewalks.
- t) Installation of additional bicycle parking is recommended to encourage patrons to visit the restaurant by bike.
- u) Restaurant owners are encouraged to create unique and inviting spaces that reflect the quality of the establishment.

For questions or additional information, please contact the Planning Division by phone at (510) 578-4330 or via email at planning@newark.org.