

## DEPARTMENT OF RESOURCE MANAGEMENT

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Planning Services Division

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### **COVID-19 - TEMPORARY USE OF OUTDOOR SPACES – CUSTOMER SERVICE**

Beginning Friday, September 4th, 2020, the Solano County Department of Resource Management is implementing a Temporary Outdoor Customer Service Program to assist business owners/operators complying with the latest local and State Health Orders, Industry Guidance and directives requiring businesses to operate outdoors to reduce the spread of COVID-19.

Per Governor Newsom's Executive Order N-60-20 and the May 7, 2020 State Public Health Officer's Order, restaurants, bars and wineries, offices for non-critical sectors, places of worship, malls, fitness centers/gyms, hair salons and barbershops, and extended personal care services are to move their customer service operations outside. If your business is subject to these requirements and is in the unincorporated areas of Solano County, you may use the outdoor space in front, rear\* or sides of your business if you meet the standards for the Temporary Outdoor Customer Service Area Program. This program is self-implementing and no additional application or approval is currently required under this temporary program.

#### ***STANDARDS FOR THE TEMPORARY OUTDOOR CUSTOMER SERVICE AREA PROGRAM***

Outdoor private property in front/rear\*/side of your business and outside of any public right-of-way may be utilized as Temporary Outdoor Customer Service Areas, subject to the following standards:

##### **GENERAL REQUIREMENTS:**

- Business must have a current Business License from the County of Solano;
- Business, including the temporary customer service area, must operate in compliance with all local and State Health Orders, Industry Guidance and Directives. Some activities performed by the business typically, such as use of chemicals, may not be allowed per the state's industry guidance;
- All temporary modifications and existing businesses must comply with state and local laws and regulations including building, grading, fire, the American with Disabilities Act (ADA,) and environmental health requirements, such as those for food service and liquid/solid waste disposal, fire and building code requirements, worker safety (Cal OSHA), sale of alcoholic beverages (ABC), and any other applicable local/state requirements;
- Only private property owned or leased by the business owner may be used;
- Access to building fire protection equipment (PIV, FDC, Riser) and sidewalk fire hydrants must be kept clear;
- Providing room for emergency vehicles if there is a driveway or lane;
- A fire extinguisher inside the building must be readily accessible;
- Open flames (such as candles) are not permitted;
- Allow ample sidewalk space for passing foot traffic; and

- No Property Rights Conferred: Use or development of a temporary modification does not confer a property interest, vested right, or entitlement to continue through the policies' effective period or receive a future entitlement for use of the temporary modification.

**SITE REQUIREMENTS:**

- Up to one-half of the onsite parking spaces may be utilized for outdoor customer service areas if six feet of physical distance can be maintained between customers. No Americans with Disabilities Act (ADA) parking spaces or related access may be eliminated for the temporary modification. The affected businesses shall not be permitted or required to offset the loss of parking spaces elsewhere, however, loss of parking shall not create a public nuisance or public safety issue;
- Business shall not alter or block any ADA areas or required fire access lanes;
- Business may not utilize any public right-of-way for outdoor customer service areas;
- Temporary modifications proposed may include, but are not limited to, allowing outdoor seating or staging areas within other developed portions of the site (e.g., parking or landscaped areas), constructing or installing temporary structures to accommodate the modified operations, or relocation of uses within the site;
- Adequate measures shall be taken to control odor, dust, noise, and waste disposal so as not to constitute a nuisance. No outdoor amplified sound is allowed;
- \* If business is adjacent to a residential zone district, only front and/or side yard use for temporary outdoor customer service areas are permitted. No rear yard use for temporary outdoor customer service areas is permitted for these businesses that are adjacent to a residential zoning district. Rear yard use exception may be permitted with the Department of Resource Management Director's prior approval;
- Hours of operation for the temporary outdoor customer service areas shall be in accordance to normal business hours allowed per business license;
- The area shall be maintained in a sanitary condition free from litter, infestation from pests, and the storm drain must be kept clear;
- Outdoor food preparation areas and serving stations are to be coordinated/permitted with the Solano County Environmental Health Department regulations;
- Vegetation removal and/or use of environmentally sensitive lands for outdoor customer service areas are prohibited;
- No stacking of furnishings in outdoor areas;
- Furnishings shall not be placed in a manner that obstructs access to public sidewalks and streets. No items shall block visibility for required street signs, crosswalks, and intersections;
- All building exits and exit pathways must be kept clear; and
- All electrical outside must utilize permitted GFCI receptacles or heavy-duty extension cords plugged into permitted GFCI receptacles. Cords cannot be in an area subject to damage or create a trip hazard. Cords cannot be hung overhead by themselves unless supported by other means

(e.g. attached to a cable). Any change in elevation to facilitate electrical along/on walkways must utilize a cable protector and meet ADA standards.

**INDEMNIFICATION:**

By participating in this temporary program, owner of the business explicitly agrees to accept all responsibility for loss or damage to any person or entity and to indemnify, hold harmless, and defend and release the County of Solano, its agents, and employees from and against any and all liability actions, claims, damages, costs, or expenses which may be asserted by any person or entity, including Permittee, arising out of or in connection with the willful act or negligence of Permittee engaging in the activities associated with this policy, whether or not there is concurrent negligence on the part of the County, but excluding liability due to the sole active negligence or sole willful misconduct of the County.

The owner/operator of the business shall comply with all applicable local, State and Federal laws and regulations at all times during the effective period of this agreement, including but not limited to laws regarding the obstruction of vehicular traffic, the Americans with Disabilities Act and State / County health laws regarding provision of food services.

**TERMINATION OF PROGRAM:**

The Temporary Outdoor Customer Service Area Program is a temporary program intended to address safe business operations during the COVID-19 pandemic; and as such, this program will expire concurrently with the expiration of the California State Health Orders pertaining to Covid-19.