



# City of Downey

## Temporary Outdoor Business Activity Guidelines and Procedures

### PURPOSE

The City of Downey has developed the following COVID-19 Guidelines ("Guidelines") for Temporary Outdoor Business Areas in efforts to assist personal service salons and gyms/fitness studios with reopening in a manner that is consistent with local, county and state health safety directives. Specifically, these Guidelines authorize qualifying businesses to temporarily expand into a portion of the adjacent parking space, expanded walkway, or plaza to continue to conduct business in a safe manor and to accommodate patrons while abiding by social distancing guidelines and directives established by the revised Statewide Public Health Order, dated July 21, 2020.

### BACKGROUND

On July 13, 2020, 29 counties, including Los Angeles County, California Governor Gavin Newsom ordered closure for additional indoor operations for certain sectors which includes; gyms and fitness centers, hair salons and barbershops until further notice. However, an updated order issued on July 21, 2020 allows sectors that are able to operate outdoors to do so, subject to compliance with health guidelines and protocols issued by the County Public Health Officer ("County Health Guidelines") and state licensing agencies. These sectors specifically include gyms and fitness centers as well as personal service salons. For the purposes of this program, "personal service" in the City of Downey includes barbershops, beauty and nail salons (including permanent cosmetic facial shading). The County Health Guidelines can be found at the following link: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Guidance-of-Closure-of-Sectors-in-Response-to-COVID-19.aspx>

### DURATION/AUTHORITY

These Guidelines are effective immediately and will remain valid for 90 days unless extended or terminated earlier by the City on behalf of the order placed by Los Angeles County. These Guidelines are issued by the City Manager, under authority directed by the Downey City Council. Final determination for each temporary outdoor business activity location is based on unique conditions of each site. Businesses are encouraged to practice all COVID-19 safety protocols.

### WHERE PERMITTED

Temporary outdoor business activity areas may be located citywide in public sidewalks, outdoor common areas of the adjacent business premises, such as walkways, plazas and parking lots; subject to approval of the property owner. These outdoor areas are intended for gym/fitness facilities, and personal service salons. Any temporary outdoor business areas that create or cause an obstruction of sidewalks and other public rights-of-way require an encroachment permit from the Public Works Department.

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## **ASSUMPTION OF RISK/RESPONSIBILITY**

Business owners and operators shall have the sole and exclusive obligation to ensure necessary approvals from property owners, other establishments and the City, prior to operating in a temporary outdoor business area, and shall bear all risks and liabilities associated with operating in a temporary outdoor area. As a condition to operating, and as a condition to submitting an Application Form, businesses must agree to defend, indemnify, and hold the City harmless for any liabilities relating to or arising from operating in a temporary outdoor business area. Businesses are solely and exclusively responsible for procuring and coordinating all operational aspects associated with a temporary outdoor business area, including but not limited to obtaining consent from property owners, adjacent establishments, and insurance providers.

## **REGISTRATION WITH THE CITY/ENFORCEMENT**

All businesses operating in a temporary outdoor area shall first apply with the City by completing the Temporary Outdoor Business Activity Application and obtain an Encroachment Permit from the Public Works Departments, if applicable, prior to beginning operations in a temporary outdoor area. The business may commence operation in the temporary outdoor area upon approval of the complete and accurate Application Form to the City, and operations shall strictly adhere to the information provided in the Guidelines above.

The City reserves the right, at any time during the business' operating hours, to conduct an inspection of any temporary outdoor area to ensure compliance with these Guidelines. If necessary to ensure or enforce compliance with these Guidelines, the County Health Guidelines, other applicable orders/ laws, or to otherwise prevent or terminate a public nuisance, the City may, without advance notice, direct changes or modifications to any temporary outdoor area or a business' use thereof, and compliance with the City's directives is a condition to continuing operating in a temporary outdoor area.

The City expressly reserves the right to terminate a business' use of a temporary outdoor area, without advance notice if:

- the operation creates an obstruction to, or causes congestion of, pedestrian or vehicular traffic due to existing conditions on the surrounding public right-of-way if it finds the installation represents a danger to the health, safety or general welfare of the public; or
- if a business is deemed a public nuisance, does not comply with applicable laws, violates fire safety or ADA accessibility requirements, or violates these Guidelines, the County Health Guidelines, or applicable local health orders; and
- the City may require the removal, temporary or permanent, of the sidewalk business activity when redevelopment or improvements of the street or sidewalk, or utility repairs necessitates such action, or the permittee fails to comply with the criteria set forth in existing City ordinances.

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## OPERATING STANDARDS FOR OUTDOOR PERSONAL SERVICE AREAS

- ✓ All applicable businesses shall provide a completed copy of the Outside Services Check-list for Establishments provided by the Board of Barbering and Cosmetology with application.
- ✓ Salons should not perform a service that would require a customer to have to enter the establishment.
- ✓ All hair salon and barbershop services shall implement the COVID-19 Industry Guidance provided by the California Department of Public Health and Cal/OSHA dated July 20, 2020.
- ✓ Temporary outdoor business areas must be on same site as such business or on a commercial property that allows such use with property owner approval.
- ✓ Businesses may be conducted in an Outdoor Business Area daily between the hours of 7 a.m. and 10 p.m.
- ✓ The abutting sidewalk area must maintain a minimum clear pathway of at least four feet (4') in width.
- ✓ Temporary outdoor business areas must maintain ADA accessibility into and around temporary area, and must ensure that fire and emergency exits at-all-times remain accessible and free from obstruction.
- ✓ There must be a five-foot (5') separation between the temporary outdoor business area and any driveway or vehicular traffic.
- ✓ There shall be direct access to the temporary outdoor business area in order to conduct business without crossing a drive aisle. If site conditions do not allow closure of drive aisle, there shall be signage indicating to watch for pedestrians, at the entrance of the drive aisle.
- ✓ Businesses must be in good-standing with the City, have a valid business license, no pending code enforcement matters proceeding, and not be delinquent in the payment of any business license fees or taxes owed to the City.
- ✓ Electrical extension cords may be used in the Outdoor Business Area subject to the following:
  - Extension cords shall be listed and labeled as outdoor rated in accordance with UL 817.
  - Extension cords shall be 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.
  - All extension cords shall be disconnected from their electrical sources each day at the conclusion of operations in the Outdoor Business Area.
- ✓ Temporary barriers shall be no more than 42" in height and can be stanchions, planters, wood or metal fence, or water-filled k-rail barriers that are covered to uphold aesthetics.
- ✓ Covered K-rail barriers are automatically required for temporary outdoor business areas that are adjacent to or in front of a drive aisle.
- ✓ Every permittee shall be required to furnish the city with a certificate of insurance with coverage for property damage and personal injury for minimum combined single limit coverage of \$2,000,000 naming the city, its officers, agents and employees as additional insureds. This certificate shall provide thirty (30) days written notice of cancellation shall be given to the city.
- ✓ Barriers shall be color consistent or complementary to the subject site.
- ✓ Temporary banners and signage shall comply with section 9618.06 of the Downey Municipal Code.
- ✓ There shall be no live entertainment, music, or amplification of any kind within the temporary outdoor business areas.
- ✓ The twenty-foot (20') fire lane shall not be obstructed at any time.
- ✓ Business owner shall clean-up trash, debris, spills, etc. so that they do not enter catch basins and storm drains.
- ✓ ADA accessibility parking stalls shall not be obstructed or used for temporary Outdoor Business Areas.
- ✓ The design, materials, and colors used for chairs, tables, umbrellas, or trash receptacles shall be of a uniform design and should complement the architectural style and colors of the building façade and any street furniture.

### **LA County Requirements for Personal Services**

[http://publichealth.lacounty.gov/media/Coronavirus/docs/protocols/Reopening\\_HairSalons\\_Barbershops.pdf](http://publichealth.lacounty.gov/media/Coronavirus/docs/protocols/Reopening_HairSalons_Barbershops.pdf)

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## OPERATING STANDARDS FOR OUTDOOR GYM/FITNESS CENTER AREAS

- ✓ Temporary outdoor business areas must be on same site as such business or on a commercial property that allows such use or commercial property that allows such use, with property owner approval.
- ✓ All gym/fitness centers shall implement the COVID-19 Industry Guidance provided by the California Department of Public Health and Cal/OSHA dated July 1, 2020.
- ✓ Businesses may be conducted in an Outdoor Business Area daily between the hours of 7 a.m. and 10 p.m.
- ✓ The abutting sidewalk area must maintain a minimum clear pathway of at least four feet (4') in width.
- ✓ Temporary outdoor business areas must maintain ADA accessibility into and around temporary area, and must ensure that fire and emergency exits at-all-times remain accessible and free from obstruction.
- ✓ There must be a five-foot (5') separation between the temporary outdoor business area and any driveway or vehicular traffic.
- ✓ There shall be direct access to the temporary outdoor business area in order to conduct business without crossing a drive aisle. If site conditions do not allow closure of drive aisle, there shall be signage indicating to watch for pedestrians, at the entrance of the drive aisle.
- ✓ Businesses must be in good-standing with the City, have a valid business license, no pending code enforcement matters proceeding, and not delinquent in the payment of any business license fees or taxes owed to the City.
- ✓ Electrical extension cords may be used in the Outdoor Business Area subject to the following:
  - Extension cords shall be listed and labeled as outdoor rated in accordance with UL 817.
  - Extension cords shall be 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.
  - All extension cords shall be disconnected from their electrical sources each day at the conclusion of operations in the Outdoor Business Area.
- ✓ Temporary barriers shall be no more than 42" in height and can be stanchions, planters, wood or metal fence, or water-filled k-rail barriers that are covered to uphold aesthetics.
- ✓ Covered K-rail barriers are automatically required for temporary outdoor business areas that are adjacent to or in front of a drive aisle.
- ✓ Every permittee shall be required to furnish the city with a certificate of insurance with coverage for property damage and personal injury for minimum combined single limit coverage of \$2,000,000 naming the city, its officers, agents and employees as additional insureds. This certificate shall provide thirty (30) days written notice of cancellation shall be given to the city.
- ✓ Barriers shall be color consistent or complementary to the subject site.
- ✓ Temporary banners and signage shall comply with section 9618.06 of the Downey Municipal Code.
- ✓ There shall be no live entertainment, music, or amplification of any kind within the temporary outdoor business areas.
- ✓ The twenty-foot (20') fire lane shall not be obstructed at any time.
- ✓ Business owner shall clean-up trash, debris, spills, etc. so that they do not enter catch basins and storm drains.
- ✓ ADA accessibility parking stalls shall not be obstructed or used for temporary Outdoor Business Areas.
- ✓ The design, materials, and colors used for chairs, tables, umbrellas, or trash receptacles shall be of a uniform design and should complement the architectural style and colors of the building façade and any street furniture.

### ***LA County Requirements for Gyms/Fitness Centers***

[http://publichealth.lacounty.gov/media/coronavirus/docs/protocols/Reopening\\_FitnessEstablishments.pdf](http://publichealth.lacounty.gov/media/coronavirus/docs/protocols/Reopening_FitnessEstablishments.pdf)

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# OUTDOOR BUSINESS AREA DIAGRAMS

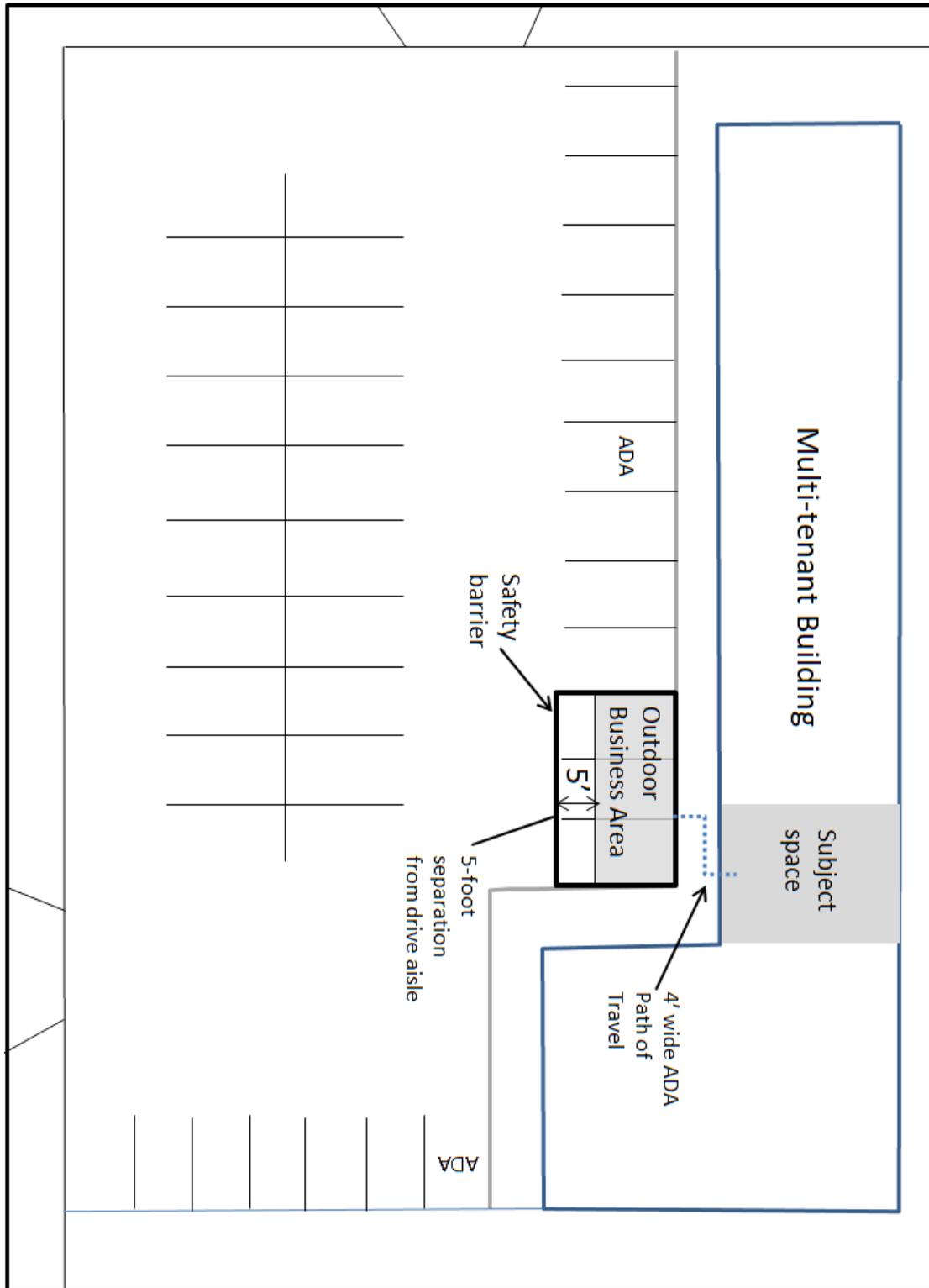


Figure 1 Use of Parking Stalls

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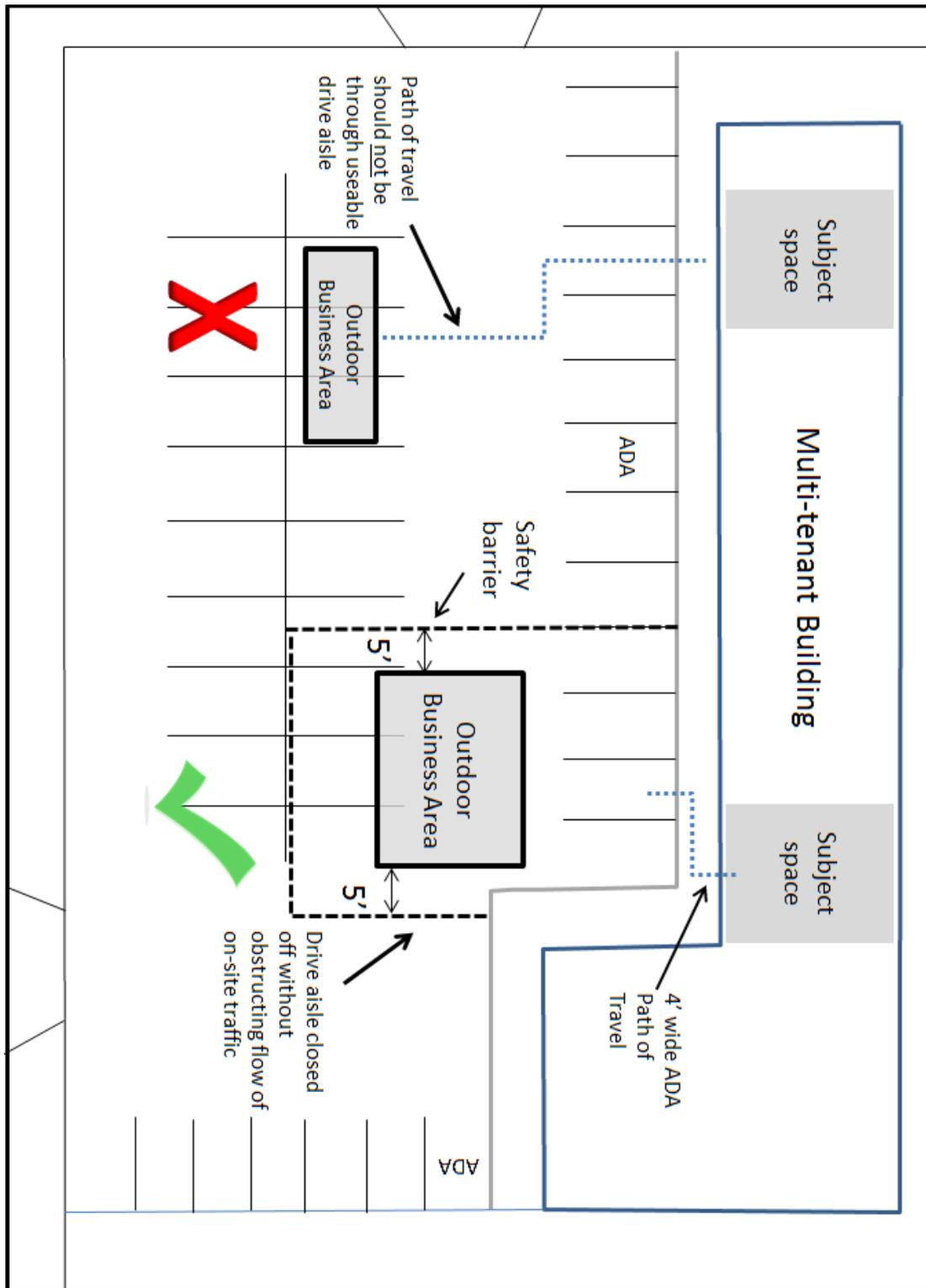


Figure 2 Closure of drive aisle

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## OUTDOOR BUSINESS AREA DIAGRAM



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## SAFETY BARRIER EXAMPLES



Landscape  
Planters



Portable Fence



Covered K-rail  
Barriers



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## DO'S AND DONT'S'



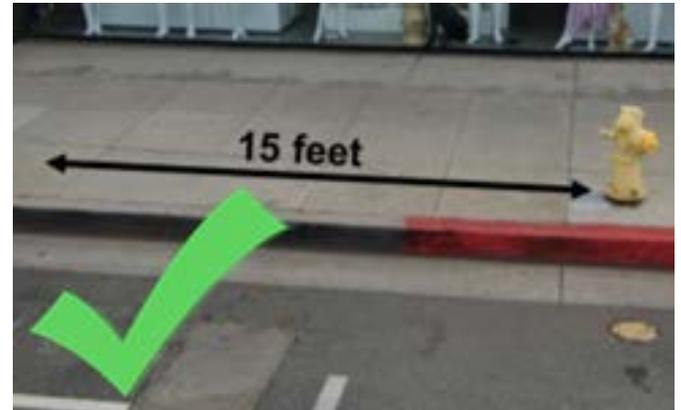
Covered Cords



Block Public Utilities



Convert Red Curb



15 feet



Canopy with Open Sides



Convert ADA Parking Spaces

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