



Temporary Outdoor Business Activities during Shelter-in-Place Order

Permitting Standards and Requirements

City of Hayward - Development Services Department

BACKGROUND AND PURPOSE:

On August 21, 2020, the County of Alameda Public Health Department issued a [revised Shelter-in-Place Order 20-14c](#) to further allow for limited outdoor activities and services to resume on August 28, 2020. In alignment with the County guidance, outdoor swimming pools and outdoor barbershops/hair salons, nail salons, waxing services, skin care and non-medical massages will be allowed at reduced capacity to ensure physical distancing and safety plans are in place. The outdoor business activity operating standards temporarily allow operations identified on the [List of Approved Types of Businesses \(as of August 28, 2020\)](#) to expand into open areas and parking spaces on private property, and, if authorized, City-owned property (i.e. streets, municipal parking lots, sidewalks) to accommodate social distancing in a safe and organized manner.

A Temporary Outdoor Business Permit is required prior to the use of private and/or public property for outdoor business activities. Zoning Conformance Permit and Encroachment Permit fees will be waived. General questions can be directed to Planning Division at planning.division@hayward-ca.gov or by calling (510) 583-4216, Monday to Friday, 8 a.m. to 5 p.m. The use of City property, if requested, will be evaluated on a case-by-case basis and cannot be guaranteed. ***These regulations will be in place until October 31, 2020, unless otherwise stated, and the City of Hayward maintains the right to revoke permit for non-compliance.***

TEMPORARY OUTDOOR BUSINESS OPERATING STANDARDS:

All businesses allowed to operate under the Health Officer Orders must complete the Site-Specific Protection Plan template (Order No. 20-14c, as amended/updated) found here: covid-19.acgov.org/recovery.page? (hyperlinked) and implement risk assessment and individual control measures, physical distancing, disinfecting and cleaning protocols, and employee training to prevent the spread of COVID-19. Specific permit information and operating requirements for **Temporary Outdoor Dining** in the City of Hayward may be found here: www.hayward-ca.gov/services/permits/temporary-outdoor-dining-permit-during-shelter-place-order

Outdoor operations/activities such as swimming pools, winery tastings, publicly accessible gardens, dog parks, or businesses that normally operate outdoors are exempt from obtaining a Temporary Outdoor Business Permit from the City of Hayward provided they comply with county and state operational and health standards.

General Standards Applicable to All Temporary Outdoor Business Activities:

- Outdoor business areas shall be a minimum dimension of six feet in each direction and shall not be located within 10-feet of a private or public driveway, or within 20-feet of a street intersection
- Equipment and related business furniture shall maintain social distancing from each other per County standards.
- All walkways, paths of travel, and sidewalks shall maintain a minimum four (4) feet wide clearance. Outdoor business areas utilizing parking spaces shall be setback a minimum of four (4) feet from an abutting automobile parking space used to accommodate walking around the outdoor business area.
- Temporary outdoor service areas within parking areas or near vehicular traffic shall be clearly identified and outlined with traffic control measures (i.e., barricades, cones, signs, etc.) of at least 30-inches tall to ensure separation of pedestrians and vehicles without blocking pedestrian or vehicular access.
- Temporary outdoor businesses shall not result in an increase in general intensity of the business beyond what is currently permitted (i.e., the business cannot have more capacity than what is normally allowed inside their tenant space).
- Cumulative outdoor business areas within a private parking lot shall not exceed 30% of the parking spaces on the subject property, and shall not utilize parking spaces required by the Americans with Disabilities Act (ADA).

Temporary Outdoor Business during COVID-19 Shelter-in-Place Order

Permitting Standards and Requirements (Continued)

General Standards Applicable to All Temporary Outdoor Business Activities (Continued):

- Pedestrian, bicycle, and vehicular paths of travel shall not be obstructed. Outdoor business area should not be separated from the brick-and-mortar location by drive aisles, streets, or driveways unless determined that safer site circulation can be maintained for patrons, pedestrians, motorists at an alternative location.
- Temporary canopies are permitted; however, if a canopy is 400 square-foot or larger, Fire Department approval is required. Please contact the Fire Prevention Office at (510) 583-4900 prior to installation.
- Electrical and utility cables that cross drive aisles or paths of travel shall be taped down to avoid tripping hazards. Temporary electrical connections shall be commercial grade and listed for outdoor use.
- All furniture shall be removed daily from the temporary outdoor business area after business hours.
- Temporary outdoor service areas shall be conducted without causing a nuisance (such as noise or odors) to adjacent properties. The operator shall ensure no pollutants or other material/trash are discharged into the storm drain.
- If the business has public restroom facilities, they must be made available to patrons.
- Amplified sound shall be limited; Outdoor business areas shall still adhere to the City's Noise Ordinance Section 4-1.01 of Hayward Municipal Code.
- Temporary signage shall be required to adhere to [Section 10-7.600 of the Hayward Municipal Code](#).

Specific Outdoor Business Requirements:

Outdoor business operations and activities shall comply with standards and guidance set forth by the California Department of Public Health and County of Alameda Public Health Department for the applicable business/activity sector per [Appendix C of Order No. 20-14c](#).

Personal Services. Personal services such as barbershops, hair/nail salons, skin care, waxing and non-medical massage shall comply with the [County of Alameda Reopening Guidance Requirements](#).

- Services that may require a client to remove their face covering, tattoos, piercings, eyebrow threading and waxing and eyelash treatments remain prohibited at this time.
- The operator shall provide a floor cover which allows for the vacuuming of hair after each patron. Floor covers shall not create an additional tripping hazard and shall allow for ADA Access.
- The operator may provide screening from neighboring tenant spaces which does not prevent airflow and is not attached to a canopy, (e.g. bushes, lattice, fences with small slats as approved by the City).

Additional Standards Specific to Use of Public City-Owned Property:

- Outdoor business area shall not be located on a street with posted speed limit greater than 25 MPH, and shall not be at intersections/corners or within 10-feet of a driveway unless approved by City Traffic Engineer.
- If located within a municipal parking lot, cumulative outdoor business areas shall not exceed 30% of the parking spaces on the lot. ADA parking spaces shall not be utilized to accommodate outdoor business activities.
- No permanent furniture shall be placed and/or installed within public right-of-way.
- Barricades on city-owned property or right-of-way shall be provided by the City of Hayward for traffic control and safety measures. Please note that barricade supply is limited and not guaranteed.



Temporary Outdoor Business Permit during Shelter-in-Place Order

Permit Application Form Instructions

City of Hayward - Development Services Department

HOW TO APPLY FOR A TEMPORARY OUTDOOR BUSINESS PERMIT:

Complete and submit the required documents listed below via email to planning.division@hayward-ca.gov at least three (3) business days prior to your proposed activity date. Note: A typical e-mail only allows a total attachment size of 10 MB. If your documents are significant in size, consider uploading them to a server (OneDrive, Google Drive, DropBox, etc.) and provide a download link. Please ensure all documents submitted are converted into PDFs to greatest extent possible. For any questions, please contact the Planning Line at (510) 583-4216, Monday through Friday, 8 a.m. to 5 p.m. Please note that Hayward City Hall offices, located at 777 B Street Hayward CA 94541, are closed until the Shelter-in-Place Order is lifted.

Required Submittal Document Checklist:

- Temporary Outdoor Business Permit Application
- Outdoor Business Activity Site Plan (See Below for Requirements)
- Barricade Inventory Catalog and/or Photos (e.g. planter boxes, barricades, fencing, high visibility traffic cones)
- Written Authorization from Private Property Owner (Shall be Signed and Dated)
- Completed Affidavit to Accept Terms and Operational Standards (See Page 5)

For Use of City of Hayward Property:

- Minimum \$1,000,000 (one-million dollar) liability insurance certificate and additional insurance endorsement with the City of Hayward listed as additionally insured. For businesses within the Downtown Hayward vicinity, applicants shall also list the "Downtown Hayward Improvement Association (DHIA)" as additionally insured. The following statement shall be present on liability insurance certificates:
"The following entities are named as additionally insured for liability purposes: City of Hayward, its officials, employees, agents, and contractors".
- Completed Waiver of Liability and Indemnity Agreement
- Any additional information, as required, by the City of Hayward Public Works Department

Outdoor Business Activity Site Plan Requirements. Provide a site plan with the following information:

- Site Plan shall be drawn to scale (i.e. 1/4 inch = 1-foot). Show location of business entrance;
- Location of all uses of private/public property and public rights-of-way (streets, sidewalks, medians);
- Location and dimensions of any canopies of structures to be used for the outdoor business area(s);
- Location and dimensions of any barricades to be used to separate vehicular traffic from the proposed temporary outdoor business location;
- Plan of all related business furniture to be used and distances from each other and waiting area;
- Identify paths of travel for pedestrian traffic to safely navigate to/from the outdoor business area;
- Location of nearby parking, including standard and ADA spaces and dimensions from each other.



Temporary Outdoor Business Permit during Shelter-in-Place Order

Permit Application Form

City of Hayward - Development Services Department

BUSINESS AND PROPERTY INFORMATION:

Business Name: _____ Mailing Address: _____

Business Owner/Contact: _____

Phone: _____ Email Address: _____

Property Owner Name/Contact: _____

Phone: _____ Email Address: _____

TEMPORARY OUTDOOR BUSINESS INFORMATION:

Outdoor Business Area Location (please select all that apply)

- Private Property City-Owned Public Property (e.g. on-street parking spaces, sidewalk)

**The use of city-owned public property is not guaranteed and subject to City review and approval.*

Business Address: _____

**Each business location requires a separate Temporary Outdoor Business Permit.*

Type of Outdoor Business/Activity (please select all that apply)

- Nail and Skin Care Hair Salon and Barbershop Waxing/Non-Medical Massage
 Non-Contact Fitness Retail Religious/Cultural Ceremonies
 Outdoor Museums/Historical Sites Other: _____

Business Phone: _____ Business Email: _____

Proposed Setup Date: _____ Proposed Start Date of Outdoor Operations: _____

Days of Outdoor Business: _____ Hours of Outdoor Operations: _____

Please list and describe all equipment/furniture that will be used for outdoor business and where it will be located: _____

Who will be responsible for cleaning the outdoor business area? _____



**Temporary Outdoor Business Permit during Shelter-in-Place Order
Affidavit and Waiver of Liability and Indemnity Agreement
City of Hayward - Development Services Department**

AFFIDAVIT OF APPLICANT TO ACCEPT PERMIT TERMS AND OPERATIONAL STANDARDS

I certify that the information contained in the foregoing application is true and correct to the best of my knowledge and belief and that I have read, understand, and agree to abide by the rule and regulations governing the proposed temporary outdoor business activity . I understand that this application is made subject to the rules and regulations established by the City Council and/or the City Manager or the City Manager’s designee. I agree to comply with all other requirements of the City, County, State, and Federal Governments, and any other applicable entity which may pertain to the use of the property and the conduct of the business. I agree to abide by these rules and further certify that I, on behalf of the Business Entity, am also authorized to commit that organization, and therefore agree to be financially responsible for any costs and fees that may be incurred by or on behalf of the event to the City of Hayward. I understand the City maintains the right to revoke said permit for non-compliance.

Name of Business: _____

Printed Name of Applicant: _____

Signature of Applicant: _____ Date: _____

Printed Name of Property Owner: _____

Signature of Property Owner: _____ Date: _____

PLEASE COMPLETE FOR USE OF CITY OF HAYWARD OWNED PROPERTY

WAIVER OF LIABILITY AND INDEMNITY AGREEMENT

In consideration of participation in this program and the use of the City’s facilities and premises, and to the maximum extent permitted by law, THE UNDERSIGNED SHALL, at their own expense, indemnify and defend, and hold harmless the City of Hayward and its officers, officials, employees, agents and volunteers from and against any and all liability, loss, damage, fines, expenses and costs (including, without limitation, claims expenses, attorney’s fees, costs and fees of litigation) of every nature, whether actual, alleged or threatened, arising out of or in connection with the participation of the undersigned and the undersigned employees, in the program.

In addition, the undersigned RELEASES, WAIVES, DISCHARGES, AND COVENANTS NOT TO SUE THE CITY OF HAYWARD, its officers, employees and agents (“the City”) for any loss or damage, and any claim or demands therefore arising out of or in connection with the participation of the undersigned and the undersigned’s employees, in the program, whether caused by the negligence of the City or otherwise, while the undersigned is in, upon, or about the premises or any facilities or equipment therein.

I have read and voluntarily sign this release and waiver of liability and indemnity agreement.

Name of Business: _____

Printed Name of Applicant: _____

Signature of Applicant: _____ Date: _____

**CITY STAFF
USE ONLY:**

Application #	Date Filed:	Received By:
Routed to:	Maintenance Services	Transportation
		Engineering
Permit Valid Beginning:		