



City of Campbell

Flexible Business Operation Guidelines

Downtown Campbell

September 2021

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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 in the Downtown that wish to expand their operations onto city sidewalks and private property in Downtown Campbell. The Guidelines allow 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. All eligible businesses shall comply with [California State Industry Guidance](#), the [County of Santa Clara Health Order](#), the professional standards issued by [State Licensing Boards and Bureaus](#) where applicable.

Operations on Public Sidewalks

The following Guidelines apply to all permitted businesses that wish to expand their operations onto the public sidewalk within Downtown Campbell. All eligible businesses may take advantage of these allowances thereby creating improved flexibility from any previously established land use entitlement received for the particular business or that which is currently prescribed within the Campbell Municipal Code.

Permit Process – An Outdoor Dining Permit will be required for the creation of or expansion to an existing outdoor dining area permit. The application processing fees will be waived in an effort to minimize business expenses necessary to support economic recovery efforts.

There is no cost to apply for this temporary permit. Contact the Planning Division at 408-866-2140 or planning@campbellca.gov to get started.

Allowances – The City will allow all businesses to expand their operations outside of their enclosed tenant spaces in the following manner:

1. Public Sidewalks – A business may occupy the public sidewalk for purpose of retail display, outdoor dining or general business operation, upon the issuance of an Outdoor Display (includes all other business services) or Outdoor Dining Permit.

2. Location – The outdoor business activity may be located beyond the applicant’s occupied tenant space and in front of an adjacent tenant space upon the written approval of that tenant.
3. Hours of Operation - The hours of operation shall not exceed 7:00 a.m. to 11:00 p.m.
4. Heating Devices – Heating devices, such as propane heaters, may be utilized for day or nighttime operations for restaurants only. Heating devices shall not be placed underneath umbrellas, tents, shade structures or coverings. If heating devices are used, shade structures, umbrellas, tents and coverings shall be removed. Storage of propane canisters shall be in conformance with required Fire Codes.
5. 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. Battery-powered table-top lighting that does not require extension cords is allowed.
6. Alcohol Service – Operational expansions involving the sale of alcoholic beverages 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.
7. Tents and Coverings – Umbrellas with secure bases and tents, shade structures and coverings shall provide for the free-flow of air and not extend beyond the sidewalk. Vertical clearance shall be at least seven feet. Fabric shall be fire retardant and comply with applicable Fire Codes. No heating devices shall be used inside or underneath tents, shade structures, umbrellas and coverings.
8. Live Entertainment – No live entertainment is allowed, unless authorized by the County Public Health Order.

Operations on Private Property

The following Guidelines apply to all permitted businesses that wish to expand their operations within private parking lots and private common areas. All eligible businesses may take advantage of these allowances thereby creating improved flexibility from any previously established land use entitlement received for the particular business or that which is currently prescribed within the Campbell Municipal Code.

Permit Process – No permit process is required for outdoor business operations within private parking lots or private common areas.

Allowances – The City will allow all businesses to expand their operations outside of their enclosed tenant spaces in the following manner:

1. Location – The outdoor business activity may be located:
 - On an adjacent private parking lot upon written approval of all ownership interests of said parking lot so long as no more than 20% of the existing parking stalls are occupied by the outdoor activity.
 - On an adjacent private property so long as the activity remains outside, the activity does not disrupt the existing property's use, and written approval of the property owner is received.
2. Expansion Area Safety – If the expanded operation is located within a private parking lot, the outdoor area shall be delineated 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.
3. Hours of Operation - The hours of operation shall not exceed 7:00 a.m. to 11:00 p.m.
4. Heating Devices – Heating devices, such as propane heaters, may be utilized for day or nighttime operations. Heating devices shall not be placed underneath umbrellas, tents, shade structures or coverings. If heating devices are used, shade structures, umbrellas, tents and coverings shall be removed. Storage of propane canisters shall be in conformance with required Fire Codes.
5. 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. Battery-powered table-top lighting that does not require extension cords is allowed.
6. Alcohol Service – Operational expansions involving the sale of alcoholic beverages 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.

7. Tents and Coverings – Umbrellas with secure bases and tents, shade structures and coverings shall provide for the free-flow of air are permitted. Use of shade structure and coverings shall comply with [County Public Health Directives](#). Vertical clearance shall be at least seven feet. Fabric shall be fire retardant and comply with applicable Fire Codes. No heating devices shall be used inside or underneath tents, shade structures, umbrellas and coverings.
8. Live Entertainment – No live entertainment is allowed, unless authorized by the [County Public Health Order](#).

Performance Measures

The following measures shall be followed, as applicable to either activity conducted on a public sidewalk, private property/parking lot or where else applicable:

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 – All individuals are required to wear face coverings indoors at all times with some exceptions per the [County Public Health Order](#) such as communication with people who are hearing impaired or wearing a mask poses a safety risk. Wearing face coverings and masks are recommended for individuals in crowded outdoor areas.
3. Responding to Suspected and Confirmed COVID-19 Cases –The County Public Health Department [Businesses and Workplaces webpage](#) provides guidance to employers about responding to suspected and confirmed cases of COVID-19 in the workplace.
4. Signage – Flyers and posters illustrating best practices are available from the [County Public Health Department](#).
5. Maintenance – Designated outdoor business operation areas shall be maintained free of debris and clutter and shall not create public nuisance issues as specified in [Campbell Municipal Code Chapter 6.10 \(Nuisance Abatement and Administrative Penalties\)](#). Appropriate waste collection containers shall be provided, and all areas shall be regularly cleaned and disinfected pursuant to the current guidance from the [State of California](#). 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 other loose products shall be brought inside the business tenant space at close of business to diminish vandalism and clutter.

7. Accessibility – All accessibility requirements are required to be maintained consistent with State and local laws. City sidewalks and other exterior paths of travel shall have continuous and unobstructed paths of travel that are at least five feet wide. All crosswalks and pedestrian ramps must remain clear and unobstructed to pedestrians and people with disabilities.
8. State or County Permit Authority – Any State or County permit requirements shall be met. It is the responsibility of the business owner to secure all required permits.
9. Discontinuance – Temporary expansion of outdoor business operations will be in effect unless modified or discontinued at the discretion of the City Council after which time businesses will be notified in advance of any changes.