



MANDATORY DIRECTIVE:



Outdoor Dining

Effective July 13, 2020

sccgov.org/coronavirus

County of Santa Clara
Public Health Department

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**MANDATORY DIRECTIVE FOR OUTDOOR DINING, WINERIES, AND
OUTDOOR TASTING ROOMS**

Please confirm that your facility may open under the State Order. Where there is a difference between the local County Order and the State Order, the more restrictive order must be followed. The State also has specific guidance for certain facilities that must be followed in addition to this mandatory directive.

Information on the State's Order and State guidance is available at covid19.ca.gov.

Issued: July 14, 2020
Updated: September 8, 2020

On August 28, 2020, the State released its Blueprint for a Safer Economy ("Blueprint"), a statewide system of COVID-19 restrictions. Santa Clara County is currently in Tier Two (Red) of the Blueprint.

Under the Blueprint, the State Health Officer has ordered that bars, brewpubs, breweries, and pubs must close all operations (both indoor and outdoor) unless they are offering sit-down, outdoor dine-in meals and selling alcohol only in the same transaction as a meal. See the Statewide Public Health Officer Order [here](#) and the State's Blueprint [here](#). These businesses may not operate except in accordance with the Statewide Public Health Officer Order and the State Blueprint.

Restaurants and other food facilities that prepare and serve sit-down meals as well as wineries and tasting rooms may operate for outdoor service only if they comply with all the Health Officer's rules to ensure that they are operated as safely as possible during the COVID-19 pandemic. Because they involve handling of consumable items and can also involve significant interaction between members of different households, outdoor dining facilities, wineries, and tasting rooms must take extra precautions to reduce the risk of COVID-19 transmission for their customers and staff.

Under this Directive, restaurants and other permitted food facilities that provide sit-down meals are allowed to open for outdoor dining. Bars, breweries, brewpubs, pubs, and distilleries may open for outdoor dining if they themselves provide sit-down meals or if they contract with a permitted food vendor (such as a permitted mobile food truck) to provide sit-down meals.

Indoor dining is prohibited, as is indoor and outdoor alcohol service by brew pubs, breweries, bars, pubs, and similar establishments, which is not part of sit-down meal service. These facilities may otherwise sell their products on a takeaway basis only. Wineries and tasting rooms may also open subject to the rules in this Directive.

This Directive explains how outdoor dining facilities, wineries, and outdoor tasting rooms may operate. **This Directive is mandatory, and failure to follow it is a violation of the Health Officer’s Order issued on July 2, 2020** (“Order”). You must comply with the Order and all requirements of this Directive. Food facilities must also comply with the Health Officer’s Mandatory Directive for Food Facilities.

Outdoor dining, placement of outdoor seating arrangements, food service, and winery and tasting operations must comply with state and local laws, regulations, and permitting requirements. Major changes to food service operations, such as the addition of cleaning stations, food preparation areas, or food storage areas may require advance approval by the Department of Environmental Health (DEH). Contact the DEH for more information at: www.EHinfo.org, DEHWEB@cep.sccgov.org, or (408) 918-3400.

The Order Issued July 2

The Order imposes several restrictions on all businesses and activities to ensure that the County stays as safe as possible, including but not limited to the following:

- **The Social Distancing Protocol:** All businesses must fill out and submit the newest version of the Social Distancing Protocol to the County using the online form, available [here](#). The Protocol is submitted under penalty of perjury, meaning that everything written on the form must be truthful and accurate to the best of the signer’s knowledge, and submitting false information is a crime. The Protocol must be distributed to all workers, and it must be accessible to all officials who are enforcing the Order.
- **Signage:** All businesses must print (1) an updated COVID-19 PREPARED Sign and (2) a Social Distancing Protocol Visitor Information Sheet, and both must be posted prominently at all facility entrances. These are available for printing after submission of the Social Distancing Protocol online.
- **Face Coverings:** Everyone at a business facility or worksite must wear a face covering at all times (except very young children, people for whom face coverings are medically inadvisable, or for communication by or with people who are hearing impaired). **This Directive specifies when face coverings may be removed while eating or drinking outdoors.**
- **Density Limitation:** All businesses must limit the number of people who may be at the facility at the same time. For staff members, the limit is 1 person per 250 gross square feet of indoor facility space (this means total space, including areas open only to staff like

storage rooms). For customers, the limit is 1 person per 150 square feet of indoor space open to the public. The density requirements tell businesses how many people (staff or clients) they can let into their facility before another person leaves. Children under 12 who are accompanying a parent or guardian do not count against the limit, but everyone age 12 and over does. **This Directive describes a limited exception to the density limitation applicable only to food facilities.**

See the [Order](#) and the [FAQ page](#) for more details.

In addition to the general requirements applicable to all businesses under the Order and the measures set forth in the Directive for Food Facilities, all outdoor dining facilities and outdoor bars must also comply with the following directives.

Rules for All Outdoor Dining Facilities, Wineries, and Outdoor Tasting Rooms

1. Provide Outdoor Service Only

- **Dining and tasting service is limited to outdoor areas only.** Customers eating and/or drinking at the business may enter indoor areas only to use the restroom or hand-washing stations, to order and pick up food from a quick-service operation, or to walk through an indoor area in order to access outdoor seating areas. All indoor seating areas must be closed to customers. Face coverings must be worn at all times when indoors.
- To be allowed to open under the Order and this Directive, an outdoor dining facility or tasting room must allow for the free flow of outdoor air through the entire space. To meet this requirement, the seating area must have at least three sides open, with no more than four-foot-high walls that do not impede the free flow of air through the space. Umbrellas, canopies, awnings, and other shade structures are allowed only if they do not have sides.

2. Require Workers and Customers to Wear Face Coverings

- **Workers at outdoor dining facilities, wineries, and outdoor tasting rooms must wear face coverings at all times** (except if it would be unsafe for their job, if a face covering is medically inadvisable, or if necessary for communication by or with a person who is hearing impaired).
- **Customers must wear face coverings while: waiting in line, going to or from their table, ordering their meals or interacting with a server or staff, seated at a table and waiting for food/drink or a check to arrive, after meal and beverages have been consumed, inside a facility to use a restroom or order/pick up food from a quick-service operation, touring winery grounds, and at other times that a facility requires to keep workers and customers safe.** Face coverings are not

required for very young children, people for whom face coverings are medically inadvisable, or for communication by or with people who are hearing impaired. Face coverings may be removed to eat or drink, while seated at a table outdoors.

3. *Restrict Alcohol Service*

- For outdoor dining operations, alcohol may only be sold to customers in the same transaction as a meal. For instance, if a brewery opens for outdoor dining by contracting with a food truck, customers that purchase alcohol from the brewery must also purchase a meal from the food truck on the same ticket. Likewise, if a restaurant serves alcohol from its bar, it may only sell that alcohol to customers as part of their meal service.
- Alcohol service at outdoor tasting rooms and wineries must comply with the additional measures for outdoor tasting rooms and wineries specified below.

4. *Discontinue Entertainment*

- Live entertainment events such as concerts and performances are not allowed at this time.

5. *Make Sure That Workers and Customers Maintain 6-Foot Social Distancing*

Outdoor dining facilities and outdoor bars must do all of the following to make sure that customers and staff maintain a safe social distance of at least 6 feet from everyone outside their own household:

- **Offer curbside pickup, takeaway, and/or delivery service alternatives so that customers who prefer to consume their meals or products at home or other places away from the facility can do so.**
- Separate all tables to ensure that at least 6 feet of distance, and ideally more, can easily be maintained between members of separate households at all times. This will generally require that the edge of each **table be spaced at least 10 feet apart from the edge of the nearest table**, to allow at least six feet between customers seated at different tables. Create passageways to allow customers to freely access their tables while maintaining at least six feet of distance from seated customers and ensure that members of the public are able to maintain six feet of social distance while passing by the dining area.
- Expand outdoor seating where possible along right of ways or other outdoor areas as approved by local jurisdictions to maximize spacing between tables.
- Allow no more than six people per table.

- Post signage and verbally inform all customers that everyone sharing a table must be from the same household. Restaurants should inform customers of this requirement when taking reservations and/or seating customers (or, for quick service operations, when taking food orders).
- Close off bar/counter seating areas and do not allow any customers to sit or stand at the bar/counter, either to order items or to eat or drink them.
- Encourage or require reservations or advise customers to call in advance to confirm seating/serving capacity and prevent crowding while customers wait for tables. When taking reservations, notify customers via digital platforms and/or by phone about social distancing and face covering requirements at the facility.
- Require customers to wait for their tables from their cars, or outdoors away from the facility where they can comfortably maintain at least 6-foot social distance from people from other households. If possible, alert customers by phone or text message when their table is ready to avoid use of shared devices such as buzzers.
- Quick-service (fast food) restaurants must manage outdoor seating areas to ensure compliance with social distancing requirements. Quick-service restaurants may allow customers to enter the facility to order and pick up food so long as they:
 - Restrict the number of customers inside the facility at any time to no more than 1 customer per 150 square feet of space accessible to the public. Children under 12 who are accompanying a parent or guardian do not count against the limit, but everyone age 12 and over does.
 - Place tape or other markings on the floor where customer wait for food or go through service lines to ensure that they maintain at least 6 feet of social distance from everyone outside their household.
- **Customers must follow all social distancing rules that are listed in this Directive or required by the facility, including that everyone sharing a table must be from the same household.**

6. *Density Limitations*

- Limit the number of staff inside the facility at any time to 1 staff member per 250 gross square feet of the facility, except that facilities with 1,000 square feet of space or less may have up to 4 staff members inside at any time. Limit the number of customers and other people inside the facility at any time to 1 person per 150 gross square feet of the facility that is open to the public. Children under 12 who are accompanying a parent or guardian do not count against the limit, but everyone age 12 and over does.

- For example, a 700 square foot food facility may have up to 4 staff members inside at any time. If 300 square feet of space is accessible to the public, 2 customers may also be inside the facility at any time.

7. *Minimize Contact Between Workers and Customers*

- Consider allowing customers to place their orders ahead of arriving at the establishment to limit the amount of time spent at the establishment.
- Seat parties one at a time so that people from multiple households are not walking together with the host at the same time.
- Require staff to minimize the amount of time spent within 6 feet of customers (such as while serving food or taking away plates) and other staff members.
- Limit the number of staff members who serve individual parties. Consider assigning the same server to each party for the entire experience (so long as there is no conflict with mandatory meal and rest break laws).
- Once food or drinks leave the kitchen or preparation area, they must be taken directly to the table. Do not allow staff to place food at wait stations or visit multiple tables in one trip.
- Discontinue all outdoor food and drink preparation, except as approved by the Department of Environmental Health (such as a permitted outdoor barbecue station). Do not provide tableside food or drink preparation (such as tableside salad preparation) or tableside food presentation (such as food item selection from carts).

8. *Promote Hand Hygiene and Increase Sanitization and Disinfection of the Facilities*

- Require servers to wash or sanitize their hands between visiting each customer party.
- Provide hand sanitizer for use by customers when entering the establishment, and at every table.
- Equip common spaces such as outdoor dining areas, host stands, and kitchens with proper and adequate supplies of sanitation products, including hand sanitizer and sanitizing wipes. Sanitation products must be readily available to all staff directly assisting customers.
- Thoroughly clean and sanitize each customer eating/drinking location (including tables and chairs) before seating the next customer group, following [CDC guidelines](#). Quick-service restaurants must clean tables and chair between use by each group of customers.

- Clean and disinfect restrooms at least every hour, following [CDC guidelines](#).
- Frequently sanitize all high-touch surfaces, including railings and counters where customers pick up food.

9. *Avoid High-Touch Areas and Objects*

- **Do not allow customers to serve themselves from buffets, salad bars, and other self-service food areas and beverage dispensers. Food and beverages may be dispensed only by staff.**
- Ensure that all utensils and foodware are properly washed, rinsed, and sanitized between use, or provide single-service utensils and foodware.
- Pre-roll utensils in napkins prior to giving them to customers and store the utensil rolls in a clean container. The utensil roll should be placed on the table after customers are seated by a staff member who has recently washed their hands or handed directly to customers when picking up food at a quick-service operation. Do not allow customers to grab their own utensils or napkins from common dispensers.
- Do not leave mints, candies, toothpicks, or similar items out for customers to grab.
- Remove salt and pepper shakers and condiment bottles from tables and close self-service dispensers to customers. Provide single-use items directly to customers. If single-use items are not available, provide salt/pepper shakers and condiment bottles only upon request, and sanitize the shakers/bottles thoroughly between each use.
- Provide disposable or digital menus or, if not possible, sanitize menus before and after use by each customer party. Remove all other shared items from tables, such as card stands and napkin dispensers.
- Provide leftovers containers to customers only upon request and require customers to fill the containers themselves.

Additional Measures for Outdoor Tasting Rooms and Wineries

In addition to all applicable measures above, outdoor tasting rooms and wineries must comply with the following restrictions:

- Alcohol tastings may occur by appointment only. Take measures to ensure that tasting group appointment times do not overlap to minimize interaction of people from different groups and places.
- Provide a clean glass for each tasting and do not pour beverages into a glass that a customer has already used (e.g. smelled or tasted from).

- Discontinue use of communal dump buckets, spit buckets, spittoon, and similar vessels. Provide individual, disposable cups to each guest instead to avoid splash contamination between guests.
- Beverages may only handled or poured by staff. Staff must avoid touching beverage container necks to cups, glasses, etc. when pouring wine, beer, or spirits.
- Discontinue tours that combine individuals from different households into the same tour group. Tour guides must maintain at least six feet of social distance from customers/visitors.

Stay Informed

For answers to frequently asked questions about this industry and other topics, please see the [FAQ page](#). **Please note that this Directive may be updated.** For up-to-date information on the Health Officer Order, visit the County Public Health Department's website at www.sccgov.org/coronavirus.