

Technical Considerations – Outdoor Personal Care Services

Permits

July 24, 2020

The following summary of key considerations is provided to assist our customers and the public in understanding requirements for outdoor personal care service areas.

City of Napa Site Layout – Minimum Criteria

- The personal care service area shall maintain a minimum of five (5) consecutive feet of path of travel, which is clear and unimpeded for pedestrian traffic if adjacent or near any pedestrian access either to a building, in a parking lot or near a sidewalk. Greater distances are encouraged to facilitate social distancing.
 - The five-foot minimum separation shall be maintained along the perimeter of any furniture or structures within the personal care service area and the nearest obstruction, e.g. refuse receptacles, streetlight poles, street signs, and tree grates.
- Customer chairs shall be separated by a minimum of 36 inches from one another. *Note: Current County health regulations required a greater separation of at least six feet. See link below.*
- Scheduling of clients shall be staggered so as to not have more than 2 clients at the same time.
- Outdoor operations shall be conducted under a tent, canopy, or other sun shelter and shall not have more than one side closed, allowing sufficient outdoor air movement.
- All furniture shall be stored inside the licensed business whenever the service is closed. The storage of these furnishings shall be arranged to provide five (5) foot wide accessible paths of travel within the building or any doorways. This is to allow emergency services access as necessary. Furniture storage area must be identified on the plans.
- All electrical cords must be covered and secured to prevent any tripping hazards. Electrical cords must be powered by a GFCI protected outlet.
- Signs or outdoor speakers require a separate permit.

Additional City Requirements for Outdoor Personal Care Service Areas:

- Fuel for Outdoor Heat Lamps: No cylinders or tanks of LP-Gas may be stored in any building or in the public right of way at any time. Cylinders or tanks shall be stored in a suitable ventilated enclosure or area protected against tampering.
- Keeping It Clean: All outdoor personal care service permittees are required to keep outdoor service areas clean to prevent pollution. Business are required to

Technical Considerations – Outdoor Personal Care Services Permits

July 24, 2020

be educated on the Best Management Practices for Surface Cleaning by taking the “Pollution Prevention Training Program for Surface Cleaners” available on the BASMAA web site at <http://www.basmaa.org/training>. A copy of the Certificate of Completion must be provided to the City prior to commencement of outdoor dining activities.

- Insurance and Indemnity: Proof of insurance, and a Hold Harmless agreement, are required for outdoor personal care services conducted on public property.
- Impact Fees: Existing personal care services that are establishing an outdoor dining area in response to COVID-19 requirements by relocating seating from within a restaurant to an outdoor dining area are not subject to the City’s Affordable Housing Impact Fee.

Additional Considerations:

- Review latest County of Napa COVID-19 related requirements: <https://www.countyofnapa.org/2739/Coronavirus>
- Review latest Cal/OSHA COVID-19 related guidance: <https://www.dir.ca.gov/dosh/coronavirus/General-Industry.html>
- Verify conformance with Napa Sanitation District (NapaSan) standards. General considerations:
 - The business must already be permitted as a salon by NapaSan.
 - The proposed seating capacity cannot exceed the current seating capacity of the business.
- The approval will be temporary and will expire on December 31, 2020.
- Licensed services should only be performed in outdoor areas outside a licensed establishment that are contiguous with or adjacent to a licensed establishment, consistent with state public health directives.
- In addition to outdoor spaces that are contiguous with or adjacent to a licensed establishment, licensed services may be provided in outdoor spaces that are (1) in close proximity to the licensed establishment; (2) immediately accessible to the licensee; and, (3) secured and under the control of the licensee. Examples of these types of approved outdoor spaces include, but are not limited to:
 - Parking lots in which the licensed establishment is contained; and
 - Sidewalks and other public thoroughfares reasonably proximate to the licensed establishment that are closed to public access during the period of service.

Technical Considerations – Outdoor Personal Care Services Permits

July 24, 2020

- Any outdoor space proposed to be used for services:
 - Must be reasonably accessible by the licensee of the licensed establishment to enable the cleansing and disinfection of tools and personal protective equipment;
 - Must have the same ventilation and airflow as the outdoors; and,
 - Cannot be enclosed or partially enclosed on more than one side in a way that otherwise restricts normal airflow.
- **Permissible outdoor services**

Barbering and cosmetology establishments providing outdoors services should not perform services that would require a customer to enter the establishment. All other barbering and cosmetology services may be performed in outdoor settings, **except for the following services:**

 - All chemical hair services including, but not limited to, permanent waving, relaxing, bleaching, tinting, coloring, dyeing and straightening;
 - Shampooing; and
 - Electrolysis.

These services may not be performed outdoors. Chemical hair services and shampooing cannot be performed outdoors due to the inability to ensure adequate drainage and proper waste disposal. In addition, electrolysis is an invasive procedure that involves skin puncturing and blood draws and should only be performed indoors, in a controlled environment.
- **Health and safety standards applicable to outdoor spaces:**

Licensees must comply with all applicable guidance and directives of the California Department of Public Health. Services provided in outdoor areas outside a licensed establishment must also conform to all other applicable laws, including but not limited to applicable local land use requirements and permitting requirements, state and federal accessibility requirements, and Cal/OSHA's heat illness prevention standard.
- **Guidance on Performing Personal Care Services Outdoors:**

In addition, the health and safety standards generally applicable to licensees operating in licensed establishments continue to apply to an establishment's use of outdoor spaces. Accordingly, establishments and individual licensees that utilize outdoor spaces remain subject to the following standards:
- **Business and Professions Code standards applicable to use of outdoor spaces:**
 - § 7348: An establishment shall at all times be in the charge of a person licensed pursuant to this chapter except an apprentice.
 - § 7349: It is unlawful for any person, firm, or corporation to hire, employ, or

Technical Considerations – Outdoor Personal Care Services Permits

July 24, 2020

allow to be employed, or permit to work, in or about an establishment, any person who performs or practices any occupation regulated under this chapter and is not duly licensed by the board, except that a licensed establishment may utilize a student extern, as described in Section 7395.1 or 7395.2.

- **California Code of Regulations, Title 16, Division 9, standards applicable use of outdoor spaces:**

- § 978: Establishments shall maintain minimum equipment and supplies.
- § 979: All non-electrical tools shall be disinfected prior to use.
- § 980: All electrical tools shall be disinfected prior to use.
- § 980.3: All foot basins or tubs shall be disinfected after each client.
- § 980.4: When liners are used, all foot basins and tubs shall be cleaned after each use.
- § 981(a): All tools that cannot be disinfected must be thrown away after a single use.
- § 984(a): No establishment shall permit a licensee afflicted with an infection or parasitic infestation to serve clients.
- § 984(b): No establishment shall allow a licensee to work on a client with an infection or parasitic infestation.
- § 985: A sanitary neck strip or towel shall be used to keep coverings from touching a client's skin.
- § 986: All neck or nail brushes shall be cleaned prior to use.
- § 987: All linens shall be properly laundered and stored in a clean covered place.
- § 988(a): All liquids, creams, waxes, gels and other cosmetic preparations must be kept in clean closed containers.
- § 988(b): All bottles and containers shall be labeled to disclose their contents.
- § 988(c): When only a portion of a cosmetic preparation is needed, it must be removed from the bottle or container.
- § 989: No establishment shall use a product disapproved by the FDA or have on the premises methacrylate monomer and/or methylene chloride.
- § 990: All headrests or chairs shall be covered with a clean towel or paper sheet. Treatment tables must be covered with table paper, clean towel or clean sheet after each use.
- § 991: No licensee shall perform an invasive procedure.
- § 992: Skin exfoliation shall be the upper most layer of the skin. Skin removal techniques are prohibited.
- § 993: No establishment shall use a razor-edged tool to remove calluses. No establishment shall have on the premises a needle like tool used for extractions.