



# County of San Diego

## DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY

### FOOD AND HOUSING DIVISION



## Health Officer Orders Impacting Food Facilities: Q & A

To ensure compliance with the County of San Diego, Order of the Health Officer, Emergency Regulations, and the [County of San Diego Food Facility, Restaurant, Bar, Winery, Brewery Operating Protocol](#), the Department of Environmental Health and Quality (DEHQ) is providing the following Questions and Answers for clarification:

### Q: What changed on March 17, 2021?

**Effective March 17, 2021** San Diego County can operate in Tier 2, or Red Tier, of the state's [Blueprint for a Safer Economy](#).

Among changes from Purple Tier:

- Restaurants can operate indoors at 25% capacity or 100 people, whichever is fewer.
- Gyms and fitness centers can open indoors at 10% capacity.
- Museums, zoos and aquariums can open indoors at 25% capacity.
- Movie theaters can open indoors at 25% capacity or 100 people, whichever is fewer.
- Retail and shopping centers can operate indoors at 50% capacity.

### Q: What changed on December 7, 2020?

A. Effective, **December 6, 2020 at 11:59 pm (Midnight Sunday Night)** the [State Regional Stay at Home Order](#) requires that regions with less than 15% hospital intensive care unit (ICU) availability comply with additional COVID-19 preventative measures. On-site dining at all food facilities, bars, breweries, distilleries, and wineries is prohibited. Take out, pick-up and delivery are still allowed. [Supplemental guidance on Grocery Stores](#) limits operations to a maximum of 35% of capacity.

### Q: What changed on August 28, 2020?

A: San Diego County is currently in [Tier 2 – Risk Level Substantial](#). Effective Monday, August 31<sup>st</sup>, many of the sectors [listed](#) can resume indoor activities with a limited capacity and COVID-19 safety precaution modifications in place. These precautions are outlined in the [State Guidelines](#) and the [Safe Reopening Plans](#) or Food Facility [Protocols](#), specific to your industry.

### Q: What do I need to do in order to re-open indoor dining (restaurants) on August 31, 2020?

A: Ensure you are allowing only 25% of your total seating capacity, or 100 people, whichever is lower. Review your onsite Food Facility Protocol and if necessary, update it to be consistent with any new requirements outlined in the [State Guidelines](#) specific to your industry.

### Q: What should I do if I've been informed an employee or customer has been diagnosed with COVID-19?

A: Ensure the following steps are taken:

- Notify DEHQ by calling (858) 505-6814.
- Disinfect the facility, with a focus on areas that employee worked and common touch points. Guidance is available in multiple languages on the [Food Publication](#) webpage.
- Determine if any staff were in close contact, within six feet for more than 15 minutes of the individual with COVID-19. If yes, those staff should self-quarantine for 14 days. [Procedures for Isolation of All Persons with or Likely to have COVID-19 can be found here](#).
- Review the facility's [San Diego Food Facility, Restaurant, Bar, Winery, Brewery Operating Protocol](#) with your staff and ensure that all precautions are being followed, such as wearing face coverings and employee wellness screenings/temperature checks prior to each shift.

### Q: I want to allow onsite dining in my Restaurant/Food Facility. Does my Social Distancing and Sanitation Protocol meet reopening requirements?

A: To comply, restaurants/food facilities that would like to offer onsite dining must review and meet the requirements of the [San Diego Safe Onsite Food and Beverage Plan](#); as well as fill out and post the [San Diego Food Facility, Restaurant, Bar, Winery, Brewery Operating Protocol](#).

### Q: Does my food facility need to be closed at 10:00 pm if we do not have onsite dining?

A: No, only onsite food service shall be closed from 10:00 pm until 5:00 am every day. Staff needed to close, open, prepare food or clean can be in the facility between the hours of 11:00 pm and 5:00 am. Drive-thru and to-go operations may be open after 10:00 pm.

**Q: My food facility has onsite dining; who can be in the facility after 10:00 pm?**

A: Guests already seated for outdoor dining at 10:00 pm may remain to finish their meals until 11:00 pm. Staff needed to close, open, prepare food or clean may be in the facility between the hours of 11:00 pm and 5:00 am.

**Q: I operate a bar that does not serve food, what guidelines do I need to follow?**

A: Effective August 31, 2020, indoor dining is allowed with modification (maximum 25% capacity or 100 people, whichever is fewer). Effective midnight, June 30, 2020, at bars, brewpubs, breweries, wineries, pubs, or similar facilities, onsite alcohol can only be served in conjunction with a [meal](#). Alcohol consumption with meal service would need to take place in an approved outside dining area. If a facility is not able to provide dine-in food service, the facility can contract with another DEHQ permitted food vendor to serve dine-in meals provided both businesses follow the [San Diego Safe Onsite Food and Beverage Plan](#) to ensure social distancing and use of face covers in the facility. The [San Diego Food Facility, Restaurant, Bar, Winery, Brewery Operating Protocol](#) must be completed and posted at the facility (brewpubs, breweries, bars, wineries, and pubs). Please note that not all the sections of the protocol will be applicable to the facility. If a facility is not able to serve a meal with the alcohol sale, onsite alcohol consumption cannot occur.

**Q: What approvals do I need in order to expand to an outdoor dining option?**

A: Each local municipality has different allowances for outdoor dining. Please contact your local jurisdiction's enforcement, zoning or planning program for clarification on outdoor dining footprint allowances at your restaurant. No DEHQ review or approvals are required for an expansion of outdoor dining if only for seating. Please note that the California Retail Food Code does not allow food preparation areas or serving stations outside.

**Q: What [Alcohol Beverage Control \(ABC\) permits](#) are needed for expanded outdoor dining?**

A: If you serve alcohol and want to expand service to outdoor dining, you need to submit the [ABC 218 CV19](#), [ABC 257 diagram](#), and \$100.00 to the office of jurisdiction, [San Marcos](#) for North of Miramar Road and [San Diego](#) for South.

**Q: Can a bar/brewery/tasting room partner with a [permitted restaurant](#) to provide food and meet a "meal" requirement?**

A: Yes, however, alcoholic drinks shall only be served as part of a meal and must be sold and served in the [same transaction as the meal](#). All meals shall be served by a food operator permitted by the San Diego County Department of Environmental Health and Quality. This restriction does not apply to outdoor service of wine at a winery or spirits at a distillery.

**Q: Can a bar/brewery/tasting room partner with a [permitted food truck](#) to provide food and meet a "meal" requirement?**

A: Yes, however, alcoholic drinks shall only be served as part of a meal and must be sold and served in [the same transaction as the meal](#). All meals shall be served by a food operator permitted by the San Diego County Department of Environmental Health and Quality. This restriction does not apply to outdoor service of wine at a winery or spirits at a distillery.

**Q: Can a bar/brewery/tasting room partner with a third-party delivery service to provide food and meet a "meal" requirement?**

A: No, alcoholic drinks shall only be served as part of a meal and must be sold and served in the [same transaction as the meal](#).

**Q: Who will be enforcing onsite dine-in food service at bars, breweries, brewpubs, pubs, and wineries?**

A: Local law enforcement has the responsibility to enforce the Order of the Health Officer. DEHQ is providing education and guidance to food facility operators in compliance with the [California Retail Food Code](#).

**Q: How do I verify that my food vendor is permitted by the San Diego County Department of Environmental Health and Quality?**

A: The Department of Environmental Health and Quality's [SD Food Info](#) website ([www.sdfoodinfo.org](http://www.sdfoodinfo.org)) allows the public to search online for the most recent routine inspection information for all retail food facilities (including mobile food trucks/vehicles) in San Diego County. If you are not able to find a specific food vendor, please contact our Specialist on Duty at (858) 505-6900 or by email at [fhduyeh@sdcounty.ca.gov](mailto:fhduyeh@sdcounty.ca.gov). You can also download the SD Food app through the [County App Center](#).

**Q: What if my Restaurant/Food Facility does not want to offer onsite dining and will continue only take-out or delivery options?**

A: Restaurant/Food Facilities that do not offer onsite dining can continue to post the Social Distancing and Sanitation Protocol; however, they must still meet all applicable requirements of the updated [San Diego Safe Onsite Food and Beverage Plan](#).

**Q: The Operating Protocol requires that I take my staff's temperature at the start of their shift. What if I do not have a thermometer or cannot purchase one?**

A: In order to operate under the new protocols and the local Public Health Order, all businesses open to the public must conduct a thermal or temperature scan of each employee at the beginning of their shift. Operators are urged to contact their distributors and check online retailers for purchase of thermometers for this purpose.

**Q: Do patrons/customers need to wear a face covering in a food facility?**

A: Patrons/Customers who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, are not required to wear a face covering, provided that they are able to maintain a distance of at least 6 feet away from persons who are not members of the same household or residence. A face covering shall be worn when waiting for food/drinks or moving around the food facility.

**Q: Do kitchen staff have to wear face coverings under the new protocol?**

A: All staff in the food facility must wear face coverings.

**Q: Who is exempt from wearing a face covering?**

A: [State guidance has been updated and mandates that face coverings be worn state-wide in the circumstances and with the exceptions outlined.](#) Note: Persons exempted from wearing a face covering due to a medical condition who are employed in a job involving regular contact with others should wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge, as long as their condition permits it.

**Q: The protocol states that for un-movable tables or booths, a barrier can be installed to separate tables. How tall does the barrier have to be and what material does it need to be made of?**

A: Barriers shall be 6 feet high (measured from the floor) and must be a smooth, easily cleanable material, such as a hard plastic (i.e. plexiglass).

**Q: What if members of different households want to sit together, can we allow that?**

A: Yes. People not in the same household can be sat together if requested. All members of the party must be present before seating and the host/hostess must bring the entire party to the table at one time.

**Q: Can I expand seating into my patio or outside dining area?**

A: Yes, if approved by your local zoning authority and there is no added food or drink preparation occurring in the additional seating area.

**Q: The protocol states that self-service is prohibited. Can I still use my soda fountain?**

A: All self-service items are prohibited, including self-service soda fountains. Food facility staff can assist customers by filling drinks at the soda fountain upon request.

**Q: I'm concerned that my staff will touch their face more frequently or contaminate their face covering. How can this be addressed?**

A: Encourage staff to bring an extra face covering with them to switch to if one becomes contaminated. Ensure the face covering fits snugly so it does not fall down but allows staff to breathe. Monitor staff to ensure they are taking frequent water breaks and washing their hands before and after touching their face covering.

**Q: Can I shut off the hot water in my restaurant/food facility?**

A: Hot water of at least 120°F is required by state law for all food facilities that provide or prepare open foods and cannot be shut off or turned down. Warm water of 100°F is okay for food facilities that use water only for handwashing, like small pre-packaged only food stores. Ensure prior to re-opening, that your facility can meet all the [Food Facility Re-opening checklist requirements.](#)

**Q: Can patrons/customers sit at the bar counter?**

A: Yes. Patrons must be socially distanced at least 6 feet apart from other parties and bartenders/employees working behind the bar. The facility can consider the addition of a partition between patrons and staff working in the bar where social distancing is difficult. Note that customers must also have a 6-foot distance between food and beverage prep areas. Therefore, if the bar is in use, then a partition is needed to protect the bar/beverage prep area.

**Q: Can patrons/customers stand in the bar or waiting area and have drinks?**

A: Food and drinks shall only be served to customers seated at tables for onsite dining or as a to-go service. Patrons/customers shall not stand in the restaurant, bar, winery, or brewery except in the reception area while waiting for a table or to pick up take-out food. If a waiting area does not allow for social distancing, patrons/customers will need to wait outside or in their vehicles.

**Q: Am I able to have live music, a DJ, or live comedy in my bar/restaurant/brewery/winery if people are seated and socially distanced?**

A: Live music, DJs, and performance entertainment are prohibited.

**Q: Can I bring my reusable bags for use at grocery stores?**

A: Yes, reusable bags may be used at grocery stores. Cal OSHA's [guidance document](#) on reusable grocery bags recommends customers keep their reusable bags in their carts and bag the groceries themselves. Grocery stores can still provide plastic bags, but may charge for their use. Some store policies may require you to bag your groceries once back at your car in order to maintain physical distancing in checkout areas.

**For more information or if you have further questions, please contact the Food and Housing, Specialist on Duty at (858) 505-6900 or by email [fhduyeh@sdcounty.ca.gov](mailto:fhduyeh@sdcounty.ca.gov). Visit our [Food Publications](#) webpage for additional Protocol languages.**