



CITY OF SIMI VALLEY

COVID-19 Restaurant Temporary Use Permit Checklist and Application

To obtain a COVID-19 TUP, your business must be registered at www.vcreopens.com.

Please fill in the below information and checklist and provide to the Planning Department via email at enviroservices@simivalley.org. Please include 'COVID-19 Restaurant TUP' in the subject line. A Planner will get back to you within 1-2 business days. Please contact us at (805) 583-6769 for clarifications.

Note: If this is a group application for a combined seating area, please have each applicant fill in a separate sheet for the Applicant Details (Attachment A) and the Affidavit (Attachment B).

Names of restaurant(s) applied for:

Circle applicable option: Outdoor seating / Indoor Vacant Space*

*Indoor vacant spaces must be located in the same shopping center as restaurants; must meet all Ventura County Fire Department (see attached Guideline 414) and Simi Valley Building & Safety requirements for the proposed occupancy and ADA accessibility.

Required Items (check all that are included):

1. All required Applicant Details (Attachment A) included: _____
2. All required **signed** Affidavits (Attachment B) included: _____
3. Provide evidence of registration with www.vcreopens.com and attach for each applicant and restaurant: _____
4. Provide letter/email of permission from the property of the land, parking area, and/or shopping center: _____
5. Occupancy details completed below:
 Square footage of restaurant area: _____
 Original number of seats: _____
 Total number of seats with new seating configuration: _____

Note: For combined applications, please include total approved square footage, original number of seats and number of seats with new seating configuration.

Example:

Restaurant A's original number of seats is 50; Restaurant B's approved number of seats is 60 seats
The total approved number of seats is 110.

Assuming the County will allow each restaurant to have 50% capacity indoors, the outdoor seating area can have a maximum of 55 seats subject to health and safety considerations, available space and parking availability.

6. Attach a Seating Diagram for expanded seating areas including the following elements:
 - a) To-scale: _____
 - b) Size and placement of seating area: _____

- c) Entrance and exit locations from seating area shown (separate entry and exit points are recommended where possible): _____
- d) Path of pedestrian travel from restaurant door(s) to seating area*: _____
- e) Illustrate how the seating area will be delineated: _____
- f) Fire Department access maintained: _____
- g) Any railings, canopies, cooking appliances, heaters, temporary electrical cords, and other relevant information: _____
- h) Location of any promotional signs***: _____
- i) Temporary Sign information (dimensions, text, placement location) _____

For outdoor seating areas include:

- j) Show traffic management devices and signs to prevent entry of vehicles into seating areas**: _____

* Where this path crosses drive aisles please show signage to warn drivers of frequent pedestrian crossings.

**The TUP may be conditioned to require additional signage to warn drivers of outdoor seating areas

***Each business can have one promotional free-standing (12 square foot maximum) sign which can be placed within the outdoor seating area facing the path of travel.

- 7. If public sidewalks are being proposed as seating areas, include encroachment permit*: _____
*Encroachment permits can be obtained by contacting Public Works: (805) 583-6786
- 8. If tents over 400 square feet or canopies over 700 square feet are proposed attach tent permit from the Fire Department*: _____
*Contact the Fire Department at 805-586-5270 for more information

COVID-19 Restaurant Temporary Use Permit Checklist and Application: Attachment A

Applicant's Name: _____

Applicant's Phone Number: _____

Applicant's Email Address: _____

Business Name: _____

Business Phone Number: _____

Business Address: _____

COVID-19 Restaurant Temporary Use Permit Checklist and Application: Attachment B

I, (NAME) _____ of (BUSINESS NAME) _____ confirm that deliveries to surrounding businesses will not be impacted by this Temporary Use Permit and that the required Ventura County Fire Department, Ventura County Environmental Health Department and Department of Alcohol Beverage Control regulations will be complied with. Seating will not be expanded into unimproved properties or areas identified as open space, preserve, drainage or detention areas.

Signature

Date

Conditions

All COVID-19 TUPs will be conditioned for the following:

1. Validity will end upon the termination of the local emergency by the City Council.
2. The COVID-19 TUP will be canceled if any of the following occurs:
 - a. Failure to comply with the COVID-19 Industry Guidance: Dine-in Restaurants.
 - b. Failure to remain in compliance with ABC regulations, regulations of the County of Ventura Environmental Health, violation of the Orders of the County of Ventura Health Officer, or for violation of applicable laws, rules, ordinances, and other directives pertaining to business activities conducted on the premises and expanded area;
 - c. Failure to comply with the TUP-COVID-19 permit.
 - d. For disturbance of the quiet enjoyment of nearby residents and businesses.
3. No bar seating or temporary outdoor bars will be permitted on the expanded footprint area.
4. No food and beverages of any kind may be stored or displayed outside.
5. Areas subject to TUP-COVID-19 are for dine-in serving of food only and shall not be used for live entertainment or any other purposes.
6. ADA accessibility must be maintained at all times for expanded seating areas.
7. Restaurants that have a previously approved alcoholic beverage license may continue to sell alcoholic beverages in accordance with the ABC Fourth Notice of Regulatory Relief (or any successor Notice) within the expanded outdoor dining area.
8. All dining areas must be maintained and kept clean of litter.

DES ORDER NO. 2
MAY 21, 2020

AN ORDER OF THE DIRECTOR OF EMERGENCY
SERVICES (CITY MANAGER) OF THE CITY OF SIMI
VALLEY PERMITTING ADDITIONAL OUTSIDE DINING IN
THE CITY OF SIMI VALLEY

WHEREAS, Pursuant to California Government Code a Special Meeting of the City Council of the City of Simi Valley was properly noticed and convened on March 16, 2020; and,

WHEREAS, California Government Code Section 8630 empowers the City Council to proclaim the existence or threatened existence of a Local Emergency when City is affected or likely to be affected by a public calamity; and,

WHEREAS, Government Code Section 8634 empowers the City Council to promulgate orders and regulations to provide for the protection of life and property; and,

WHEREAS, pursuant to Section 4-5.01 *et seq.* of the Simi Valley's Municipal Code ("SVMC"), the Director of Emergency Services ("DES") has declared the existence of a Local Emergency, and the City ratified and proclaimed the same; and,

WHEREAS, the DES does hereby find that conditions of extreme peril and a crippling disaster which severely impairs the safety of persons or property have arisen within the City caused by the virus, COVID-19, and its rapid transmission as reported by various local, state and national health organizations; and,

WHEREAS, the aforesaid conditions of extreme peril warranted and necessitated the proclamation of the existence of a Local Emergency; and

WHEREAS, the Governor of the State of California ("Governor") issued an Executive Order (N-33-20) (March 19, 2020), requiring all Californians to "Shelter in Place,"; and the Health Officer of the County of Ventura issued an Order requiring the residents of Ventura County to "Stay Well at Home" (March 20, 2020), which prohibited, among other matters, indoor dining in restaurant establishments; and

WHEREAS, on or about the period beginning March 19, 2020 until on or about May 20, 2020, the State Department of Alcoholic Beverage Control ("ABC") issued a series of five "Notices of Regulatory Relief" which modified various provisions of state laws and regulations relating to the service and provision of alcoholic beverages in California; and

WHEREAS, on May 5, 2020, the City Council confirmed and renewed the proclamation of the existence of a Local Emergency, and further ratified DES Order No. 1 (issued March 18, 2020) ; and

WHEREAS, on May 12, 2020, the Governor issued guidance for the reopening of restaurants in counties certified as meeting state benchmarks for addressing the COVID-19 pandemic; and

WHEREAS, on May 20, 2020, the County of Ventura received approval from the California Department of Public Health (CDPH) to move forward on a Stage 2 reopening, which allows Ventura County restaurants to offer dine-in options; and

WHEREAS, Government Code Section 8634 empowers the City and the DES to promulgate orders and regulations necessary for the preservation of life and property during the Local Emergency, and in the case of certain dining establishments, the density of patrons has a direct effect on the safety of establishment personnel, while the economic viability of such establishments is increased by additional service areas such as the outdoors; and

WHEREAS, in the interest of public health and safety, as well as economic viability of businesses that employ and serve the public, as affected by the emergency caused by the spread of COVID-19, it is necessary to issue and implement this Order to protect life, property and civil order.

NOW, THEREFORE, THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF SIMI VALLEY DOES HEREBY ORDER AS FOLLOWS:

SECTION 1. The DES hereby suspends, to the extent necessary, any portion of the SVMC, including but not limited to any section of Title IX (development standards), Title V (interior alcohol consumption), Title VII (encroachments), and all other sections of the SVMC that would impair the Restaurant Expansion Seating Area Regulations attached as Exhibit A to this Order.

SECTION 2. The DES hereby adopts the Restaurant Expansion Seating Area Regulations attached as Exhibit A. All establishments availing themselves of the activities permitted in Exhibit A must follow all of the provisions therein. Establishments must continue to follow all applicable state laws, orders and regulations, including but not limited to orders and regulations of the Governor of the State of California, the Department of Alcoholic Beverage Control (ABC), and the County of Ventura, which are not modified or altered by this Order.

SECTION 3. This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the City of Simi Valley, or any of its officials, employees, contractors, agents or volunteers.

SECTION 4. This Order shall be in force and effect until and unless superseded by a duly enacted Ordinance or Resolution of the City Council of the City of Simi Valley or a further Order by the Director of Emergency Services adopted during the Local Emergency that expressly supersedes this Order, or until the date that the DES or the City Council declare the Local Emergency to be ended, whichever is sooner.

SECTION 5. Severability. If any section, clause or other portion of this Order is for any reason to be held invalid or unconstitutional by any final, unappealable decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Order. Should the Governor, the County or ABC issue further orders, rules or regulations addressing the restaurant matters covered by this Order, this Order shall be interpreted to the extent feasible in a manner consistent with such orders rules or regulations.

SECTION 6. This order shall be given publicity and notice as required by California Government Code Section 8634.

SECTION 7. The City Clerk shall certify to the adoption of this Order and shall cause a certified Order to be filed in the Office of the City Clerk.

PASSED and ADOPTED this 21st day of May 2020.

Attest:

Lucy Blanco

Lucy Blanco, City Clerk

Brian Gabler

Brian P. Gabler, Director of Emergency Services/City Manager

Approved as to Form:

Lonnie J. Eldridge

Lonnie J. Eldridge, City Attorney

Exhibit A

COVID-19 Restaurant Expansion Seating Area Regulations

Introduction

California's COVID-19 Industry Guidance: Dine-in Restaurants (Guidance) provides information to support a safe and clean environment for workers and customers. Compliance with the Guidance could result in a reduction of tables that would financially impact a restaurant in which it is not cost effective to operate. By issuing a *Temporary Use Permit – COVID-19*, the City is allowing restaurants to temporarily expand their footprint into public spaces and other areas to accommodate dine-in service at pre-COVID-19 levels. The City is also providing an opportunity for additional social distancing to increase safety of restaurant personnel and patrons. The below provides a roadmap for restaurants to follow.

Requirements for a Temporary Use Permit – COVID-19 (TUP-COVID-19)

To be issued a TUP-COVID-19, restaurants must:

- Remain in compliance with the COVID-19 Industry Guidance: Dine-in Restaurants document;
- Be registered at www.vcreopens.com.
- Remain in compliance with the County of Ventura Health Officer's Orders.
- Remain in compliance with the County of Ventura Environmental Health regulations.
- Remain in compliance with California Alcohol Beverage Control (ABC) regulations.
- Remain in compliance with the Simi Valley Municipal Code.

General Requirements

- A TUP-COVID-19 will be authorized while dine-in restaurant services are allowed at reduced seating capacities.
- ADA accessibility is required to be maintained at all times for expanded seating areas.
- Where applicable and possible, all the restaurants in the shopping center should cooperate in preparing a centralized seating area utilizing vacant tenant spaces or outdoor seating areas.
- The temporary seating capacity combined with the originally approved seating area shall not exceed the originally approved occupancy for the restaurant(s).
- A letter of permission from the property owner must be submitted if the applicant does not own the property where the dining is to be located.
- Social distancing must also be maintained to individuals in a public sidewalk or from anyone that may be standing in line for seating or take out.
- The layout cannot block egress.
- Restaurants that have a previously approved alcoholic beverage license may continue to sell alcoholic beverages in accordance with the ABC Fourth Notice of Regulatory Relief (or any successor Notice) within the expanded outdoor dining area.
- All dining areas must be maintained and kept clean of litter.

Exhibit A

COVID-19 Restaurant Expansion Seating Area Regulations

- No bar seating or temporary outdoor bars will be permitted on the expanded footprint area.
- No food and beverages of any kind may be stored or displayed outside.
- Areas subject to TUP-COVID-19 are for dine-in serving of food only and shall not be used for live entertainment or any other purposes.

Use of Vacant Tenant Spaces

Vacant storefront spaces may be used by restaurants to expand their footprint under the following guidelines:

- Vacant spaces must be in the same shopping center as the subject restaurants.
- Tenant spaces must meet all Ventura County Fire Department and Simi Valley Building & Safety requirements for the proposed occupancy and ADA accessibility.
- Provide a scaled diagram of the currently licensed premises and the proposed temporary area, clearly delineating the respective spaces.
- If multiple access points are available for the spaces, there should be separately designated entry and exit points.

Outdoor Seating Areas

Outdoor areas adjacent to a restaurant may be used to expand the footprint of the restaurant under the following guidelines:

- Outdoor seating areas may include sidewalks, parking lots, and unused patio areas.
- The allowable number of parking spaces to be utilized for outdoor seating will be the minimum necessary but determined on a case-by-case basis.
- If use of public sidewalks are being proposed, City authorization must be obtained via issuance of an encroachment permit. Proof of insurance may be required naming the City as additional insured in addition to all encroachment permit requirements.
- If possible, expanded outdoor seating shall not block or restrict access to handicapped parking spaces (to be reviewed on a case-by-case basis).
- Outdoor seating areas cannot interfere with deliveries. If space is limited, the restaurant can provide alternative hours for deliveries that are outside of normal operating hours.
- For outdoor seating areas, provide a scaled diagram of the currently licensed premises and the proposed temporary area, clearly delineating the respective spaces, and include the following:
 - Size and placement of the proposed seating area;
 - If using parking spaces, indicate number to be used;
 - Path of pedestrian travel from restaurant(s) to seating area. If this path crosses drive aisles, signage may be required to warn drivers of frequent pedestrian crossings;

Exhibit A

COVID-19 Restaurant Expansion Seating Area Regulations

- Temporary or fixed barriers or delineations to be utilized that will enable the restaurant to control the temporary area;
- Traffic management devices to be used to prevent entry of vehicles into seating area if using parking spaces;
- If required, a 20-foot wide path will need to be maintained for Fire Department access and any required fire access must be maintained.
- Entrance and exit from the seating area;
- Any railings, canopies, cooking appliances, heaters, temporary electrical cords, and other relevant information;

Additional safety considerations

- Tents and canopies are allowed subject to compliance with all required Fire and Building codes. If the seating area will include any tents or canopies, obtain copies of the flame resistance certificate(s) from the tent manufacturer or rental company.
- Seating cannot be expanded into unimproved properties or areas identified as open space, preserve, drainage or detention areas.

Signage

- Each business can have one free-standing (12 square foot maximum) sign advertising the outdoor seating area. The free-standing sign can be placed within the outdoor seating area facing the path of travel.
- Directional and safety signs are exempt from this requirement.

TUP-COVID-19 Application

A Temporary Use Permit-COVID-19 application including the following elements:

- Letter of permission from property owner acknowledging authorization of the restaurant expansion.
- Scaled diagram as noted above
- Text and square footages of promotional signs if any are to be used
- Indicate originally approved occupancy and occupancy with expanded seating areas
- An affidavit confirming that deliveries will not be impacted and the required Fire Department, Ventura County Environmental Health Department and Department of Alcohol Beverage Control regulations will be complied with
- All fees related to a TUP-COVID-19 are waived

A TUP-COVID-19 may be cancelled as follows:

- Upon the termination of the local emergency by the City Council.
- Failure to comply with the COVID-19 Industry Guidance: Dine-in Restaurants.

Exhibit A

COVID-19 Restaurant Expansion Seating Area Regulations

- Failure to remain in compliance with ABC regulations, regulations of the County of Ventura Environmental Health, violation of the Orders of the County of Ventura Health Officer, or for violation of applicable laws, rules, ordinances, and other directives pertaining to business activities conducted on the premises and expanded area;
- Failure to comply with the TUP-COVID-19 permit.
- For disturbance of the quiet enjoyment of nearby residents and businesses.

Interested restaurants should contact the Planning Division at 805-583-6769 or enviroservices@simivalley.org to obtain a TUP-COVID-19 application.



VENTURA COUNTY FIRE PROTECTION DISTRICT
FIRE PREVENTION BUREAU
165 DURLEY AVENUE
CAMARILLO, CA 93010

www.vcfd.org

Office: 805-389-9738 Fax: 805-388-4356

GUIDELINE 414 COVID-19 RE-OPENING OF ASSEMBLY OCCUPANCIES

Purpose:

This guideline has been developed to assist business owners and managers of restaurants and dining establishments on how to re-open their businesses during this next phase of the COVID-19 pandemic. Addressing the potential need to change indoor/outdoor seating arrangements not originally approved. The following are general fire life safety regulations.

Scope:

Regulated items include but are not limited to the following: Immediate fire and life safety issues, emergency vehicle access, tents and temporary membrane structures, open flames, occupant loads, exiting and egress.

Guideline:

Prior to re-opening applications shall be submitted directly to the appropriate City/County department where the business is located. The City/County will coordinate the review of the application by all appropriate agencies, including the Fire District. Below are contacts and direct links to the appropriate agency for review.

City of Camarillo - 805-388-5360

<http://www.ci.camarillo.ca.us/i3.aspx?p=892>

City of Moorpark - 805-517-6200

<http://moorparkca.gov/documentcenter/view/276>

City of Ojai - 805-646-5581

<http://ojacity.org/public-works-department/>

City of Port Hueneme - 805-986-6500

<http://www.ci.port-hueneme.ca.us/index.aspx?nid=924>

City of Thousand Oaks - 805-449-2500

<https://www.toaks.org/government/depts/community/applications.asp>

City of Santa Paula – 805-933-4226

<https://spcity.org/143/Apply-For>

City of Simi Valley - 805-583-6861

<http://www.simivalley.org/index.aspx?page=55>

The Fire Districts most common fire safety conditions are listed below.

1. **Emergency Vehicle Access:** A 20 feet clear emergency vehicles access road shall be maintained to the front entrance of the occupancy.
2. **Fire Protection Equipment and Systems:** Fire hydrants, fire extinguishers and fire protection systems shall be maintained operational and accessible at all times. A serviced 2A:10BC rated fire extinguisher shall be provided and mounted in all areas not to exceed 75 feet of travel. Fire extinguishers, fire sprinkler systems, fire alarm systems and kitchen hood fire suppression systems shall be serviced in accordance with required intervals.
3. **Cooking:** Cooking appliances shall be protected by a with a kitchen hood fire suppression system and a class K rated portable fire extinguisher. Hoods shall be cleaned as required to prevent the build-up of grease.
4. **Outdoor Propane Heaters:** Propane heaters shall not be used inside buildings or enclosed patios. Outside use shall comply with manufactures clearances from combustibles and shall not block exits. Propane storage shall be in a secure non-public accessible exterior location.
5. **Generators:** All generators shall be isolated from the public by a fence or other enclosure. Each generator shall be provided with a serviced 2A:10BC rated fire extinguisher.
6. **Electrical Permit:** All temporary electrical systems shall be permitted in accordance with the local building and safety department and maintained in accordance with the National Electrical Code.
7. **Tent Permit:** A tent permit shall be required and obtained from the Fire District for tents over 400 square feet and canopies over 700 square feet. A total square footage shall be calculated for multiple tents and canopies without a minimum of a 12 feet separation. A [Fire Code Permit Application](#) and [Fee](#) information is available online.
8. **Open Flame and Candle Permits:** An open flame and candle permit shall be required and obtained from the Fire District in connection with assembly areas.
9. **Exits:** Exits shall be maintained operational and clear of obstructions.

Contact Information: It is the applicant's responsibility to obtain all required permits from the Fire District in addition to the Permit issued by the City/County. Additional permit fees and fire safety information is available at vcfd.org or by calling the Fire Prevention Bureau at (805) 389-9738.

**Fire Code Permit Applications are required to be submitted directly to the
Ventura County Fire Protection District.**