



**TEMPORARY OUTDOOR DINING PERMIT
CONSENT STATEMENT**

A Consent statement is required for a Temporary Outdoor Dining Permit application when:

1. The proposed outdoor dining area is on property not owned by the applicant; or
2. The proposed outdoor dining area encroaches into an adjacent business's operational area, as defined by the extension of its property lines.

I, _____, the legal property owner/manager at _____,
(Print Name) (Business Address)

Agoura Hills, CA, hereby acknowledge, consent to and support the use of the area proposed in the Temporary Outdoor Dining Area Permit application.

I, _____, hereby declare that I am the legal business owner/operator
(Print Name)

or property owner at _____, Agoura Hills, CA, and am authorized
(Business Address)

to pursue said Temporary Outdoor Dining Area Permit and agree to comply with all conditions stated in any approval document of the City.

Signature of Property Owner Date

Signature of Applicant Date

SUBMITTAL REQUIREMENTS CHECKLIST

A completed application package shall include **ALL** of the following items. Incomplete application packages will not be accepted nor reviewed.

- Completed Application Form
- Completed Consent Statement
- Current Insurance Certificate verifying insurance coverage meeting the City's minimum requirements and attaching endorsement(s), including endorsing the City. That the City, its officers, officials, employees, and volunteers, are covered and named as additional insureds in respect to liability arising out of activities performed by or on behalf of the Applicant/Owner, products and completed operations of the Applicant/Owners, and premises owned, occupied or used by the Applicant. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, employees or volunteers. The insurance certificate shall specifically name "The City of Agoura Hills" as additionally insured.

Permittee shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than \$1,000,000 per occurrence, \$2,000,000 general aggregate, for bodily injury, personal injury, and property damage. The policy must include contractual liability that has not been amended. Any endorsement restricting standard ISO "insured contract" language will not be accepted. If alcohol is sold during the permitted activity, coverage must include full liquor liability. Agency, its officers, officials, agents, and employees shall be included as additional insureds on the policy.

- An 8½ x 11" site plan, drawn to scale, showing:
 - Measurements of the existing tenant frontage length and location of the proposed outdoor dining area, including whether the proposed area extends beyond the existing frontage length of the restaurant.
 - Details pertaining to temporary fencing, enclosures, quantity and locations of proposed tables and chairs, or other structural improvements, used for the outdoor dining area shall be shown.
 - Number and location of parking spaces being impacted
 - All entrances and exits into the proposed area, path of travel, ingress and egress points, etc.
 - All existing improvements (street lights, trees, fire hydrants, or other infrastructure) that may limit clearance for pedestrian access; and distance between the requested encroachment area and any existing improvements within the immediate area.
 - Location of any proposed temporary shade structures, heaters, electrical cords, lighting, etc.
 - ADA Path of Travel and seating.

- If applicable, copy of necessary permit(s) as required by the California State Department of Alcohol and Beverage Control (ABC). Information on ABC's Regulatory Reliefs and required permit(s) can be found at: <https://www.abc.ca.gov/law-and-policy/coronavirus19/>.
- Copy of Completed Reopening Protocol for Restaurants prepared by the Los Angeles County Public Health Department, which can be found at <http://publichealth.lacounty.gov/media/Coronavirus/>.

CRITERIA

For restaurants to qualify for a no-fee Temporary Outdoor Dining Permit, the applicant and applicant's proposed outdoor dining area must meet the following criteria:

- Comply with physical distancing requirements as required by the Los Angeles County Public Health Department
- Not block or enclose any required exits.
- Not cover or block any accessible parking spaces without relocation to an area approved by the Building Official of the City.
- Maintain Americans with Disabilities Act (ADA) accessibility.
- Be an area under control of the restaurant or an area where authorization has been obtained (such as from the property owner/landlord).
- Comply with all applicable Governor's Orders.
- Comply with the Los Angeles County Health Officer Orders.
- Comply with all Los Angeles County Environmental Health regulations.
- Comply with any relevant Department of Alcoholic and Beverage Control (ABC) regulations.
- Comply with all applicable Federal, State and local laws, ordinances, codes, regulations and requirements.
- Provide adequate parking to the satisfaction of the Community Development Director or his/her designee.
- Provide adequate onsite vehicle circulation to the satisfaction of the Public Works Director.
- Agree to comply with all Temporary Outdoor Dining Permit requirements and related conditions of approval.

GROUNDWORK FOR DENIAL-REVOCATION

If adverse impacts cannot be prevented, the Community Development Director, or his/her designee shall deny the temporary outdoor dining permit application. If a restaurant fails to comply with the terms and conditions of an approved temporary outdoor dining permit, the Community Development Director, or his/her designee, may revoke the permit.

DURATION

Upon approval, a temporary outdoor dining permit shall be valid until January 15, 2021.

APPEALS

Decisions of the Community Development Director or his/her designee may be appealed to the City Manager. The decision of the City Manager shall be final.

HOW TO SUBMIT

For questions or submittal of the Temporary Outdoor Dining Permit application, please email questions or completed application package to Dawn Robinson at drobinson@agourahillscity.org or call (818) 597-7337.

TEMPORARY OUTDOOR DINING PERMIT CONDITIONS OF APPROVAL

1. This Temporary Outdoor Dining Permit ("Permit") shall not be effective until the Applicant has signed and submitted to the Department of Planning and Community Development these Conditions of Approval, acknowledging and agreeing in writing that the Applicant is aware of, and accepts all Conditions of this Permit.
2. The Applicant and its successors in interest, agree to indemnify, defend and hold harmless the City, its officials, officers, agents and employees (collectively "Indemnitees") from and against any and all claims, actions, lawsuits, damages, losses and liabilities arising or resulting from the granting of this approval by the City or the exercise of the rights granted by this approval. This indemnification obligation shall include, but not be limited to, paying all fees and costs incurred by legal counsel of the City's choice in representing the Indemnitees in connection with any such claims, actions or lawsuits, any expert fees, and any award of damages, judgments, verdicts, court costs or attorneys' fees in any such claim, action or lawsuit. Although the Applicant is the real party in interest in an action, the City may, at its sole discretion, participate in the defense of the action, but such participation shall not relieve the Applicant of any obligation under this condition.
3. Except as modified herein, the approval of this action is limited to and requires complete conformance to the approved Site Plan submitted as part of the Permit application.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse provided that the Applicant has been given 72 hour prior written notice to cease such violation.
6. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless otherwise provided in the Permit.
7. This Permit shall expire on JANUARY 15, 2021.
8. Applicant shall ensure that Applicant's employees and customers comply with physical distancing requirements at their restaurant and temporary outdoor dining areas as required by the Los Angeles County Public Health Department.
9. An unobstructed, clear sidewalk area is required for pedestrian traffic passing through the temporary outdoor dining and seating area. The temporary outdoor dining area shall not block or enclosure any required business entrances or exits. Required American with Disabilities Act (ADA) accessibility shall be maintained.
10. The applicant shall provide a clear 30" x 48" space for accessible seating adjacent to the ADA table. Table shall be maximum 34" in height with knee clearance.

11. The temporary outdoor dining area shall not cover or block any accessible parking spaces without relocation to an area approved by the Director of Community Development or his/her designee.
12. Outdoor seating in the temporary outdoor dining area shall be spaced to provide minimum social distancing required by the County of Los Angeles Health Department.
13. The temporary outdoor dining area shall be controlled at all times by the restaurant.
14. There shall be no outdoor preparation of food or beverages associated with temporary outdoor dining where food is consumed at tables.
15. The Applicant shall comply with all applicable Orders of the Governor of the State of California and the Los Angeles County Health Officer.
16. The Applicant shall comply with all Los Angeles County Environmental Health regulations.
17. The Applicant shall comply with any relevant Department of Alcoholic and Beverage Control (ABC) regulations (if applicable).
18. The applicant shall comply with all applicable Federal, State and local laws, ordinances, codes, regulations and requirements.
19. The Applicant shall provide for adequate parking to the satisfaction of the Community Development Director or his/her designee.
20. The applicant shall provide for adequate onsite vehicular circulation to the satisfaction of the Community Development Director or his/her designee.
21. Temporary shade structures, if proposed, shall be subject to approval by the Community Development Director or his/her designee and securely fastened to the ground. Applicant shall secure a building permit through the Building and Safety Division for temporary shade structures, and all other structures, that are in excess of 120 square feet.
22. Outdoor dining fixtures located in existing parking or driving areas shall be fenced or barricaded in a manner to ensure the safety to all persons using or entering such areas. Such fixtures or devices may include highly visible, sturdy or heavy materials such as concrete or water filled "k rails", bollards or heavy planters to separate vehicular and pedestrian traffic.
23. The temporary outdoor dining area shall not encroach upon:
 - a. Required walkways or entrances
 - b. Disabled-accessible path of travel
 - c. Required drive aisles or fire lanes
 - d. Electric-vehicle charging spaces
 - e. Disabled-accessible parking spaces
24. The Applicant shall comply with the requirements of the Los Angeles County Fire Department regarding exterior lighting, power, and access prior to initiation of any dining activity.
25. The temporary outdoor dining areas shall be handicap accessible per Federal, State, and local requirements.

26. Outdoor tables shall be placed such that customers sitting at different tables are distanced by a minimum of six feet (6'), in accordance with County of Los Angeles Protocol for Restaurants Opening for On Site Dining Appendix I.
27. Unruly behavior is not permitted in the outdoor dining area.
28. The temporary outdoor dining areas, including flooring, shall remain clean and clear of any debris unused food and drink. Areas in and around the temporary outdoor dining area shall be cleaned at the end of each business day, at a minimum.
29. Outdoor live entertainment, music or the use of speakers is prohibited in the temporary outdoor dining area.
30. The Community Development Director or his /her designee shall approve all lighting and heating fixtures. Any lighting determined by the Community Development Director to be excessive (ie: illumination intensity) or causing a threat to public health and safety shall be removed immediately upon notice from the City.
31. If the restaurant fails to comply with the terms and conditions of this Permit, the Community Development Director, or his/her designee, may revoke the Permit.
32. Clearance from overhead lines: Employees and Customers to remain a minimum of ten feet (10') from power lines. All items related to the business including tools, machinery, equipment, business fixtures, umbrellas, heating elements, tables, chairs, displays, shall be a minimum of ten feet (10') from power lines.
33. Clearance from pad mounted equipment: No items related to the outdoor operations of any business may be located within eight feet (8') of the door side of any above-ground pad mounted equipment and a minimum of twelve feet (12') minimum clearance on one side for accessible maintenance.
34. Proximity to underground equipment: Maintain a fifteen-foot (15') minimum clearance from underground structures, vault lids, and manhole covers. No tables, canopies, umbrellas, krails, planters, hay bales, or any other equipment used to operate the outdoor portion of the business shall impede access to underground equipment.
35. Attachments and access to SCE equipment or facilities: State of California prohibits the attachment of any item to power, streetlight, or communications poles and structures. Examples of prohibited attachments include antennas, signs, posters, banners, decorations, wires, lighting fixtures, ropes, etc.

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