



APPLICATION FOR TEMPORARY OUTDOOR NON-COMMERCIAL EXPANSION PERMIT

BUSINESS INFORMATION

Applicant: _____

Business Name: _____

Business Address: _____

Type of Non-Commercial Business: _____

Applicable County COVID-19 Protocol: _____

Indoor + Outdoor Occupancy (prior to COVID-19): _____

Maximum Proposed Outdoor Occupancy: _____

Days of Proposed Outdoor Activity: _____

Hours of Proposed Outdoor Activity: _____

- ***The proposed temporary maximum occupancy (outdoor and indoor, if applicable) may not exceed the pre COVID-19 outdoor and indoor maximum occupancy.***

CONTACT INFORMATION

Primary Contact Name: _____

Primary Contact Mailing Address: _____

Phone #: _____ Email Address: _____

PROPERTY OWNER/LANDLORD INFORMATION

Name: _____

Address: _____

Phone #: _____ Email Address: _____

.....

Approved by _____

Print Name

Signature

Date

Expiration Date: JANUARY 15, 2021

TUP-_____2020 (TONCEP)



**TEMPORARY OUTDOOR NON-COMMERCIAL EXPANSION PERMIT
CONSENT STATEMENT**

A Consent statement is required for a Temporary Outdoor Non-Commercial Expansion Permit (“TONCEP”) application when:

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

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

Agoura Hills, CA, hereby acknowledge, consent to and support the use of the area proposed in the Temporary Outdoor Non Commercial Expansion 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
(Activity/Business Address)

to pursue said Temporary Outdoor Non Commercial Expansion 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 activity area, including whether the proposed area extends beyond the existing frontage length of the existing business/activity.
 - Details pertaining to temporary fencing, enclosures, quantity and locations of proposed outdoor items, or other structural improvements, used for the outdoor activity area shall be shown.
 - Number and location of parking spaces being impacted.
 - All entrances and exits into the proposed area, path of travel, 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. Shade structures over 120 square feet may need additional engineering and fire safety information.
- For ADA compliance, ADA parking, path of travel to outdoor area, and accommodations, as required by your particular business.
- Copy of Completed Reopening Protocol for the applicable use prepared by the Los Angeles County Public Health Department. The protocols can be found at:
 - Places of Worship (Appendix F):
http://ph.lacounty.gov/media/Coronavirus/docs/protocols/Reopening_PlacesofWorship.pdf

CRITERIA

For businesses to qualify for a no-fee Temporary Outdoor Non Commercial Expansion Permit, the applicant and applicant's proposed outdoor activity 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 Federal, State and Local Accessibility (ADA) regulations.
- Be an area under control of the business or an area where authorization has been obtained (such as from the property owner/landlord).
- Comply with all applicable Governor's Orders.
- Comply with all Los Angeles County Health Officer Orders.
- Comply with all Los Angeles County Environmental Health 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 Non Commercial Expansion Permit requirements and related conditions of approval.

GROUND FOR DENIAL/REVOCATION

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

DURATION

Upon approval, a temporary outdoor non-commercial expansion 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 Non-Commercial Expansion Permit application, please email questions or completed application package to Dawn Robinson at drobenson@agourahillscity.org or call (818) 597-7337.

TEMPORARY OUTDOOR NON-COMMERCIAL EXPANSION PERMIT
CONDITIONS OF APPROVAL

1. This Temporary Outdoor Non-Commercial Expansion 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, congregation, customers, and users comply with physical distancing requirements at their establishment 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 expansion area. The temporary outdoor expansion area shall not block or enclosure any required entrances or exits. Required American with Disabilities Act (ADA) accessibility shall be maintained.

10. The temporary outdoor non-commercial expansion 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.
11. Outdoor seating in the temporary outdoor expansion area shall be spaced to provide minimum social distancing required by the most recent County of Los Angeles Protocols applicable to the particular use.
12. The temporary outdoor activity area shall be controlled at all times by the applying entity.
13. There shall be no food or beverage service associated with the outdoor activity.
14. The Applicant shall comply with all applicable Orders of the Governor and the Los Angeles County Health Officer.
15. The Applicant shall comply with all Los Angeles County Environmental Health and Los Angeles County Department of Health regulations, including but not limited to Reopening Protocol for _____: Appendix _____.
16. The applicant shall comply with all applicable Federal, State and local laws, ordinances, codes, regulations and requirements.
17. The Applicant shall provide for adequate parking to the satisfaction of the Community Development Director or his/her designee.
18. The applicant shall provide for adequate onsite vehicular circulation to the satisfaction of the Community Development Director or his/her designee.
19. Temporary shade structures, if proposed, shall be subject to approval by the Community Development Director or his/her designee.
20. Outdoor 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.
21. The temporary outdoor expansion 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

22. The temporary outdoor activity areas shall meet Federal, State, and local Accessibility (ADA) requirements.
23. Unruly behavior shall not be permitted in the outdoor activity area.
24. The temporary outdoor activity areas shall be cleaned at the end of each business day.
25. Outdoor live entertainment, music or the use of speakers is prohibited in the temporary outdoor expansion area.
26. 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.
27. If the Applicant fails to comply with the terms and conditions of this Permit, the Community Development Director, or his/her designee, may revoke the Permit.
28. 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.
29. 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.
30. Proximity to underground equipment: Maintain a fifteen-foot (15') minimum clearance from underground structures, vault lids, and manhole covers. No tables, canopies, umbrellas, rails, planters, hay bales, or any other equipment used to operate the outdoor portion of the business shall impede access to underground equipment.
31. 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.

END