



City of Ojai
Community Development Department

- No fee permit
- The “new business outdoor expansion area” is temporary and may be in place so long as the local emergency is in place, but must be removed once the local emergency is lifted unless approvals are granted for the permanent placement.

TEMPORARY USE PERMIT – COVID-19B (TUP-COVID-19B)
by Executive Order 20-08

OWNER INFORMATION:

Project Address: _____ PROJECT # _____

Assessor Parcel Number: _____ Zone: _____

DESCRIPTION: **Temporary Use Permit-COVID-19B (TUP-COVID-19B) to use outside areas in City of Ojai**

Property Owner: _____

Address: _____

Phone: _____ Cell: _____ e-mail: _____

APPLICANT:

Name: _____

Address: _____

Phone: _____ Cell: _____ e-mail: _____

AFFIDAVIT:

I declare that I am the owner / representative (indicate one) of the property involved in this application and that the information submitted herein is true and correct. I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I further declare I understand that prior to determining the project hearing date; the City has 30 days to deem the application complete or incomplete. I acknowledge and agree that the City of Ojai is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the City may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits, including but not limited to any litigation costs. I will be notified of the meeting date(s) set for the above matter and that I am to appear, either personally or by my representative, at such meetings(s).

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Signature of applicant or property owner	Date
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Print Name	
Applicant's signature authorizes City staff to enter the property described above for the purposes of inspection	

Attachment A: Temporary Business Outdoor Expansion Area Regulations

Attachment A

Temporary Business Outdoor Expansion Area Regulations

Introduction

On July 13, 2020, the California Department of Public Health issued a Public Health Officer Order (Order) to close all indoor operations for various businesses. Compliance with the Order could result in the closure of a business or modifications to the business operations that would make it no longer cost effective to operate. By issuing a *Temporary Use Permit – COVID-19B*, the City is allowing businesses to temporarily expand their footprint into public spaces and other areas to accommodate business operations at pre-COVID-19 levels. The below provides a roadmap for businesses to follow. The TUP-COVID-19 permit issued under this Order is for any business which is not otherwise prohibited from outside operations by County or State law or regulation, and which is not a restaurant, for which TUP-COVID-19 permits would be issued under the authority of DES No. 2.

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

To be issued a TUP-COVID-19B, businesses must:

- Remain in compliance with the COVID-19 Industry Guidance for the applicable Industry Sector;
- Be registered at www.vcreopens.com.
- Remain in compliance with face covering requirements.
- 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.

City staff shall be authorized to enter and inspect premises to ensure compliance with the above requirements.

General Requirements

- A TUP-COVID-19B will be authorized while indoor business operations are no longer allowed by State or County directive or Order.
- ADA accessibility is required for expanded business areas.
- Where applicable and possible, all the businesses in the shopping center should cooperate in preparing a centralized areas utilizing outdoor areas.
- A letter of permission from the property owner must be submitted if the applicant does not own the property where the outdoor business is to be located.
- Social distancing must also be maintained to individuals in a public sidewalk or from anyone that may be utilizing the business that has located outdoors.
- The layout cannot block egress.

- Bars, wineries, brewpubs, and breweries that have a previously approved alcoholic beverage license may continue to sell alcoholic beverages in accordance with the ABC Fourth Notice of Regulatory Relief within the expanded outdoor area and in accordance with County and State guidance.
- All business areas must be maintained and clean of litter.
- No bar seating or temporary outdoor bars will be permitted on the expanded footprint area.
- Proposed hours must be clearly identified in the application.
- A TUP-COVID-19B is not transferrable.

Outdoor Business Areas

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

- Outdoor areas may include sidewalks, parking lots, and unused patio areas determined on a case by case basis.
- The allowable number of parking spaces to be utilized for outdoor areas will be 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. Anything added to public sidewalks shall not impede sight distances, access to utilities, or the minimum necessary safe pedestrian path of travel and shall address safety from vehicles. Proof of insurance may be required naming the City as additional insured. The City will not charge a fee for the encroachment permit.
- If possible, expanded outdoor areas shall not block or restrict access to handicapped parking spaces (to be reviewed on a case by case basis).
- Outdoor areas cannot interfere with deliveries. If space is limited, the business can provide alternative hours for deliveries that are outside of normal operating hours.
- If tents, canopies, or other shelters are used, only one side may be closed to allow for sufficient outdoor air movement in accordance with State, County, and CDC guidelines.
- Business services may be provided so long as the customer is not required to enter the business establishment.
- For outdoor 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 business area;
 - If using parking spaces, indicate number to be used;
 - Path of pedestrian travel from the business(s) to business area. If this path crosses drive aisles, signage may be required to warn drivers of frequent pedestrian crossings;
 - Temporary or fixed barriers or delineations to be utilized that will enable the business 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 business area;
- Any railings, canopies, cooking appliances, heaters, temporary electrical cords, and other relevant information;

Additional safety considerations

- If the business 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

- Temporary signage may be proposed as part of the application.
- The free-standing sign can be placed within the outdoor business area facing the path of travel.
- Unless otherwise permitted, signs must comply with the prohibitions contained within Ojai Municipal Code section 10-2.1605.

TUP-COVID-19B Application

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

- Letter of permission from property owner or landlord, if necessary.
- Scaled diagram as noted above
- Text and square footages of signs if any are to be used
- Indicate originally approved square footage and the square footage of the outdoor area to be used.
- 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-19B are waived

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

- Failure to comply with the issued TUP-COVID-19B permit.
- Upon the termination of the local emergency by the City Council.
- Failure to comply with the applicable COVID-19 Industry Guidance.
- Failure to remain in compliance with the 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;
- For disturbance of the quiet enjoyment of nearby residents and businesses;