

CITY OF VENTURA
Temporary Outdoor Business Expansion Permit Conditions
(Private Property)

SUPPLEMENTAL MATERIALS

In addition to the Application, the following items are required as part of the Temporary Outdoor Business Expansion Application on Private Property.

- **Site Map**
 - A detailed site map is required. The site map needs to include the following information:
 - Diagram of proposed expansion area, including dimensions (i.e. 50 ft x 50 ft)
 - Identify entrances and exits within the expanded area, including the exit doors from the business and the proximity to the expansion area
 - Materials being used to cordon off the area (i.e. 6ft temporary fencing)
 - Location of equipment within the expansion area (i.e. tables, chairs, heaters, umbrellas, tents/canopies, etc).
 - If applicable, note any fire protection equipment within the expansion area (i.e. fire hydrants, fire sprinklers, fire department connections, ect.)
 - Barricades – the parking lot or outdoor area shall be protected from vehicular traffic by means of a vehicle, fencing, K-Rails, water barrels, etc.
- **Letter of Approval from Property Owner**
 - A letter or email of approval from the Property Owner giving the business owner permission to expand outside. Please ensure the letter includes the name, email and contact number of the business owner. If the business owner is the property owner, an email attesting to this can be included with the application.
- **Copy of Letter to surrounding businesses/residents**
 - A dated letter to all businesses and private parties within a 700-foot radius of the proposed modified business activities is required. The letter should contain the following:
 - Notification date
 - Description of business activities (i.e. expansion to outdoor dining)
 - Operational days and time
 - Business owner contact name and number
 - Impact to parking or other potential disruptions
- **Signed Indemnity Agreement (Attachment B to the Application)**
 - Indemnity and hold harmless acknowledgement form
 - No additional insurance documentation is required
- **Copy of County of Ventura Business Attestation Registration**
 - All businesses authorized to operate under the current State of CA and County of Ventura Public Health Orders are required to register their business prior to opening at: www.VCREopens.com. Once a business registers, the County will generate an email receipt. Please attach a copy of the registration receipt with your application.
- **Licensed Alcohol Establishments**
 - If providing alcohol in the temporary outdoor expanded area, please provide a copy of the ABC COVID-19 Temporary Catering Authorization Application and supplemental site map (ABC form 218-CV19 and form 253).

PERMIT CONDITIONS

VENTURA POLICE DEPARTMENT

- a. Permittee agrees to protect public safety and assumes all liability for their participation in the City of Ventura Temporary Outdoor Business Expansion Program.
- b. Permittee will comply with any and all direction from the Ventura Police Department for the preservation of public health, safety, and welfare of the community.
- c. Any sworn public safety officer may temporarily suspend business operations whenever there is an emergency that requires such action to protect public safety. Should this occur, the Permittee and any Temporary Outdoor Business Expansion Program participants must immediately comply with the suspending officer's instructions.
- d. Permittee is responsible for reminding all participants to obey all laws as they relate to pedestrian traffic throughout the Temporary Outdoor Business Expansion Program area.
- e. Alcohol will be allowed on private property by qualified, currently licensed alcohol establishments who obtain the "COVID-19 Temporary Catering Authorization" from the California Department of Alcoholic Beverage Control (ABC).
- f. Prior to submitting the Temporary Catering Authorization to ABC, the alcohol licensee must contact the Ventura Police Department's Alcohol Enforcement Officer, Bernadette Compean, at (805) 339-4453 for approval. The licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the ABC Act pertaining to the conduct of on-sale premises.

VENTURA FIRE DEPARTMENT

General Temporary Outdoor Business Expansion Program Guidelines:

- a. Any Fire Department Official may temporarily suspend business operations whenever there is an emergency that requires such action to protect public safety. Should this occur, the Permittee and Temporary Outdoor Business Expansion Program participants must immediately comply with the suspending Fire Department Official's instructions.
- b. Permittee shall comply with any and all direction from the Ventura City Fire Department for the preservation of public health, safety, and welfare of the community.
- c. Prior to Temporary Outdoor Business Expansion Program permit issuance, a site plan from the Permittee detailing the proposed business operations layout shall be provided as part of the application submission. The site plan shall include dimensions of the enclosed area, exit doors from the establishment, the proximity to the establishment, materials being used in the construction, and location of exit(s) in the expanded area. In addition, identify any fire protection equipment (fire hydrant, fire sprinkler riser, fire department connections, etc). A "Google Earth" image is an acceptable method to submit a site plan with the above added site map requirements.
- d. The parking lot and/or outdoor area shall be protected from vehicular traffic by means of a vehicle, fencing, k-rails, bicycle rails, water barrels, etc.
- e. During the Temporary Outdoor Business Expansion Program operational period, if access challenges arise that need to be addressed, including the moving of barricades as needed, then barricades will need to be moved or other approved measures taken as required by the Fire, Police, and Public Works Departments.
- f. Due to the current COVID-19 impact, the importance of economic recovery, and the additional national challenges, the Fire Department is applying a significant amount of flexibility for access

during this event while taking other concerns such as security. Potential event extensions or future events will be evaluated on a case by case basis and will be reevaluated based on current and expected challenges.

Building and Emergency Access:

- a. Approved access shall be provided and maintained for all fire protection equipment (minimum 3' clearance around fire hydrants).
- b. Exit routes must be unobstructed and free from clutter with a minimum 44" wide path maintained.
- c. Fire lanes, walkways, right of ways, and sidewalks shall be unobstructed at all times to ensure quick access by emergency personnel.
- d. Each participating business shall ensure building address numbers are permanent on the structure and visible from the street.
- e. Emergency exits shall not be obstructed by any means including locks, chains, zip ties, etc.

Dining and/or Enclosures/Barriers:

- a. The occupant load of outdoor areas shall be assigned by the Fire Department official.
- b. Any dining area with an occupancy/capacity greater than 50 will require two exits from that area. Exit signage shall be posted so that it is easily visible from any point within the enclosed area.
- c. Any area with a capacity of 50 or more persons shall be posted with a maximum occupancy sign.
- d. Barriers, fences, and decorative items shall be easily moveable for emergency access.

Tents and Canopies:

- a. Fire Department shall be notified prior to erecting any canopy, tent or any other structure. An Operational Permit may be required.

Outdoor Heaters, Fuel Sources, Open Flame:

- a. Portable fuel-fired outdoor heating equipment shall be a minimum of 5' from combustibles, flammables, tents or openings to buildings.
- b. Any open flame device, table lamps, candles, etc. are prohibited.
- c. Outdoor cooking or warming of foods is prohibited.

Electrical:

- a. Electrical equipment and wiring shall be listed and labeled for outdoor use.
- b. All temporary power cords shall be protected from physical damage or trip hazard.
- c. Electrical cords shall not be run overhead or from building to dining area.

Fire Alarm Systems:

- a. Premises where an automatic fire alarm system is installed shall have an alarm system in working condition.

Generators:

- a. The use of generators of any size or type **are prohibited** from being used during the Temporary Outdoor Business Expansion Program.

Furniture and Design Elements:

- a. Any design features outside of standard dining tables and chairs such as sofas, decorative hanging fabrics, etc. may be reviewed by the Fire Department prior to use.

Fire Extinguishers:

- a. Portable fire extinguishers with a minimum rating of 2A:10BC, with a current service tag, shall be located within the enclosed dining area. Businesses shall ensure the proper number of extinguishers are supplied within their establishment per CA Fire Code.

Notice of Violation

- a. When the Fire Code Official finds a building, premise, or outdoor area that is in violation of these requirements, the Code Official is authorized to prepare a written notice of violation and/or citation.

CODE ENFORCEMENT

Permittee is responsible for ensuring that businesses operating under the Temporary Outdoor Business Expansion Program adhere to the following conditions:

- a. Permittee is subject to the City's noise regulations, which prohibit excessive noise, especially in residential neighborhoods, before 7:00am and after 10:00pm. Permittee will modify sound to not impact surrounding residents and businesses.
- a. Complete the Ventura County attestation form.
- b. Maintain a written worksite-specific COVID-19 prevention plan and have it posted.
- c. Have an on-duty employee responsible for monitoring compliance with the prevention plan.
- d. Implement control and screening measures.
- e. Implement business disinfecting protocols in accordance with California Department of Public Health guidance.
- f. Train employees on how to limit the spread of COVID-19.
- g. Post compliance hotline flyer in a prominent location visible to the public and employees.
- h. Complete and receive approval on business evaluation conducted by the City of Ventura Code Enforcement.

PUBLIC WORKS

STREETS DIVISION

- a. If applicable, Permittee will be responsible for posting all "No Parking-Tow Away" notification signs at least **seventy-two (72) hours before the** Temporary Outdoor Business Expansion Program on 12" by 18" cardstock with red letters on white background. All signage must be posted on **barricades only** and clearly visible with the dates and times, all in equally large type size and prominence and posted in conspicuous locations. Permittee will also be responsible for completing daily verification that all signage is securely posted in required locations. Any signs that have been removed must be replaced. At the conclusion of the Temporary Outdoor Business Expansion Program set-up, all signs and barricades must be removed. At no time will signage be posted on trees, parking meters, or trash containers.

ENVIRONMENTAL SERVICES

- a. Permittee is responsible for clean-up of any and all trash, litter, debris, and recyclables that may accumulate as a result of the Temporary Outdoor Business Expansion Program operations on all public and private property immediately following the conclusion of each business day. If needed for the Temporary Outdoor Business Expansion Program area, the Permittee shall contact the

City's Franchised hauler, E. J. Harrison & Sons at (805) 647-1414 for necessary containers and service. No materials shall be put in City or privately-owned bins without permission.

- b. Permittee shall provide labeled recycling containers for the collection of any and all cardboard, glass, aluminum, and/or plastic containers and other accepted recyclable materials generated by the Temporary Outdoor Business Expansion Program area. Permittee may provide their own recycling containers, obtain them from the City's Franchised Hauler, E. J. Harrison & Sons (805) 647-1414 OR borrow them from the City of Ventura Environmental Services Division (805) 652-4525.
- c. Permittee is responsible for making sure recyclable materials are recycled properly through a certified recycling center.

RISK MANAGEMENT

Permittee agrees, as an express condition of CITY's issuing the Temporary Outdoor Business Expansion Program permit requested by Permittee, that Permittee shall indemnify, defend (at CITY's request and with counsel satisfactory to CITY), and hold CITY harmless from and against any claim, action, damages, costs (including without limitations, attorney's fees), injuries, or liability, arising out of or relating to any negligent act, negligent omission, or wrongful conduct related in any way to the Permittee's Temporary Outdoor Business Expansion Program, including the negligent actions, negligent omissions, or wrongful conduct of its vendors and contractors. In the event the CITY determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the Permittee shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the CITY, even if the matter is not prosecuted to a final judgement or is amicably resolved, unless the CITY should otherwise agree with Permittee to waive said fees and/or costs or any part thereof. The foregoing shall not apply if the Permittee prevails on every issue in the enforcement proceeding. For purposes of this section "CITY" includes the City of San Buenaventura's officers, officials, employees, agents, representatives, and certified volunteers.

ADDITIONAL CONDITIONS & REMINDERS

- a. Permittee must comply with all applicable provisions of the City of Ventura Municipal Code(s) and Emergency Orders and Actions in Response to COVID-19.
- b. Permittee must maintain Americans with Disabilities Act accessibility.
- c. Permittee must follow all Ventura County Department of Public Health order and Environmental Health regulations.
- d. Permittee must comply with all Cal/OSHA requirements.
- e. If applicable, Permittee must comply with all CA Board of Barbering & Cosmetology Outdoor Services Guidance.
- f. Permittee must comply with all relevant State licensing regulations and industry guidance.
- g. Comply with the California Governor's Executive Order on Actions in Response to COVID-19.
- h. Adhere to all existing entitlements in place on the property not otherwise superseded herein.
- i. Permittee is responsible for ensuring all State of California, County of Ventura, and City of Ventura orders, guidelines, policies, and procedures are followed during the Temporary Outdoor Expansion Program operational period, including practicing the required social distancing measures to reduce the spread of COVID-19 and other diseases, as noted in the County Public Health Officer's "Stay Well at Home" Order.
- j. Permittee is responsible for all rentals, including portable restroom and handwashing stations, if applicable.

- k. Permittee will not release any balloon or balloons inflated with a gas that is lighter than air in the Temporary Outdoor Business Expansion Program operational area or within the jurisdictional limits of the City.
- l. Permittee is responsible for contacting all City Departments and representatives listed in this permit to complete required coordination, services, and approvals prior to beginning expanded temporary retail/restaurant operations.
- m. All seating and other fixtures must be temporary and easily removed.
- n. At least six feet of spacing between tables and pathways must be maintained.
- o. Access required under the American with Disabilities Act must be maintained at all times. If displacing ADA parking as a result of the temporary outdoor business expansion program, Applicant must replace the lost spaces closest to the new, designated entrance to the expanded area.
- p. All cords must be covered and secured from trip hazards.
- q. Heaters and lighting must be self-contained, with no wires or other trip hazards.
- r. Per City policy, there can be no selling, no sampling, and no giveaways relating to cannabis, including CBD products.
- s. Smoking is prohibited in the temporary outdoor dining areas.