



City of Moorpark

799 Moorpark Avenue, Moorpark, CA 93021
Phone: (805) 517-6224

ZONING CLEARANCE FOR OUTDOOR DINING (COVID-19 LOCAL HEALTH EMERGENCY)

Purpose and Intent:

The City of Moorpark supports the ongoing operation of businesses during the COVID-19 pandemic. The Outdoor Dining Permit authorizes the temporary outdoor operation of businesses that have been prohibited from operating indoors as a result of a state or local public health orders.

Applications to operate outdoors will be evaluated and approved, if it is determined that the business can operate subject to the listed conditions of approval and the following findings are determined by City Staff:

- A. The proposed outdoor dining will not constitute a nuisance to adjacent properties, adjacent businesses, nor adjacent outdoor uses, and will not result in noise, odors, vibration, dust, light, nor smoke;
- B. The proposed outdoor dining complies with all state and local public health orders, including but not limited to social distancing, disease prevention, ventilation, and sanitization requirements. The proposed use shall be separated from other outdoor uses by no less than six feet and shall maintain all required public paths of travel and accessways; and
- C. Outdoor dining occurring in the public right-of-way shall be limited to the area directly adjacent to the business frontage and shall not be placed adjacent to neighboring business frontages without prior written consent of such business.

Steps to Approval:

1. Complete permit application form with applicant and owners' signatures;
2. Provide site plan (may be drawn on an aerial photo) on 8 1/2" x 11" paper. Site plan needs to identify and dimension the business, proposed outdoor service areas, adjacent outdoor uses, table, chair and other furniture locations, utilities like water or electrical, all proposed improvements, and all clear pedestrian walkways and vehicle paths of travel. Identify any loading areas and accessible parking stalls near the outdoor service area for context. Consider the proximity and compatibility between existing outdoor uses and the proposed use. Include information on plans that shows that potential conflicts between uses and impacts are minimized. This could include additional barriers, separation, tent covering, etc.;
3. Submit application to Freddy A. Carrillo, Associate Planner II at fcarrillo@moorparkca.gov; and
4. Application will be reviewed within one business day.

Please Print or Type:

Restaurant Name: _____

Restaurant Address: _____

Restaurant Phone Number: _____ Email: _____

Where will the outdoor seating area be located? (Check box that applies)

Adjacent to the restaurant

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- Common area (near fountains, existing permanent seating area, etc.)
- Existing parking lot (barricades or fencing may be required)
- City right-of-way/public sidewalk*

*An encroachment permit is required for outdoor dining within the public right-of-way, see:
<http://ca-moorpark.civicplus.com/DocumentCenter/View/270/Encroachment-Permit-Application?bidId=>

	Yes	No
Does the restaurant have a license to serve alcohol outdoors?	<input type="checkbox"/>	<input type="checkbox"/>
If so, will the restaurant be serving alcohol outdoors?	<input type="checkbox"/>	<input type="checkbox"/>

By signing below, you indicate your authorization to use the property as described in this permit and your acceptance of all conditions of approval included on Pages 3 and 4. Subsequent acknowledgement is required for any Special Conditions required by the City upon review of the application on Page 5.

Applicant:

Property Owner / Management Company:

(Full Name)

(Full Name)

(Address)

(Company)

(City, State, Zip)

(Phone)

(Phone)

(Email Address)

(Email Address)

(Applicant signature)

Property owner / management company signature or
 See attached property owner's authorization

STAFF USE ONLY BELOW THIS LINE

Approved By: _____

Date of Issuance: _____

Zoning Clearance No.: _____

Building Permit No: _____ or N/A

Permit Fee: Waived as part of Executive Order 2020-05

This permit is granted subject to the following conditions of approval:

General Conditions

1. The outdoor seating is spaced in a manner that ensures compliance with applicable social distancing requirements adopted by the Ventura County Public Health Officer.
2. All tables, chairs, planters, fencing, barricades or other temporary outdoor fixtures in the locations shown on the approved site plan and shall be kept well-maintained, orderly, clean, and free of trash and debris.
3. All existing and required accessible parking spaces, loading zones, and paths of travel shall be maintained free and available for use, as required by the 2019 California Building Code Division and administered by the City Building Official. The permittee shall maintain a clear width of pedestrian walkways of no less than 48 inches, except where an unreasonable hardship exists, the Building Official may reduce such width to no less than 36 inches.
4. Outdoor dining fixtures located in existing parking or driving areas (drive aisles) shall be fenced or barricaded in a manner to ensure the safety to all persons using or entering such areas. Such devices may include highly visible, sturdy or heavy materials such a concrete or water filled “k rails”, bollards or heavy planters to separate vehicular and pedestrian traffic.
5. All exterior areas of the site, including parking lot and sidewalks, shall have adequate lighting if nighttime dining is proposed.
6. Interior access to the existing business shall be restricted to employees only and admittance of customers shall be prohibited including use of soda machines or condiment or salsa bars. Restaurants may allow customer use of restrooms.
7. Use of outdoor sinks, water sources, and drains is prohibited.

Entertainment and Smoking:

8. The application does not authorize outdoor entertainment.
9. The applicant shall comply with Chapter 8.32 Prohibiting Smoking in Public Places at all times and shall provide signs consistent with Section 8.32.040 of the Moorpark Municipal Code.
10. All temporary electrical systems shall be permitted in accordance with California Building and Electrical Code. Electric extension cords, power strips or surge protectors shall be rated for outdoor use.
11. Electric lines placed along walking paths, driveways or other areas accessible to the public or staff shall be covered with a pedestrian cable cover and or secured to the ground to prevent a tripping hazard.
12. Shade structures or umbrellas shall be weighted and affixed to the ground. In the case of lightning or high winds, such devices shall be removed and secured indoors.

Department/Agency Conditions

Department of California Alcoholic Beverage Control (ABC):

13. At all times when the restaurant is open for business, the sale/service of beer, wine, and liquor is provided only in conjunction with the sale/service of food and shall be conducted pursuant to all requirements of the California Department of Alcoholic Beverage Control (ABC), including fencing/enclosure, hours of operation, etc.

Moorpark Police Department:

14. The Police Chief and Community Development Director may revoke this zoning clearance in their reasonable discretion if the outdoor dining service is found to endanger public health or safety.

Ventura County Environmental Health Department:

15. The outdoor dining service shall comply with all Ventura County Environmental Health Department regulations.

City of Moorpark- Public Works Department:

16. The applicant shall obtain an encroachment permit from the Public Works Department prior to any use of the public right-of-way.

Ventura County Fire Protection District:

17. 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.
18. 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.
19. 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.
20. Exits shall be maintained operational and clear of obstructions.
21. A 20 feet clear emergency vehicle access road shall be maintained to the front entrance of the occupancy.
22. **It is the applicant's responsibility to obtain all required permits from the Fire District in addition to any permit(s) issued by the City/County. The Fire District will require permits for tents that exceed 400 square-feet, canopies that exceed 700 square-feet, and open flame devices and use of candles. Additional permit fees and fire safety information is available at vcfd.org or by contacting Marnel Vanden Bossche, Senior Fire Inspector at (805) 389-9744 or marnel.vandenbossche@ventura.org.**

Revocation & Indemnification

23. The applicant shall defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, or employees concerning the permit, which claim, action or proceeding is brought within the time period provided by the California Code of Civil Procedure Section 1094.6 and Government Code Section 65009. The City will promptly notify the applicant of any such claim, action or proceeding, and if the City should fail to do so or should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify and hold harmless the City or its agents, officers and employees pursuant to this condition. The City may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding, if both of the following occur: the City bears its own attorney fees and costs; and the City defends the claim, action or proceeding in good faith. The applicant shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved by the applicant. The applicant's obligations under this condition shall apply regardless of whether a building permit is ultimately obtained, or final occupancy is ultimately granted with respect to the permit.
24. The zoning clearance shall automatically expire six months after the date of issuance or when the Ventura County Public Health Office's social distancing requirements allow the subject restaurant to provide indoor seating at full capacity, whichever occurs sooner. The Community Development Director, in her reasonable discretion, may determine that a zoning clearance has expired because indoor seating may be allowed at full capacity.

Special Conditions related to the proposed use:
