



### **COVID-19 Temporary Use Review (CV-TUP)**

In response to the COVID-19 emergency restrictions on indoor seating capacities, the City Council has streamlined the permitting process for outdoor dining areas in conjunction with restaurants. The requirement for a Minor Conditional Use Permit (MCUP) for outdoor dining has been waived and made subject to the administrative approval of a COVID-19 Temporary Use Permit (CV-TUP).

Fees are waived for CV-TUP applications, and any building plan checks and building permits issued associated with temporary outdoor dining facilities.

These temporary provisions shall remain in effect as long as LA County Health capacity reductions for indoor seating remain in effect, or until such time as the City suspends, terminates or amends these procedures.

### **Section 1: Application Filing Requirements**

- 1. Completed Application Form Parts 1 and 2, signed by the business owner and the property owner/ center management company representative.
- 2. Plans required: detailed site plan (which may be hand-drawn on an aerial photo printed from Google Maps or similar services) showing the following:
  - Location of the seating area.
  - A safe path to and from one or more doors of the restaurant to the seating area.
  - A seating plan showing the layout of tables, chairs, trash receptacles, heaters, shade structures and other proposed site amenities. Tents or canopies that cover an area greater than 120 square feet require a permit from the Los Angeles County Fire Department.
  - If the outdoor dining area is proposed in a parking lot, it shall be designed such that:
    - Barriers or other methods are proposed to protect seating areas from vehicles encroaching into the area.
    - It does not create a vehicular circulation conflict within the parking lot.
    - If operation of the outdoor seating is proposed during other than daylight hours, state how lights or other methods will be used to ensure that drivers are aware of and can avoid the outdoor dining area.

### **Section 2: Operation Requirements, Conditions, and Limitations**

- 1. Outdoor dining areas shall not be used for activities that would promote congregating, involve shared equipment, or amplify sound, including but not limited to:
  - Standing areas
  - Live music
  - Outdoor games
  - Music over speakers
  - Movies
  - Broadcast sports
  - Loudspeaker call systems
  - Pets, except as provided in the Americans with Disabilities Act

- 2. Required pedestrian paths and ADA access for all businesses shall be maintained at all times.
- 3. Seating shall be ADA compliant to the Building Official's satisfaction.
- 4. Seating areas in parking lots shall maintain adequate emergency vehicle access, as well as access to fire hydrants and other firefighting equipment, to the satisfaction of the LA County Fire Department.
- 5. All outdoor areas associated with restaurant operations shall be maintained and kept clean of litter and spills.
- 6. All applicable requirements and guidance of the LA County Department of Public Health shall be satisfied.
- 7. All requirements of the Department of Alcoholic Beverage Control shall be satisfied.

### **Section 3: Expedited Approval Procedures**

Upon receipt of a CV-TUP application, Planning Division staff will review the application and contact the applicant within three (3) business days:

- Staff will verify that all required information has been provided and requirements have been satisfied. Applicants may be asked for additional information or clarifications be provided to ensure consistency with requirements.
- Once approved, the applicant will be notified that the restaurant has been registered for the new/ additional outdoor seating.
- Upon installation of the temporary improvements, the applicant shall schedule an inspection with City staff to ensure compliance with the approved plans all applicable regulations. City staff will inspect the new/additional outdoor seating at the scheduled time. The restaurant owner or restaurant manager must be present in order to immediately address any compliance issues. If the inspection is approved, an email will be sent stating that the new/additional outdoor seating is approved to begin operation.
- If other public agencies have permitting or licensing authority over the outdoor dining operations of the restaurant (such as LA County Public Health, the Department of Alcoholic Beverage Control and LA County Fire), the applicant shall be responsible for ascertaining and complying with the requirements of those agencies.



# Planning Division Application Form Part 1

Community Development Department ~ 21810 Copley Drive ~ Diamond Bar, CA 91765 ~ (909) 839-7030 ~ www.DiamondBarCA.gov

## GENERAL REQUIREMENTS (Print or Type)

Name of Proposed Project:	Case # _____
Location of Project:	FPL # _____
Legal Description of Project (Assessor's Parcel No.):	Deposit /Fee _____
	Receipt # _____
	Date _____
	By _____

Applicant's Name:	Phone Number:
	Fax Number:

Address:

Legal Owner's Name (if different from above):	Phone Number:
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Address:

**Diamond Bar Municipal Code Section 22.44.040 states an application fee must accompany this application. The application fee is either a flat fee or a deposit plus payment of the City's processing costs computed on an hourly basis. If it is a deposit, the applicant shall pay any processing costs that exceed the amount of the deposit prior to issuance of the permit; if processing costs are less than the deposit, a refund will be paid.**

**Type of Review Requested (Please Check All Applicable Boxes)**

- |                            |                              |                  |
|----------------------------|------------------------------|------------------|
| Administrative Review      | General Plan Amendment       | Subdivision      |
| Annexation                 | Minor Conditional Use Permit | Tree Permit      |
| Comprehensive Sign Program | Minor Variance               | Variance         |
| Conditional Use Permit     | Planned Unit Development     | Zone Change      |
| Development Review         | Plot Plan                    | Zoning Clearance |
| Development Agreement      | Preliminary Review           | Other: _____     |
| Development Code Amendment | Specific Plan Amendment      | _____            |

## Project Description

Detailed Description of Proposed Project (Attach Additional Sheets if Necessary)

## Owner Certification

*I certify that I am presently the legal owner of the above-described property. Further, I acknowledge the filing of this application and certify that all of the above information is true and correct. (If the undersigned is different from the legal property owner, a letter of authorization must accompany the form.)*

Owner		Applicant	
Date:	Signature:	Date:	Signature:
Print Name and Title:		Print Name and Title:	



**Planning Division  
Application Form  
Part 2**

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**GENERAL REQUIREMENTS (Print or Type)**

Project Location:	Staff Use Only Case No.  Concurrent Case No.
<b>Applicant:</b>	
<b>Contact Person:</b>	

Address:

Phone Number:	Fax:	E-Mail Address:
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**Additional Contact Person:** (Please specify name, company, title)

Address:

Phone Number:	Fax:	E-Mail Address:
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**Legal Property Owner:**

Address:

Phone Number:	Fax:	E-Mail Address:
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**Architect:**

Address:

Phone Number:	Fax:	E-Mail Address:
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**Engineer:**

Address:

Phone Number:	Fax:	E-Mail Address:
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**Landscape Architect:**

Address:

Phone Number:	Fax:	E-Mail Address:
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