



CITY OF BURBANK
COMMUNITY DEVELOPMENT DEPARTMENT

150 North Third Street, P.O. Box 6459, Burbank, California 91510-6459
www.burbankca.gov

NOTICE OF VIOLATION

January 8, 2021

Barfly, Inc
C/O Baret Lepejian
2623 West Magnolia Blvd
Burbank, CA 91505

RE: Tin Horn Flats Bar & Grill, 2623 West Magnolia Blvd
OWNER OF RECORD/ RESPONSIBLE PARTY: Barfly, Inc., Baret Lepejian

CONDITIONAL USE PERMIT FOR PROJECT No. 11-0000126

Within the past month, Tin Horn Flats Bar & Grill has been repeatedly cited for violating Los Angeles County Public Health Officer Orders for Control of COVID-19, and has received one or more Notices of Violation from the California Department of Alcoholic Beverage Control. Violation of County Health Orders may also violate concurrent State Health Orders. During the same period of time, it has come to the City's attention that Tin Horn Flats has sold and/or served alcohol to underaged patron(s). The continuing operation of indoor dining, outdoor dining and use of the patio and other incidents at Tin Horn Flats Bar & Grill have resulted in the creation of a public nuisance.

Conditional Use Permit No. 11-0000126 (the "CUP", attachment 1 to this notice) requires the restaurant/drinking establishment to operate in compliance with all federal, state, and local laws, and CUP conditions of approval. As such, the present and ongoing operations of Tin Horn Flats Bar & Grill in violation of the State of California and Los Angeles County Public Health Orders, and contrary to permits issued by the California Department of Alcoholic Beverage Control, violate the terms of the CUP, including condition numbers 4, 12, 20, 21, 25, 31 and 32. The conditions of approval and Burbank Municipal Code specify the CUP may be modified or revoked if the conditional use is exercised in a manner that violates any statute, ordinance, law or regulation, and/or if exercise of the use becomes detrimental to the public health or safety, or constitutes a nuisance.

This is your notice pursuant to Burbank Municipal Code Section 10-1-1952 that a public hearing has been scheduled before the City Council of the City of Burbank for Monday, February 22, 2021, at 5:00 p.m. to consider revocation, suspension or modification of CUP No. 11-0000126. The public hearing will proceed as scheduled unless you provide

ADMINISTRATION		BUILDING		HOUSING, ECONOMIC DEVELOPMENT & SUCCESSOR AGENCY		PLANNING		SECTION 8 & CDBG		TRANSPORTATION
818.238.5176	❖	818.238.5220	❖	818.238.5180	❖	818.238.5250	❖	818.238.5160	❖	818.238.5270

clear evidence that you have cured all violations of the CUP within 10 days or by January 19, 2021, as follows:

1. Limit restaurant operations to only delivery or carry out, until such time as the Temporary Targeted Safer at Home Health Officer Order for Control of COVID-19 and State Regional Stay Home Order or other relevant State or County Public Health Orders or Executive Order expire or otherwise permit dining on the premises.
2. Cease all indoor dining, until such time as the Temporary Targeted Safer at Home Health Officer Order for Control of COVID-19 and State Regional Stay Home Order or other relevant State or County Public Health Orders or Executive Order expire or otherwise permit indoor dining.
3. Close all outdoor dining and seating, and cease all outdoor patio operations, until such time as the Temporary Targeted Safer at Home Health Officer Order for Control of COVID-19 and State Regional Stay Home Order or other relevant State or County Public Health Orders or Executive Order expire or otherwise permit outdoor dining and seating.
4. Require all employees and persons patronizing the restaurant to wear a face covering at all times, until such time as the Temporary Targeted Safer at Home Health Officer Order for Control of COVID-19 and State Regional Stay Home Order or other relevant Executive Order expire or otherwise relax face covering requirements. Since no eating or drinking is currently allowed on the premises there is no exception to this requirement for such purposes.
5. Reduce building occupancy and maximize space between employees as specified in the County Health Officer's Protocol for Restaurants, Breweries and Wineries: Appendix I, until such time as the Temporary Targeted Safer at Home Health Officer Order for Control of COVID-19 and State Regional Stay Home Order or other relevant State or County Public Health Orders or Executive Order expire or otherwise permit an increase in building occupancy and a reduction in employee spacing.
6. Demonstrate compliance with the County Health Officer's Protocol for Restaurants, Breweries and Wineries: Appendix I by completing and submitting the enclosed Appendix I checklist (attachment 2) to the City and permitting periodic follow-up inspections, until such time as these requirements expire or are repealed.
7. Provide sufficient spaces for customers waiting for orders to prevent patrons from queuing in the public right-of-way in violation of the City's Proclamation Revising Social Distancing (Queuing) Rules in the Public Right of Way, until such time as these rules expire or are repealed.
8. Demonstrate CCTV system required by Condition of Approval No. 20 is fully functioning and provide 7 days of video requested by Burbank Police Department on December 30th, 2020.

9. Provide CCTV video to the Burbank Police Department when requested to demonstrate ongoing compliance with all CUP conditions of approval and Temporary Targeted Safer at Home Health Officer Order for Control of COVID-19 and State Regional Stay Home Order until outdoor dining is allowed under Los Angeles County Public Health orders.

A revocation of your CUP would require you to reapply for, and receive approval of, the appropriate use permit before you may resume any restaurant or bar operations at 2623 West Magnolia Boulevard. Should you have questions regarding this notice of violation, please contact the undersigned at (818) 238-5250.



Patrick Prescott
City of Burbank
Community Development Director

Attachment 1: Conditional Use Permit No. 11-0000126

Attachment 2: Appendix I

Cc:

City Council

Justin Hess, City Manager

Judie Wilke, Assistant City Manager

Amy Albano, City Attorney

Joe McDougall, Chief Assistant City Attorney

Scott La Chasse, Police Chief

RESOLUTION NO. 3230

**A RESOLUTION OF THE PLANNING BOARD OF
THE CITY OF BURBANK APPROVING
PROJECT NO. 11-0000126 – CONDITIONAL USE PERMIT**

(Authorizing the operation of an existing restaurant/drinking establishment, “Tin Horn Flats” from 9:00 am – 12:00 am daily with patio dining permitted from 10:00 am – 9:00 pm daily.)

(2623 West Magnolia Boulevard –Applicant, Barfly, Inc.)

THE PLANNING BOARD OF THE CITY OF BURBANK FINDS:

A. The Planning Board of the City of Burbank at its meeting of June 27, 2011, held a public hearing on an application for Project No. 11-0000126, Conditional Use Permit to consider expanding the permitted hours of operation for Tin Horn Flat’s (a restaurant/drinking establishment) at 2623 West Magnolia Boulevard, Burbank, California, in the C-2 Commercial Limited Business zone.

B. Said hearing was properly noticed in accordance with the provisions of Section 10-1-1942 of the Burbank Municipal Code.

C. The Planning Board considered the report and recommendations of the City Planner and the evidence presented at such hearing.

D. The project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines pertaining to existing facilities involving negligible or no expansion of use.

THE PLANNING BOARD OF THE CITY OF BURBANK RESOLVES:

1. The application for Project No. 11-0000126, Conditional Use Permit as described above is hereby approved subject to the applicant complying with all of the requirements of the Burbank Municipal Code (BMC) and the Conditions of Approval attached as Exhibit A to this resolution. The approval is based on the ability of the Planning Board to make each of the following findings:

REQUIREMENTS FOR GRANTING A CONDITIONAL USE PERMIT:

- (1) *The use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by Title 10 of the Burbank Municipal Code.*

Restaurant/Drinking Establishments are permitted upon the granting of a conditional use permit in accordance with Burbank Municipal Code section 10-1-1116 (7).

- (2) *The use is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located.*

The Conditional Use Permit replaces Conditional Use Permit No. 2000-31 which approves the hours of operation from 10:30 am – 11:00 pm Monday through Saturday, and 10:30 am – 6:00 pm Sunday. The Conditional Use Permit also requires that the patio area be closed at 9:00 pm. Extending Tin Horn Flat's hours of operation to between 9:00 am – 12:00 am daily and requiring that the Patio closure time remain at 9:00 pm is more in line with hours of operation for most bar and grill establishments which typically close at 2:00 am. Requiring the patio closure time to remain at 9:00 pm will ensure that this additional amenity does not negatively impact the residents of the single family homes to the north. The use will therefore not be detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located.

- (3) *The use will be compatible with other uses on the same lot, and in the general area in which the use is proposed to be located.*

The establishment is not expected to create more noise or impacts than other uses permitted to operate until midnight such as a restaurant use. Especially when considering that there is an abundance of street parking along Magnolia Boulevard and that the extended hours will be limited to the interior of the building. Also, all indications are that on the whole, the establishment has operated in compliance with its Conditional Use Permit. Finally, a bar and grill business has operated at this location which is across an alley from residential properties and adjacent to other commercial properties since 1939 and has been compatible with uses in the general area.

- (4) *The site for the proposed use is adequate in size and shape to accommodate the use and all of the yards, setbacks, walls, landscaping, and other features required to adjust the use to the existing future uses permitted in the neighborhood.*

The site is adequate in size and shape to accommodate the use. A bar and grill business has operated at this property for over 60 years and the modification of the business hours will not affect setbacks or other development standards. The fully developed property without on-site parking is legal non-conforming. The modification of an existing Conditional Use Permit will not trigger a need for additional parking because it does not involve the physical expansion of the existing building.

- (5) *The site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use.*

The existing transportation infrastructure is adequate to support the type and quantity of traffic generated at the subject site. The applicant currently has a three year parking agreement with the owner of Handy Market located one block to the east beginning March 3, 2011 for their customer's use of its 14 space parking lot. The operation of the business will remain the same and extending the hours of operation are not likely to impact traffic on the local streets beyond what is to be expected for a commercial operation in a commercial zone.

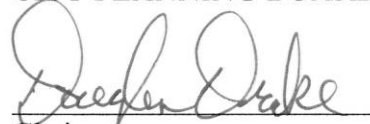
- (6) *The conditions imposed are necessary to protect the public health, convenience, safety, and welfare.*

The conditions of approval will mitigate any potential negative impacts on the community that might result from the restaurant/drinking establishment and late night hours of operation.

2. The Secretary of the Planning Board shall mail a copy of this Resolution to the applicant and report this decision to the City Council in accordance with Section 10-1-1946 of the Burbank Municipal Code.

PASSED AND ADOPTED this 27th day of June 2011.

CITY PLANNING BOARD


Chairperson

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF BURBANK

I, Michael D. Forbes, Secretary of the Planning Board of the City of Burbank, certify that this Resolution was adopted by the City Planning Board at its meeting held on the 27th day of June, 2011 by the following vote:

AYES: DRAKE, HOVANESSIAN, JO, SAN MIGUEL

NOS: PETRULIS

ABSENT: NONE

ABSTAINED: NONE


Michael D. Forbes, Secretary

CONDITIONS OF APPROVAL

Project No. 11-0000126, Conditional Use Permit (2623 West Magnolia Boulevard – Tin Horn Flats Bar & Grill, Applicant)

1. Project No. 11-0000126, Conditional Use Permit, supersedes and replaces Conditional Use Permit No. 2000-31 to expand Tin Horn Flat's hours of operation to 9:00 am – 12:00 am daily. This approval also allows the patio dining area to remain open between the hours of 10:00 am and 9:00 pm.
2. This Conditional Use Permit supersedes and replaces Conditional Use Permits Nos. 87-42, 97-29, and 2000-31. The existing conditions of approval have been included when appropriate.
3. Operations on the site shall remain in substantial conformance with the request and with the application materials and plans submitted by the applicant as approved and/or modified by the Planning Board, and placed on file in the office of the Planning Division, except as modified within the conditions herein, or by subsequent modifications determined by the City Planner to be in substantial compliance with these conditions of approval. The existing floor plan may be modified if the City Planner determines that the modifications will not intensify the proposed use.

Alcohol Sales

4. The applicant shall maintain a Type 47 Alcoholic Beverage Control License. All Department of Alcoholic Beverage Control rules and regulations shall be proactively enforced and complied with. The applicant shall submit to the City Planner a copy of the Department of Alcoholic Beverage Control license, including any and all conditions imposed, within two months of the issuance of the license.
5. The sale of alcoholic beverages for consumption off the premises is strictly prohibited. Within two months of the approval date of this resolution the applicant shall post a sign at each exit advising patrons that "No Alcoholic Beverages May Leave the Premises."
6. There shall be no over-serving of alcohol and bartenders and servers shall be instructed to refuse alcohol service to visibly intoxicated persons.
7. Interior displays of alcoholic beverages or advertising shall not be visible from the public right of way. Exterior displays or advertising of alcoholic beverages shall be prohibited.
8. One or more convictions of any employee or other person affiliated with the business for any crime involving alcoholic beverages or sales of an alcoholic beverage to a minor may be grounds for revocation of this Conditional Use Permit.
9. The operator and all employees serving alcoholic beverages shall be required to participate in the State of California's free Licensee Education on Alcohol and Drugs (L.E.A.D.).

Noise

10. Any noise or vibration resulting from the operation of the business or the conduct of the patrons shall be kept at a level so as not to cause any disturbances or nuisances which would be detrimental to other properties in the area. The Community Development Director or his/her designee shall have sole discretion as to the acceptable level of noise and vibration. If the City receives verified complaints about excessive noise or vibration occurring on more than three days in any one month period, the business may be considered a nuisance and such complaints may be used as grounds for revocation of this Conditional Use Permit.
11. The applicant shall post and maintain a sign that is readily visible to customers asking them to be considerate of surrounding residents and to keep noise to a minimum when entering and leaving the premises within two months of this approval.
12. The patio shall be closed to customers after 9:00 pm Monday through Sunday. Doors to the restaurant/bar from the patio are to be kept closed after 9:00 pm Monday through Sunday.
13. The applicant and his/her staff shall encourage patrons to park their vehicles on the streets fronting commercially zoned properties. The applicant shall post this request on their web site and direct their staff to verbally make this request when communicating with patrons. Additionally, the applicant shall post a sign inside the establishment informing patrons that they are not to park their vehicles on streets fronting residential properties.
14. Patrons shall not be permitted to loiter in the adjacent residential neighborhoods.

Security

15. The business shall provide the Burbank Police Department a contact list of responsible individuals in addition to the business owner who can be reached in case of an emergency within two months of the approval date of this resolution.
16. The owner shall reimburse the City of Burbank for all direct costs incurred for excessive calls for police services. For the purposes of this condition, excessive calls for police services shall be defined as more than three bona fide calls for police assistance, other than noise complaints, in any calendar month. Such calls include but may not be limited to fights between patrons of the business including those that are initiated at the business, but occur off the premises.
17. If excessive calls for police services occur for three or more consecutive months, the business may be considered a nuisance and such calls may be used as grounds for revocation of this Conditional Use Permit.
18. The property owner and/or manager shall make the restaurant available to the Burbank Police Department for periodic unannounced "walk throughs" during the hours the business is open.

19. Paths of travel in the interior of the business shall be maintained clear of obstructions and patrons at all times.
20. The applicant shall install closed circuit television cameras (CCTV) in the business and the cameras shall be operational during all business hours. The cameras shall be installed in the following locations:
 - a. Above the front door to monitor the bar and dining area.
 - b. On the rear wall of the business facing out to the front door.
 - c. Above the front door on the exterior to monitor the sidewalk area.
 - d. On the rear patio above the rear door facing the patio.
21. The CCTV feeds shall be recorded and such recordings shall be retained for a minimum of seven days before being deleted. Such recordings shall be made available to the Police Department upon request.
22. If the Police Department in the future has the ability to receive live CCTV feeds, the applicant within 12 months of being notified by the Police Department shall install the equipment necessary to transmit the live feed to the Police station and shall transmit the feed to the satisfaction of the Chief of Police.
23. The CCTV security system shall be installed within six months of the approval of this Conditional Use Permit.

Dancing/Live Entertainment

24. Dancing shall not be permitted on the premises.
25. Live entertainment consisting of bands and DJs shall be permitted on the interior of the business only.
26. There shall be no stages allowed at the business.
27. The rear doors of the building shall remain closed when live entertainment is taking place on the interior.

Property Maintenance

28. All exterior trash and recyclable material containers shall be maintained in a clean condition and all lids to such containers shall be made of non metal materials.
29. The premises shall be maintained free and clear of all trash, debris, and outdoor storage.
30. The existing block wall and landscaping surrounding the rear patio shall be maintained at all times in the manner acceptable to the City Planner and to the State of California Department of Alcoholic Beverage Control. Doors and gates from the patio shall not swing out into the public right of way.

General Conditions

31. The applicant shall comply with all federal, state, and local laws. Violation or conviction of any of those laws in connection with the use will be cause for revocation of this permit.
32. Project No. 11-0000126 may be modified or revoked by the City should it be determined that the use or conditions under which they were permitted are detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity or if the use is maintained so as to constitute a public nuisance.
33. The operator/owner shall comply with all regulation and requirements of State Law AB-13 (smoking in placement of employment) at all times.
34. This Conditional Use Permit shall expire one year from the date of approval (June 27, 2012) if not used.
35. By signing and/or using this permit, the permittee acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with full awareness of the provisions of Burbank Municipal Code Section 10-1-1951 and 10-1-1952. Failure of the permittee to sign these conditions does not affect their enforceability by the City or other responsible entity. These conditions are binding upon all future property owners and occupants of the subject property.

X _____
Signature of Applicant/Permittee

X _____
Signature of Property Owner

Protocol for Restaurants, Breweries and Wineries: Appendix I

Recent Updates: (Changes highlighted in yellow)

12/11/20:

- Temporary outdoor seating areas at restaurants, breweries and wineries are closed to the public.
- Employees must wear a face covering at all times except for when eating or drinking. Employees may eat or drink only during break times and in designated break areas, preferably outdoors. When eating or drinking employees must keep a 6-foot physical distance from others.

11/25/20: Restaurants, breweries and wineries may only offer food and beverage via take-out, drive thru or delivery. Wineries and breweries may continue retail sales operations. These limitations are effective November 25 – until further notice.

11/10/20: Workers are enlisted and supported as peer educators, reinforcing instructions around physical distancing and infection control.

Due to the continued increasing spread of the Novel Coronavirus (COVID-19), rapidly increasing case rates and hospitalizations, and the need to protect the most vulnerable members of our community, this protocol has been updated to limit restaurants and other food facilities to provide food and beverage service via delivery, drive thru or carry out only. **Any service of food, beverages, and/or alcohol that involves a customer sitting or remaining onsite indoors or outdoors to consume food or beverages is prohibited. All temporary outdoor seating areas at restaurants, breweries and wineries are closed to the public.** Public entities should not place temporary tables and chairs in places or areas that will convenience or encourage outdoor dining among non-household members because it creates **similar** risks as outdoor dining **at restaurants**. In addition to the conditions imposed on restaurants, breweries and wineries by the State Public Health Officer, restaurants, breweries and wineries must also be in compliance with these safety and infection control protocols.

Wineries that produce their own wine with premises set aside for wine tasting that are exempt from the definition of a food facility by California Health and Safety Code Section 113789(c)(5), and do not require a health permit to operate may be open for retail sales, and must comply with the employee safety and infection control requirements of this protocol and the Protocols for Retail Establishments Opening for In-person Shopping (Appendix B.).

Facilities that are not authorized pursuant to the Health Order and this Protocol to reopen are required to remain closed.

This protocol is not intended for concert, performance, or entertainment venues that have on-site food facilities. These food facilities are to remain closed until they are allowed to resume modified or full operation through a specific reopening order.

This protocol is not intended for food vendors (such as food trucks and food carts). Refer to the [Guidance for Food Street Vendors](#) for requirements that apply to these food facilities.

Please note: This document may be updated as additional information and resources become available so be sure to check the LA County website <http://www.ph.lacounty.gov/media/Coronavirus/> regularly for any updates to this document and related guidance.

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH
ORDER OF THE HEALTH OFFICER



This checklist covers:

- (1) Workplace policies and practices to protect employee health
- (2) Measures to ensure physical distancing
- (3) Measures to ensure infection control
- (4) Communication with employees and the public
- (5) Measures to ensure equitable access to critical services.

These five key areas must be addressed as your facility develops any reopening protocols.

All restaurants, breweries and wineries covered by this protocol must implement all applicable measures listed below and be prepared to explain why any measure that is not implemented is not applicable to the business.

Business name:

Facility Address:

Prior Maximum Occupancy:

Date Posted:

**A. WORKPLACE POLICIES AND PRACTICES TO PROTECT EMPLOYEE HEALTH
(CHECK ALL THAT APPLY TO THE FACILITY)**

- ☐ Everyone who can carry out their work duties from home has been directed to do so.
- ☐ Vulnerable staff (those above age 65, those who are pregnant, and those with chronic health conditions) are assigned work that can be done from home whenever possible, and should discuss any concerns with their healthcare provider or occupational health services to make appropriate decisions on returning to the workplace.
- ☐ All employees have been told not to come to work if sick or if they are exposed to a person who has COVID-19.
- ☐ Workers are provided information on employer or government-sponsored leave benefits the employee may be entitled to receive that would make it financially easier to stay at home. See additional information on [government programs supporting sick leave and worker's compensation for COVID-19](#), including employee's sick leave rights under the [Families First Coronavirus Response Act](#) and employee's rights to workers' compensation benefits and presumption of the work-relatedness of COVID-19 pursuant to the Governor's [Executive Order N-62-20](#).
- ☐ Upon being informed that one or more employees test positive for, or has symptoms consistent with COVID-19 (case), the employer has a plan or protocol in place to have the case(s) isolate themselves at home and require the immediate self-quarantine of all employees that had a workplace exposure to the case(s). The employer's plan should consider a protocol for all quarantined employees to have access to or be tested for COVID-19 in order to determine whether there have been additional workplace exposures, which may require additional COVID-19 control measures.
- ☐ In the event that the owner, manager, or operator knows of three (3) or more cases of COVID-19 within the workplace within a span of 14 days the employer must report this outbreak to the Department of Public Health

at (888) 397-3993 or (213) 240-7821. If a cluster is identified at a worksite, the Department of Public Health will initiate a cluster response which includes providing infection control guidance and recommendations, technical support and site-specific control measures. A public health case manager will be assigned to the cluster investigation to help guide the facility response. The Department of Public Health will need the facility's immediate cooperation to determine whether the cluster of cases constitutes an outbreak of COVID-19.

- ☐ Employee screenings are conducted before employees may enter the workspace. Checks must include a check-in concerning cough, shortness of breath, difficulty breathing and fever or chills and whether the individual is currently under isolation and quarantine orders. These checks can be done remotely or in person upon the employees' arrival. A temperature check should also be done at the worksite if feasible.
- ☐ Employees who have contact with others are offered, at no cost, an appropriate face covering that covers the nose and mouth. The covering is to be worn by the employee at all times during the workday when in contact or likely to come into contact with others. Employees who have been instructed by their medical provider that they should not wear a face covering should wear a face shield with a drape on the bottom edge, to be in compliance with State directives, as long as their condition permits it. A drape that is form fitting under the chin is preferred. Masks with one-way valves should not be used. Employees need not wear a face covering when the employee is alone in a private office or a cubicle with a solid partition that exceeds the height of the employee when standing.
- ☐ In compliance with HEALTH OFFICER ORDER FOR CONTROL OF COVID-19: TIER 1 SUBSTANTIAL SURGE RESPONSE issued November 28, 2020, all employees and persons patronizing a business must wear a face covering at all times.
- ☐ Employees are instructed on the proper use of face covering, including the need to wash or replace their face coverings daily.
- ☐ To ensure that masks are worn consistently and correctly, employees are discouraged from eating or drinking except during their breaks when they are able to safely remove their masks and physically distance from others. At all times when eating or drinking, employees must maintain at least a six-foot distance from others. When eating or drinking, it is preferred to do so outdoors and away from others.
- ☐ Occupancy is reduced and space between employees is maximized in any room or area used by employees for meals and/or breaks. This has been achieved by:
 - Posting a maximum occupancy that is consistent with enabling a distance of at least six feet between individuals in rooms or areas used for breaks;
 - Staggering break or mealtimes to reduce occupancy in rooms or areas used for meals and breaks; and
 - Placing tables six feet apart and assuring six feet between seats, removing or taping seats to reduce occupancy, placing markings on floors to assure distancing, and arranging seating in a way that minimizes face-to-face contact. Use of partitions is encouraged to further prevent spread but should not be considered a substitute for reducing occupancy and maintaining physical distancing.
- ☐ Face shields are to be used, cleaned and disinfected per manufacturer's directions.
- ☐ Employees are directed to ensure hand hygiene practices including handwash frequency, use of hand sanitizer and proper glove use are adhered to.
- ☐ Employees are allowed time to wash their hands frequently.
- ☐ Employees are reminded to cover coughs and sneezes with a tissue. Used tissue should be thrown in the trash and hands washed immediately with soap and warm water for at least 20 seconds.
- ☐ All employees, vendors and delivery personnel have been provided instructions regarding maintaining physical distancing and the use face coverings when around others.
- ☐ Workers are enlisted and supported as peer educators, reinforcing instructions around physical distancing

and infection control.

- ☐ Breaks are staggered, in compliance with wage and hour regulations, to ensure that six (6) feet between employees can be maintained in break rooms at all times.
- ☐ Break rooms, restrooms and other common areas are disinfected **hourly**, on the following schedule:
 - Break rooms _____
 - Restrooms _____
 - Other _____
- ☐ Disinfectant and related supplies are available to employees at the following location(s):

- ☐ Hand sanitizer effective against COVID-19 is available to all employees at the following location(s):

- ☐ Copies of this Protocol have been distributed to all employees.
- ☐ Optional—Describe other measures:

B. MEASURES TO ENSURE PHYSICAL DISTANCING

- ☐ If possible, an employee wearing a cloth face covering is posted near the door but at least 6 feet from the nearest customers, to monitor that physical distancing procedures are adhered to.
- ☐ Measures to ensure physical distancing are adhered to where customers or employees are in a queue. This includes check-stands and terminals, deli counters and lines, restrooms, elevator lobbies, host stands and waiting areas, valet drop off and pickup, and any other areas where customers congregate.
 - Placing tape or other markings at 6-foot intervals in any area where members of the public may form a line or stand.
 - Establish directional hallways and passageways for foot traffic, if possible, to eliminate employees and customers from passing by one another.
- ☐ Food facilities offering food pick-up options or delivery are to ensure physical distancing practices are implemented for those customers in the queue when ordering or during pick-up.
- ☐ On-site outdoor seating is closed.
 - Bar counters used for the purposes of preparing or serving alcoholic beverages are closed to food and beverage service at the counter.
 - Any service of food, beverages, and/or alcohol indoors that involves a customer sitting indoors or outdoors to consume food, beverages, or alcohol is prohibited.
 - Onsite seating within an indoor or outdoor food court is prohibited.
 - Entertainment operations are prohibited. This includes, but is not limited to, Disk Jockey and live music and entertainment. Adjust music volume so that workers can maintain distance from customers to hear orders.
 - Restaurants may not host receptions, banquets, or other large gatherings.
- ☐ **Restaurants may continue to be open for delivery, take-out and drive thru operations.**
- ☐ Technology solutions where possible have been implemented to reduce person-to-person interaction; mobile ordering and menu tablets, contactless payment options.

- ☐ Design interaction between customers, delivery drivers and employees to allow for physical distancing.
 - Floors in and outside of the restaurant in areas when customers, delivery drivers or others may wait for are marked to enable and enforce physical distancing.
 - The use of contactless processes for pickup and delivery and other electronic systems for guest interactions have been implemented, where possible.
 - Interactions between employees and customers are limited to a maximum of five minutes per occurrence, where possible.
- ☐ If the establishment has capacity and chooses to offer on-site ordering, customers should be offered a menu (posted or a single-use handout), to allow for ease of ordering, and items orders should be gathered, packaged and picked up by the customer as soon as possible; customers should be notified of the estimated pick-up time. Customers waiting for items may not congregate within the business. They should either remain in their car or return at the appropriate time to obtain their order.
- ☐ Limit contact between staff and customers.
 - Install physical barriers such as partitions or plexiglass at registers, host stands, ordering counters, etc., where maintaining physical distance of six feet is difficult.
- ☐ Discourage employees and customers from congregating in high traffic areas such as bathrooms, hallways, bar areas, reservation and credit card terminals, etc.
 - Require employees to avoid handshakes and similar greetings that break physical distance.
- ☐ Use barriers or increase distance between tables/chairs to separate employees in employee breakrooms. Where possible, create outdoor break areas with shade covers and seating that ensures physical distancing.
- ☐ Operations have been redesigned, where possible, to achieve physical distancing between employees.
 - Kitchen and other back of house area's floors are marked to reinforce physical distancing requirements.
- ☐ Physical distancing protocols should be used in any office areas, kitchens, pantries, walk-in freezers, or other high density high-traffic employee areas.
 - Incidental contact is to be expected, however, the goal is to limit this to less than 15 minutes, preferably 10 minutes, and the employees are always wearing their face coverings.

C. MEASURES FOR INFECTION CONTROL

PRIOR TO OPENING

- ☐ The HVAC system is in good, working order; to the maximum extent possible, ventilation has been increased.
 - Consider installing portable high-efficiency air cleaners, upgrading the building's air filters to the highest efficiency possible, and making other modifications to increase the quantity of outside air and ventilation in all working areas.
- ☐ For facilities that have not been operating, flush each of the hot and cold-water fixtures for five minutes prior to reopening to replace stale water in the facility's plumbing with a fresh and safe water supply.
- ☐ Facility has been thoroughly cleaned and sanitized/disinfected (using products approved for use against COVID-19), especially if it's been closed.
 - Procure options for third-party cleaning company to assist with the increased cleaning demand, as needed.
- ☐ Spaces such as dining rooms, host stands, and kitchens have been equipped with proper sanitation products, including hand sanitizer and sanitizing wipes for all employees directly assisting customers.

- ☐ Ensure sanitary facilities stay operational and stocked at all times and provide additional soap, paper towels, and hand sanitizer when needed.
- ☐ Recommend installing touchless dispensers for hand sanitizer, soap dispensers, paper towel and trash dispenser.
- ☐ Drop-off locations are designated to receive deliveries away from high traffic areas. Person-to-person contact for delivery of goods has been eliminated whenever possible.

FOOD SAFETY CONSIDERATIONS

- ☐ All food safety practices outlined in the California Retail Food Code (CRFC) are being followed and maintained.
 - ☐ Keep hot food hot (135 °F or above) and cold food cold (41 °F or below).
 - ☐ Thoroughly cook foods as required in the CRFC.
 - ☐ Clean and sanitize utensils and equipment at the required frequency outlined in the CRFC.
 - ☐ Adhere to employee health and hygiene practices: Don't work when ill; wash hands frequently; gloves used as required in the CRFC.
 - ☐ Ensure all food and food ingredients are from an approved food source.
 - ☐ Food preparation employees are discouraged from changing or entering others' workstations during shifts.
- ☐ Self-service machines, such as soda and frozen yogurt machines are dispensed by a food employee and **contact surfaces are** cleaned and sanitized **on an hourly basis**.
- ☐ Areas where customers may congregate or touch food or food ware items that other customers may use have been closed. These items are provided to customers individually and discarded or cleaned and disinfected after each use, as appropriate. This includes but is not limited to:
 - ☐ Self-service areas with condiment caddies, utensil caddies, napkins, lids, straws, to-go containers, etc.
 - ☐ Self-service food areas, such as salsa bars, salad bars or buffet-style, including food sampling.
 - ☐ After-meal mints candies, snacks, or toothpicks for customers. These are offered with the check or provided only on request.

FACILITY CONSIDERATIONS

- ☐ Restrooms that were previously open to the public should remain open to the public.
- ☐ A food employee per shift is designated to oversee and enforce additional sanitization and disinfection procedures, as needed.
- ☐ A cleaning and disinfection plan for high-touch surfaces and access areas has been developed and is followed.
 - ☐ Common areas and frequently touched objects related to customer pickup and payment (e.g., tables, doorknobs or handles, credit card readers) are disinfected on an hourly basis during business hours using EPA approved disinfectants.
 - ☐ All payment portals, pens, and styluses are disinfected **on an hourly basis**.
- ☐ Facility is thoroughly cleaned and sanitized/disinfected (using products approved for use against COVID-19) nightly. A log is kept to monitor completion wherever possible.
- ☐ Audio headsets and other equipment are not shared between employees unless the equipment is properly disinfected after each use. Consult equipment manufacturers to determine appropriate disinfection steps.

- ☐ Dishwashers that wash multi-use customer utensils are provided with equipment to protect their eyes, nose and mouth from contamination due to splash using a combination of face coverings, protective glasses, and/or face shields. Dishwashers are provided impermeable aprons and required to change frequently. Reusable protective equipment such as face shields and glasses are to be properly disinfected between uses.
- ☐ Restrooms are checked regularly and cleaned and disinfected on an hourly basis using approved EPA disinfectants.
- ☐ Hand sanitizer and trash cans are available to the public at or near the entrance of the facility.

CUSTOMER SERVICE AREAS

- ☐ Customers should enter through doors that are propped open (this will be evaluated for approval based on overall vermin exposure) or automated if possible. Hand sanitizer should be available for guests who must touch door handles.
- ☐ Customers are instructed that they must wear cloth face coverings upon entry to the facility, when walking anywhere in the facility, and when using the restrooms. This applies to all adults and to children over the age of 2. Only individuals with chronic respiratory conditions or other medical conditions that make the use of a face covering hazardous are exempted from this requirement. To support the safety of your employees and other visitors, a face covering should be made available to visitors who arrive without them.
 - Customers who refuse to wear a cloth face covering may be refused service and asked to leave.
- ☐ Customers arriving at the site with children must ensure that their children stay next to a parent, avoid touching any other person or any item that does not belong to them, and are wearing face coverings if age permits.
- ☐ Symptom checks are conducted before visitors may enter the facility. Checks must include a check-in concerning cough, shortness of breath, difficulty breathing and fever or chills, **and whether the individual is currently under isolation or quarantine orders.** These checks can be done in person or through alternative methods such as on-line check in systems or through [signage](#) posted at the entrance to the facility stating that visitors with these symptoms should not enter the premises.
- ☐ Employees moving items used by customers or handling trash bags use disposable gloves (wash hands before putting gloves on and after removing them) and are provided aprons which they must change frequently.
- ☐ Reusable menus are cleaned and disinfected between customers. If using paper menus, discard after each customer use. Alternatives such as stationary menu boards, electronic menus, or mobile device downloadable menus should be considered.
- ☐ Cashless transactions are encouraged. If reasonable for the food facility, customers are enabled to swipe their own credit/debit cards, and card readers are fully sanitized **on an hourly basis.**
- ☐ Optional - Describe other measures (e.g. providing senior-only hours, incentivizing non-peak sales):

D. MEASURES THAT COMMUNICATE TO THE PUBLIC

- ☐ A copy of this protocol **or a COVID Compliance Certificate** is posted at all public entrances to the facility.
- ☐ A sign notifying customers to use hand sanitizer and to wear a face covering when not eating or drinking is also posted at all entrances.
- ☐ **For restaurants located inside another business or an indoor or outdoor shopping center or mall, signage is posted indicating that customers may not eat or drink anywhere on the premises of the business or mall.**

- ☐ Signage is posted that reminds the dining public to maintain physical distancing of six feet, wash hands or use sanitizer upon entry into a restaurant, and to stay home if they are ill or have symptoms consistent with COVID-19.
- ☐ Online outlets of the establishment (website, social media, etc.) provide clear information about facility hours, required use of face coverings, policies in regard to preordering, reservations, prepayment, pickup and/or delivery and other relevant issues.

E. MEASURES THAT ENSURE EQUITABLE ACCESS TO CRITICAL SERVICES

- ☐ Services that are critical to the customers/clients have been prioritized.
- ☐ Transactions or services that can be offered remotely have been moved on-line.
- ☐ Measures are instituted to assure access to goods and services for customers who have mobility limitations and/or are at high risk in public spaces.

**Any additional measures not included above should be listed on separate pages,
which the business should attach to this document.**

**You may contact the following person with any questions or
comments about this protocol:**

Business Contact Name:

Phone number:

Date Last Revised:
