

JUNE 17, 2020

CITY OF AGOURA HILLS EXECUTIVE ORDER NO. 2020-02

AN EXECUTIVE ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF AGOURA HILLS AUTHORIZING TEMPORARY OUTDOOR RETAIL DISPLAYS, TEMPORARILY EXTENDING TIME PERIODS FOR OUTDOOR SALES EVENTS FOR SPECIFIED TEMPORARY USE PERMITS AND TEMPORARILY WAIVING FEES FOR SPECIFIED TEMPORARY USE PERMITS TO ASSIST IN THE REOPENING OF RETAIL ESTABLISHMENTS

WHEREAS, in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in December 2019 and has spread globally, impacting more than 75 countries, including the United States; and

WHEREAS, since the federal Center for Disease Control and Prevention (“CDC”) confirmed the first possible case of community spread of COVID-19 in the United States on February 26, 2020, there has been a significant escalation of United States domestic cases and deaths from COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government will make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, Agoura Hills Municipal Code (“Municipal Code”) Section 3605 designates the City Manager to be the Director of Emergency Services; and

WHEREAS, on March 16, 2020, the Director of Emergency Services proclaimed the existence of a local emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, the City Council ratified the emergency proclamation issued by the Director of Emergency Services; and

WHEREAS, on March 19, 2020 the Los Angeles County Public Health Officer issued a countywide order, the “Safer at Home” Order, which was further clarified on March 21, 2020. This public health order prohibited all public and private group gatherings and events and required people to stay in their homes with limited exceptions; and required closure of all non-essential retail businesses, shopping centers, playgrounds for children, bars, nightclubs, movie theaters and all similar gathering places. The purpose

of the order was to further restrict, and limit gathering of persons and require closures of non-essential retail businesses in an effort to stem or slow the spread of the virus; and

WHEREAS, on March 19, 2020, the Governor, also issued Executive Order N-33-20, (commonly known as the Safer at Home Order) an Order of the State Public Health Officer ordering all individuals living in California to stay home or at their place of residence except as needed to maintain continuity of operations of outlined federal critical infrastructure sectors; and

WHEREAS, on April 28, 2020, the Governor announced a four-stage framework titled "Resilience Roadmap" for modifying the statewide Safer at Home Order to gradually permit the phased reopening of the State; and

WHEREAS, on May 4, 2020, the Governor issued Executive Order N- 60-20, to modify its state-wide Safer at Home order and allow the state to move into Stage 2 of the reopening process to permit certain low risk businesses and open spaces to open with modifications. Executive Order N-60-20, also directs the State Public Health Officer to establish criteria and procedures, as set forth in the order to determine how local jurisdictions may implement public health measures that depart from state-wide directives of the State Public Health Officer; and

WHEREAS, on May 26, 2020 the County of Los Angeles issued a Revised Health Officer Order entitled "Reopening Safer at Work and in the Community for Control of COVID-19: Moving the County of Los Angeles Through Stage 2 of California's Pandemic Resilience Roadmap", along with protocols for retail establishments, which continues to relax restrictions during the recovery period from the COVID-19 pandemic and to align the County of Los Angeles with State Executive Orders and State Health Officer Orders that support the phased reopening of the California Pandemic Resilience Roadmap. Under this order the number of customers permitted in an indoor retail store, to ensure physical distancing, cannot exceed more than 50% of the maximum occupancy of the retail store capacity; and

WHEREAS, the County of Los Angeles continues to issue revised health orders, most recently on June 11, 2020, entitled "Reopening Safer at Work and in the Community for Control of COVID-19: Moving the County of Los Angeles Into Stage 3 of California's Pandemic Resilience Roadmap", to provide direction for moving through the stages of the County's Roadmap to Recovery; and

WHEREAS, the City of Agoura Hills seeks to be responsive to allow businesses to reopen in light of the County's orders with temporary additional space to accommodate physical distancing requirements and guidelines; and

WHEREAS, the prolonged operational restrictions on retail establishments in the City of Agoura Hills threatens the ability of such businesses to survive and deprives residents and visitors of local retail options within the City. It is important to provide such establishments a degree of flexibility to operate with temporary additional space to meet

social distancing guidelines so that patrons can visit such establishments in a safe manner; and

WHEREAS, Part 14 of Chapter 3 of Article IX of the Municipal Code authorizes limited commercial outdoor display of merchandise on specified weekends. To assist in the reopening of retail establishments to best abide by limited capacity and social distancing requirements for businesses as established by of State and Los Angeles County orders in response to COVID-19, the City desires that certain limitations on outdoor retail displays, including limitations on the days on which such displays may be allowed, be temporarily modified to allows retailers in the City to provide safe, outdoor retail environments for residents and visitors to patronize local businesses; and

WHEREAS, Municipal Code Section 9678.1(D) authorizes, subject to a temporary use permit, outdoor sales and special events by existing businesses in the City including parking lot sales. The City desires to temporarily extend the time periods for outdoor sales events to ten (10) days for each outdoor sales event with a maximum of two outdoor sales events per calendar year, during the pendency of the period businesses are subject to occupancy restrictions as a result of COVID-19 encouraging retailers in the City, to provide safe, outdoor retail environments for residents and encourage visitors to patronize local businesses;

WHEREAS, Municipal Code Section 9678.1(D) authorizes, subject to a temporary use permit, outdoor sales and special events by existing businesses in the City including parking lot sales. Pursuant to Municipal Code Section 9678.2(D) such permits are subject to an application fee. The City desires to temporarily waive these application fees because waiving applications fees for temporary use permits for such outdoor sales during the pendency of the period businesses are subject to occupancy restrictions and social distancing guidelines as a result of COVID-19 provides a public benefit by encouraging retailers in the City to provide safe, outdoor retail environments for residents and visitors to patronize local businesses; and

WHEREAS, it is essential to protect members of the public from avoidable risk of serious illness and death resulting from the spread of COVID-19 and protect the healthcare system from a surge of cases into its emergency rooms and hospitals, during this emergency; and

WHEREAS, in the interest of public health, and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary for the Director of Emergency Services to exercise his authority to issue these regulations; and

WHEREAS, pursuant to Government Code Section 8634 and Municipal Code Section 3605(a)(7)a., the Director of Emergency Services for the City of Agoura Hills has the authority to make and issue rules and regulations related to the protection of life and property as affected by the COVID-19 pandemic.

NOW, THEREFORE, THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF AGOURA HILLS DOES HEREBY ORDER AS FOLLOWS:

SECTION 1. Temporary Outdoor Retail Displays. Notwithstanding any provisions to the contrary in Part 14 of Chapter 3 of Article IX, or elsewhere, in the Municipal Code, for the term provided in Section 4 of this Order the City of Agoura Hills authorizes retail establishments where retail sales are licensed and permitted to temporarily display merchandise outdoors each day of the week during open business hours subject to specified operational standards, as set forth in Exhibit "A", attached hereto and incorporated herein by reference.

SECTION 2. Temporary Use Permits for Outdoor Sales Events. For only those businesses that eligible for and are issued temporary use permits for outdoor sales events pursuant to Agoura Hills Municipal Code Section 9678.1(D), the time periods for such events shall be temporarily extended to ten (10) days for each outdoor sales event with a maximum of two outdoor sales events per calendar year, only for the duration of this Order. Such businesses shall otherwise comply with all other provisions of Division 8 (Temporary Uses) of Part 3 of Chapter 6 of Article IX of the Agoura Hills Municipal Code.

SECTION 3. Temporary Use Permit for Outdoor Sales Fee Waiver. The application fees for only those temporary use permits issued pursuant to Agoura Hills Municipal Code Section 9678.1(D), are hereby temporarily waived for the duration of this Order, for the purposes of allowing temporary outdoor sales.

SECTION 4. No Rights or Entitlements. Nothing in this Order shall be considered an entitlement or a permit for use of an outdoor display area or an outdoor sales event, or to confer any vested rights or property interest to any ongoing or continuing activities beyond the term of this Order.

SECTION 5. Violations. Any person who violates any provisions of this Order is subject to citation and/or abatement pursuant to any relevant provision of law, and this Order shall be enforceable as set forth in Government Code Section 8665 and Section 3609 of the Agoura Hills Municipal Code.

SECTION 6. Term. This Executive Order shall remain in effect until the local emergency declared in response to COVID-19 within the City is concluded, or until any applicable Los Angeles County health order is issued allowing retail businesses to operate at 100% occupancy, as authorized prior to the declaration of local emergency, whichever date is sooner. This Executive Order may also be extended, superseded or rescinded during the period of local emergency by a duly enacted resolution or ordinance of the City Council or by a further Order by the Director of Emergency Services.

SECTION 7. Amendments. The Director of Emergency Services shall continue to monitor the Orders of Federal, State and local authorities and shall amend, extend or modify this Executive Order or issue additional Executive Orders as necessary or advisable.

SECTION 8. Effective Date. This Executive Order shall be effective immediately as of the date of this Executive Order.

SECTION 9. Severability. The Director of Emergency Services declares that, should any section, subsection, subdivision, sentence, clause, phrase, or portion of this Executive Order for any reason be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Executive Order. The Director of Emergency Services hereby declares that he would have adopted this Executive Order and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 10. Notice of Executive Order. The Director of Emergency Services hereby directs City staff to cause this Executive Order to be disseminated to the public and be given widespread publicity and notice.

ORDERED, ADOPTED and ISSUED this 17th day of June, 2020.



Greg Ramirez
Director of Emergency Services/City Manager

Exhibit A
COVID-19 TEMPORARY OUTDOOR RETAIL DISPLAY
OPERATION STANDARDS

The purpose of the following standards is to provide for temporary commercial outdoor displays authorized pursuant to Executive Order 2020-02, which permits temporary outdoor retail display to assist in the reopening of retail establishments in the City of Agoura Hills consistent with applicable social distancing requirements and recommendations.

Commercial outdoor displays is temporarily allowed at retail establishments where retail sales are licensed and permitted, subject to the following standards:

- A. Outdoor display of merchandise shall be allowed each day of the week during open business hours. All outdoor display products must be located indoors while the business is closed.
- B. All outdoor display must maintain clearance requirements that meet handicapped accessibility standards. An obstruction-free, clear sidewalk area for pedestrian passing through or around the outdoor display shall be required. Outdoor display shall not be permitted in areas where less than a four-foot obstruction-free pedestrian area exists between the outdoor display and the edge of the curb or sidewalk.
- C. Outdoor display shall be limited to the area directly in front of the tenant space and the items for sale must be the same as those sold inside the store or must be items that would typically be sold at the business.
- D. Sales transactions for the outdoor display products may occur outdoors.
- E. Additional, non-illuminated, outdoor signage is allowed if placed only on the merchandise display.
- F. The use of mechanically reproduced sound, amplified sound, or live music shall not be permitted as part of the outdoor display.
- G. The allowance for temporary commercial outdoor display does not apply in residential zones.
- H. Prior consent from the property owner is encouraged and recommended.