

July 31, 2020

CITY OF AGOURA HILLS EXECUTIVE ORDER NO. 2020-03

**AN EXECUTIVE ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF AGOURA HILLS AUTHORIZING DESIGNATED COMMERCIAL BUSINESSES (GYMS, FITNESS ESTABLISHMENTS, HAIR SALONS, BARBERSHOPS, AND PERSONAL CARE ESTABLISHMENTS (INCLUDING ESTHETICIAN, SKIN CARE AND COSMETOLOGY BUSINESSES, NAIL SALONS AND MASSAGE ESTABLISHMENTS) TO CONDUCT TEMPORARY OUTDOOR OPERATIONS WITH ISSUANCE OF A TEMPORARY OUTDOOR COMMERCIAL EXPANSION PERMIT**

**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 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 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.

**WHEREAS**, due to Los Angeles County's placement on the County Monitoring List for three consecutive days, on July 13, 2020, the State Public Health Officer required the closure of indoor operations at a number of business sectors, including (i) gyms and fitness centers; (ii) personal care services; and (iii) hair salons and barbershops; and

**WHEREAS**, on July 20, 2020, the State Department of Public Health released guidance on outdoor operations for hair salons, barbershops and businesses offering personal care services such as nail salons, skin care businesses and massage parlors. This excluded businesses offering electrolysis, tattooing and piercing services; and

**WHEREAS**, in July 2020, the County of Los Angeles Department of Public Health released Reopening Protocols for outdoor operations for gyms, fitness establishments, hair salons, barbershops, and personal care establishments (including esthetician, skin care and cosmetology businesses, nail salons and massage establishments)

("Designated Commercial Businesses"). These Designated Commercial Businesses must follow the County of Los Angeles Department of Public Health's Reopening Protocol for Hair Salons and Barbershops: Appendix H, Reopening Protocol for Gyms and Fitness Establishments: Appendix L, and Reopening Protocol for Personal Care Establishments: Appendix R, as applicable; and

**WHEREAS**, the City of Agoura Hills desires to help facilitate Designated Commercial Businesses by making outdoor services more accessible; and

**WHEREAS**, private sidewalks and private parking lots adjacent to such Designated Commercial Businesses offer a relatively safe space to provide outdoor services and those outdoor spaces are currently at reduced capacity due to the COVID-19 pandemic; and

**WHEREAS**, the prolonged operational restrictions on these Designated Commercial Businesses in the City of Agoura Hills threatens the ability of such businesses to survive and deprives residents and visitors of local 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**, 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 Commercial Expansion Permit in Private Outdoor Areas.

A. Only gyms, fitness establishments, hair salons, barbershops, and personal care establishments (including esthetician, skin care and cosmetology services, nail salons, and massage therapy services, but not electrology, tattooing, microblading, permanent make-up or piercing services) (collectively referred to as "Designated Commercial Businesses") may temporarily provide their services outside within the private parking lot, private sidewalk, and/or other private outdoor space (collectively referred to as "Private Outdoor Area") located immediately adjacent to the building in

which the Designated Commercial Business is already located, subject to the terms and conditions of a valid Temporary Outdoor Commercial Expansion Permit issued by the City, any related conditions of approval and this Executive Order.

B. The Director of Emergency Services/City Manager hereby authorizes the Community Development Director or his designee to create a Temporary Outdoor Commercial Expansion Permit application with minimum standards and conditions, to review applications for such a Temporary Outdoor Commercial Expansion Permit, and to issue such Temporary Outdoor Commercial Expansion Permits with any necessary conditions of approval. Only Designated Commercial Businesses are eligible for and may apply to the City for a revocable, limited Temporary Outdoor Commercial Expansion Permit.

C. Temporary Outdoor Commercial Expansion Permits shall authorize the revocable, limited, and temporary outdoor commercial expansion of only Designated Commercial Businesses in Private Outdoor Areas, as specified in the Temporary Outdoor Commercial Expansion Permit, subject to compliance with operational and safety provisions provided by the City Manager or his designee, applicable State and County health orders, and in compliance with the Americans with Disability Act and any other applicable laws or regulations.

D. Provided the requirements of this Executive Order and any related conditions are met, the applicant for a Temporary Outdoor Commercial Expansion Permit shall not be subject to minimum parking requirements specified in the Agoura Hills Municipal Code or in a previously granted entitlement, for the duration of the term of the Temporary Outdoor Commercial Expansion Permit, which shall be reasonably related to the requirements of State, County, or local social distancing requirements and the economic impacts of COVID-19, due to parking spaces lost as a result of temporarily authorized expansion in Private Outdoor Areas.

E. If the applicant intends to use a shared Private Outdoor Area for the outdoor expansion of its Designated Commercial Business, then the applicant must obtain written consent from the owner of the shared Private Outdoor Area to be used for outdoor expansion of the Designated Commercial Business, and such written consent shall be provided upon submission of the Temporary Outdoor Commercial Expansion Permit application.

F. All provisions of the Agoura Hills Zoning Code that would preclude the Community Development Director or his designee from allowing a Designated Commercial Business from providing outdoor service in accordance with a duly issued Temporary Outdoor Commercial Expansion Permit are hereby suspended for the period of time that such Temporary Outdoor Commercial Expansion Permit remains in effect.

G. All Temporary Outdoor Commercial Expansion Permits shall automatically expire on September 30, 2020, or when this Executive Order expires pursuant to Section 4 of this Executive Order, whichever date is sooner. Upon expiration of a Temporary Outdoor Commercial Expansion Permit, an applicant may apply for a new

Temporary Outdoor Commercial Expansion Permit so long as this Executive Order remains in effect.

H. During the local state of emergency in the City of Agoura Hills due to COVID-19, there shall be no fee imposed for a Temporary Outdoor Commercial Expansion Permit issued pursuant to this Executive Order.

SECTION 2. No Rights or Entitlements. Nothing in this Executive Order shall be considered an entitlement or a permit for outdoor use or outdoor commercial expansion of a permitted use or to confer any vested rights or property interest to any ongoing or continuing activities beyond the term of this Executive Order.

SECTION 3. Violations. Any person who violates any provisions of this Executive Order is subject to citation and/or abatement pursuant to any relevant provision of law, and this Executive Order shall be enforceable as set forth in Government Code Section 8665 and Section 3609 of the Agoura Hills Municipal Code.

SECTION 4. 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 Department of Public Health order is issued allowing Designated Commercial Businesses to operate at 100% occupancy, whichever date is sooner. This Executive Order may also be revised, 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 5. 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 6. Effective Date. This Executive Order shall be effective immediately as of the date of this Executive Order.

SECTION 7. 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 8. 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 31st day of July, 2020.

A handwritten signature in blue ink, consisting of a stylized 'N' followed by a horizontal line and a flourish.

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Nathan Hamburger  
Director of Emergency Services/City Manager