

## REPORT TO CITY COUNCIL

**DATE: SEPTEMBER 28, 2022**

**TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

**FROM: NATHAN HAMBURGER, CITY MANAGER**

**BY: RAMIRO ADEVA, ASSISTANT CITY MANAGER**

**SUBJECT: ADOPTION OF RESOLUTION NO. 22-2022; EXTENDING EXECUTIVE ORDER NO. 2021-02 REGARDING TEMPORARY CONTINUANCE OF THE TEMPORARY OUTDOOR OPERATIONS PERMIT (TOOP) PROGRAM FOR DESIGNATED ESTABLISHMENTS**

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On September 30, 2022, all temporary outdoor operations permits (TOOPs) issued by the City for outdoor dining, as well as outdoor operations for commercial and non-commercial establishments, were set to expire.

The following fourteen (14) businesses (listed alphabetically) currently have a TOOP:

- Adobe Cantina
- Basta
- Blue Table
- Boar Dough
- Café Bizou
- Exotic Thai
- Lal Mirch Indian Restaurant
- Sage Vegan Bistro
- Sushi Su
- Plata Taqueria and Cantina
- Precision CrossFit
- Tavern 101 & Tap House
- Tavern Tomoko/Ladyface
- Two Doughs

All businesses listed expressed a need for an extension, citing reasons of additional time to recover financially and a customer base that remains cautious and apprehensive about being indoors. Therefore, it is recommended an extension be granted through January 31, 2023, which staff believes is a reasonable balance of addressing the concerns expressed by the businesses, while recognizing the original intent of the TOOPs was to be a temporary solution tied directly to specific challenges caused by the pandemic.

The attached Resolution No. 22-2022 has been reviewed and approved by the City Attorney as to form.

## **RECOMMENDATION**

Staff respectfully recommends the City Council adopt Resolution No. 22-2022, extending Executive Order No. 2021-02 regarding temporary continuance of the Temporary Outdoor Operations Permit Program for designated establishments.

Attachment: Resolution No. 22-2022

## RESOLUTION NO. 22-2022

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, EXTENDING EXECUTIVE ORDER NO. 2021-02 REGARDING TEMPORARY CONTINUANCE OF THE TEMPORARY OUTDOOR OPERATIONS PERMIT PROGRAM FOR DESIGNATED ESTABLISHMENTS

**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 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**, in December 2020, both the California Department of Public Health and the Los Angeles County Health Officer issued Regional Stay-at-Home and Safer-At-Home Orders, temporarily prohibiting outdoor dining by restaurants;

**WHEREAS**, in January 2021, Los Angeles County adopted a health order which allowed for the reopening of only specified outdoor activities for uses such as restaurants, museums, galleries, gymnasiums, fitness facilities, hair salons, barbershops, personal care services, (including esthetician, skin care, and cosmetology businesses, nail salons and massage establishments), and places of worship.

**WHEREAS**, at various times in 2020, the City created various programs for temporary outdoor permits to assist businesses affected by the COVID-19 pandemic, and all City issued Temporary Outdoor Dining Permits, Temporary Outdoor Commercial Expansion Permits and Temporary Outdoor Non-Commercial Expansion Permits expired on January 15, 2021;

**WHEREAS**, on January 27, 2021, through the adoption of City of Agoura Hills Executive Order No. 2021-01, the City streamlined all Temporary Outdoor Permits into one Temporary Outdoor Operations Permit program;

**WHEREAS**, on December 27, 2021, the Director of Emergency Services adopted and issued "City of Agoura Hills Executive Order No. 2021-02, An Executive Order of the Director of Emergency Services of the City of Agoura Hills Temporarily Continuing the Temporary Outdoor Operations Permit Program for Designated Establishments" ("Executive Order No. 2021-02");

**WHEREAS**, on January 12, 2022, the City Council adopted Resolution No. 22-1993, A Resolution of the City Council of the City of Agoura Hills, California, Ratifying and Confirming the Director of Emergency Services' Executive Order No. 2021-02, An Executive Order of the Director of Emergency Services of the City of Agoura Hills Temporarily Continuing the Temporary Outdoor Operations Permit Program for Designated Establishments;

**WHEREAS**, on March 30, 2022, the Director of Emergency Services adopted and issued "City of Agoura Hills Executive Order No. 2022-01, An Executive Order of the Director of Emergency Services of the City of Agoura Hills Extending Executive Order No. 2021-02 Regarding Temporary Continuance of the Temporary Outdoor Operations Permit Program for Designated Establishments" ("Executive Order No. 2022-01");

**WHEREAS**, on April 13, 2022, the City Council adopted Resolution No. 22-1999, A Resolution of the City Council of the City of Agoura Hills, California, Ratifying and Confirming the Director of Emergency Services' Executive Order No. 2022-01, An Executive Order of the Director of Emergency Services of the City of Agoura Hills Extending Executive Order No. 2021-02 Regarding Temporary Continuance of the Temporary Outdoor Operations Permit Program for Designated Establishments;

**WHEREAS**, the City is encouraged by the region's progress in controlling the COVID-19 pandemic, but recognizes that the spread of COVID-19 will continue as a public health risk; and

**WHEREAS**, COVID-19 variants continue to be discovered (*e.g.*, Omicron, Omicron BA.4, Omicron BA.5) with confirmed transmission cases in Los Angeles County; and

**WHEREAS**, the COVID-19 Omicron variant and its subvariants are understood to be far more transmissible than other COVID-19 variants; and

**WHEREAS**, the City understands that some residents and visitors, especially high-risk individuals, whether vaccinated against COVID-19 or not, may desire to have the option to dine and engage in certain activities outdoors in order to maintain better social distancing and limit indoor exposure with other persons; and

**WHEREAS**, private sidewalks and private parking lots adjacent to such Designated Establishments, as such term is defined in Executive Order 2021-02, 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**, 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 room and hospitals, during this emergency; and

**WHEREAS**, all current, valid Temporary Outdoor Operations Permits are set to expire on September 30, 2022;

**WHEREAS**, Section 2 of Executive Order 2022-01 provides that Executive Order 2021-02 may be revised or extended during the period of local emergency by a duly enacted resolution of the City Council;

**WHEREAS**, the City of Agoura Hills continues to desire to help facilitate those Designated Establishments to provide outdoor services; and

**WHEREAS**, in order to continue to facilitate business recovery and provide an option for outdoor operations for those who do not yet feel comfortable dining and participating in certain activities of Designated Establishments indoors, the City desires to continue to issue Temporary Outdoor Operations Permits through January 31, 2023;

**WHEREAS**, the City Council does hereby find that extending Executive Order 2021-02 is necessary for continued protection of life and property affected by the COVID-19 crisis; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES HEREBY DOES RESOLVE AS FOLLOWS:**

**SECTION 1. Expiration Date for Temporary Outdoor Operations Permits.** Subsection H of Section 1 (Temporary Outdoor Operations Permits in Private Outdoor Areas) of Executive Order 2021-02 is hereby revised to read as follows:

“H. All Temporary Outdoor Operations Permits shall automatically expire on January 31, 2023.”

**SECTION 2. Extension of Executive Order No. 2021-02.** Section 4 (Term) of Executive Order 2021-02 is hereby revised to read as follows:

“**SECTION 4. Term.** This Executive Order shall remain in effect until January 31, 2023. 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 3. No Rights or Entitlements.** Nothing in this Resolution shall be considered an entitlement or a permit for outdoor use or outdoor expansion of a permitted use or to confer any vested rights or property interest to any ongoing or continuing activities beyond January 31, 2023.

**SECTION 4.** Except for the changes specifically set forth herein, all other provisions and sections of Executive Order 2021-02 shall remain in full force and effect.

**PASSED, APPROVED, AND ADOPTED,** this 28th day of September, 2022, by the following vote to wit:

AYES:        (  
NOES:        (  
ABSENT:     (  
ABSTAIN:    (  
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Deborah Klein Lopez, Mayor

ATTEST:

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Kimberly M. Rodrigues, MMC, City Clerk