

**CITY OF WESTLAKE VILLAGE
CITY MANAGER / DIRECTOR OF EMERGENCY SERVICES
EXECUTIVE ORDER NO. 2020-001**

Subject: COVID-19 Restaurant Outdoor Dining Service Regulations

1. Findings and Intent.

A. Westlake Village Municipal Code (“WVMC”) Chapter 3.6 provides for the preparation and carrying out of plans for the protection of persons and property within the City of Westlake Village in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of the City with all other public agencies, corporations, and affected private persons.

B. International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019” (“COVID-19”).

C. On March 4, 2020, the Governor 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.

D. On March 16, 2020, pursuant to WVMC Section 3.6.060(A)(1), the City Manager / Director of Emergency Services proclaimed the existence of a local emergency in response to the COVID-19 pandemic.

E. On March 17, 2020, pursuant to WVMC Section 3.6.060(A)(1), the City Council ratified the COVID-19 pandemic emergency proclamation issued by the City Manager / Director of Emergency Services.

F. On March 19, 2020, the Governor issued Executive Order No. N-33-20 requiring all individuals to stay home or at their place of residence except as needed to maintain the continuity of operations of the federal critical infrastructure sectors.

G. On March 19, 2020, the Los Angeles County Health Officer issued a Safer at Home Order for Control of COVID-19 (“Safer at Home Order”) with an April 19, 2020 expiration date. Among other things, the Safer at Home Order required closure of restaurants except for delivery, drive thru, and carry out service.

H. On April 10, 2020, the Los Angeles County Health Officer amended the Safer at Home Order and extended its expiration date to May 15, 2020. Among other things, the amended Safer at Home Order continued the closure of restaurants except for delivery, drive thru, and carry out service, and expressly prohibited indoor and outdoor table dining.

I. On May 4, 2020, the Governor issued Executive Order No. N-60-20 directing the State Public Health Officer to establish criteria and procedures for allowing local health officers to establish and implement public health measures less restrictive than public health measures implemented on a statewide basis.

J. On May 7, 2020, the State Public Health Officer issued an order allowing local health jurisdictions to move into Stage 2 of California's Pandemic Resilience Roadmap.

K. On May 13, 2020 the Los Angeles County Health Officer further amended the Safer at Home Order and indefinitely extended its expiration date. Among other things, the amended Safer at Home order continued the closure of restaurants except for delivery, drive thru, and carry out service, and continued the prohibition on indoor and outdoor table dining.

L. On May 29, 2020 the Los Angeles County Health Officer further amended the Safer at Home Order. Among other things, the amended Safer at Home Order allows restaurants to provide indoor and outdoor table dining subject to social distancing requirements.

M. WVMC Section 3.6.060(A)(6)(a) authorizes the City Manager / Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by a local emergency, state of emergency, or state of war emergency.

N. The purpose of this Executive Order is to establish regulations that allow restaurants to provide outdoor dining service in a manner that provides protection for employees, patrons, and the public against the spread of COVID-19.

2. Regulations.

A. The COVID-19 Restaurant Outdoor Dining Service Regulations set forth in the attached Exhibit A are adopted. Restaurants offering outdoor dining service shall comply with such regulations and all applicable laws.

B. The COVID-19 Restaurant Outdoor Dining Service Regulations supersede any conflicting WVMC provisions.

3. Duration. This Executive Order shall be effective immediately. Unless earlier cancelled by the City Manager / Director of Emergency Services, or unless earlier confirmed by the City Council, this Executive Order shall expire at 11:59 p.m. on June 10, 2020.

4. Interpretation. This Executive Order is not intended to create, and shall not be interpreted as creating, any substantive or procedural rights or benefits with respect to restaurants' offering of outdoor dining service. This Executive Order may be cancelled by the City Manager / Director of Emergency Services, or by the City Council if previously confirmed by the City Council, at any time without cause.

5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Executive Order is for any reason held to be 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 City Manager / Director of Emergency Services declares that he would have issued this Executive Order and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

6. Dissemination. This Executive Order shall be given widespread publicity and notice in accordance with Government Code Section 8634.

ISSUED:

Date: May 29, 2020

Time: 5:43pm

By: 

Rob de Geus
City Manager / Director of Emergency Services

EXHIBIT A
COVID-19 Restaurant Outdoor Dining Service Regulations

(attached)

Exhibit A

COVID-19 Restaurant Outdoor Dining Regulations

Purpose

These regulations establish a process for restaurants to obtain a Temporary Outdoor Dining Permit to allow for outdoor dining service on private property beyond what an established restaurant is already permitted for while protecting the public interest.

Definitions

For purposes of these regulations, the following definitions shall apply.

- Applicant: a restaurant operator that has applied for a Temporary Outdoor Dining Permit.
- Restaurant: a food facility that prepares and serves food for on-premises table dining and “Restaurant” includes breweries and cafés.
- Permittee: a restaurant operator that has received a Temporary Outdoor Dining Permit.
- Private property: a privately owned parking lot or shopping plaza common area.

Compliance with Law

Restaurants shall comply with all applicable laws including:

- Americans with Disabilities Act.
- California Alcoholic Beverage Control Regulations.
- Los Angeles County Building & Safety Codes.
- Los Angeles County Fire Department Codes.
- Los Angeles County Health Officer Orders.
- Westlake Village Municipal Code.

Permit Duration

Regardless of date of issuance, all Temporary Outdoor Dining Area Permits shall expire on September 10, 2020 unless earlier cancelled or extended by the City Manager / Director of Emergency Services or by the City Council.

Permit Overview

1. The outdoor dining area shall be located in front of or adjacent to the applicant’s business storefront as opposed to in front of other businesses. In the event that an applicant does not have parking spaces to encroach into directly in front of its business, a consent statement from the businesses in front of or adjacent to the proposed outdoor dining area must be submitted with the application.
2. An outdoor dining area shall not be so large as to occupy excessive parking spaces. The Acting Planning Director may impose parking control measures as necessary to mitigate the impact of a significant reduction in parking lot capacity.

3. An outdoor dining area shall not be located or operated in a manner that jeopardizes the safety of pedestrians or vehicles. The City Traffic Engineer may impose safety measures as necessary to protect the safety of pedestrians and vehicles in and around the proposed outdoor dining area.
4. A consent statement from the property owner must be submitted with the application if the applicant does not own the property where the outdoor dining area is to be located.
5. The permittee shall ensure that social distancing is maintained by persons in the outdoor dining area, on any adjacent public sidewalk area, or standing in line for seating or take out service.
6. An outdoor dining area layout cannot block pedestrian or vehicular access to or from the subject property.
7. The permittee and the property owner must undertake appropriate measures to ensure that the level of noise associated with the outdoor dining area does not disturb the right to quiet enjoyment of the neighboring properties and businesses. No sound, apart from ambient noise from the utilization of the space, shall be permitted in the outside dining area. Live music, and amplified music and sounds, are prohibited at outdoor dining areas.
8. The permittee and the property owner shall maintain the outdoor dining area clear of litter, food scraps, packaging, soiled dishes, grease, and gum. At the close of business daily, the permittee and the property owner shall remove all trash and clean the area in and around the outdoor dining area. The permittee and the property owner shall maintain all outdoor furniture and/or display equipment in a clean, safe condition and in good repair at all times and to replace all furniture when faded, damaged, or worn out.

Submittal Requirements

1. **Application Package** – The Temporary Outdoor Dining Area Permit application package is comprised of the following items:
 - a. Completed Application Form
 - b. Site Plan - An 8½ x 11" site plan showing the extent of the proposed outdoor dining area. Proposed location of furnishings within the designated area of encroachment is not required; however, the site plan shall account for proper placement of furnishings, etc. to maintain proper pathway clearances and accommodate social distancing.

As may be applicable, details pertaining to temporary fencing, enclosures, or other structural improvements, used for the outdoor dining area shall be shown.

Site plans shall also illustrate (L' x W') of area requested; show how many parking spaces are being impacted; show the businesses the area is located in front of; show all entrances and exits into the proposed area; show all existing improvements (street lights, trees, fire hydrants, or other infrastructure) that may limit clearance for pedestrian access; and dimensions between the requested encroachment area and any existing improvements within the immediate area.

2. **Consent Statement** – For an outdoor dining area on private property that does not belong to the applicant, a consent statement from the property owner must be submitted. For requests on private property that encroach into an adjacent business' storefront space defined by extended property lines, a consent statement from the affected business must be submitted.
3. **Submittal for Review** – The Applicant shall submit the completed application packet via email to the Acting Planning Director, Philippe Eskandar, at Philippe@wlv.org
 - a. The subject line of the email shall read: "Request for Temporary Outdoor Dining Area – Business Name." For example, *Request for Temporary Outdoor Dining Area – Coffee Café.*
 - b. Hard copy paper applications shall not be accepted.

Design Criteria

The Acting Planning Director shall approve a Temporary Outdoor Dining Area application if the following criteria are satisfied:

1. Aesthetic compatibility
2. Public Walkway Clearance and Accessibility

A clear passage area on the public sidewalk, alley, or parking lot, free of all obstructions, shall be maintained at all times to avoid hazardous conditions for pedestrians. Throughout the term of the permit, it shall be the permittee's responsibility to self-certify compliance (of the authorized area of use) with applicable laws.

3. Sightlines

Whenever applicable, furnishings shall not restrict motor vehicle sight lines.

4. Entry Door Clearance

The encroaching furnishings will not impede entry to the building and must not preclude applicable emergency exit requirements.

5. Floor Plan

The permittee and the property owner shall be responsible for compliance to "social distancing" requirements; to include social distancing as it relates to contiguous uses. Any pre-existing permitted outdoor dining area as a permitted outdoor use has first right to perimeter in determining social distancing. If the interior dining/outdoor retail area exits through the outdoor dining/ outdoor retail area, an equivalent exit "corridor" width shall be maintained at all times.

6. Enclosures and Furniture

Fencing/enclosure must be of an easily removable design. All fences and/or enclosures should be of durable material, fire safe, structurally sound, aesthetically pleasing and

compatible with adjoining improvements or structures. If the area requested is in an area where vehicular traffic occurs, barriers shall be substantive enough to protect customers and employees from impact. Such barriers may be subject to review by either the applicant's private engineer or the City's traffic engineer.

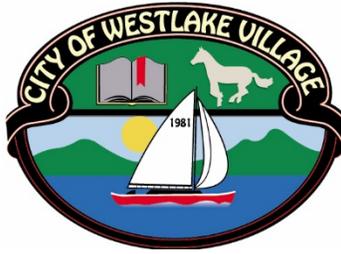
The design materials and colors used for chairs, tables, lighting, and other fixtures, including umbrellas, shall be of good quality, as necessary to assure a pleasing and pleasant ambiance. Said removable furnishings shall be secured in a safe manner during use.

Fences and furnishing must be maintained in good condition and placed/secured in such a way so as not to impede public safety. Permanently affixed furnishings and fencing are not permitted.

Permit Revocation

A Temporary Outdoor Dining Area Permit may be revoked by any of following:

1. By an action of the Westlake Village City Council; or
2. Failure to comply with the COVID-19 Industry Guidance: Dine-in Restaurants; or
3. Failure to remain in compliance with ABC regulations, regulations of the County of Los Angeles, violation of the Orders of the County of Los Angeles Health Officer, or for violation of applicable laws, rules, ordinances, and other directives pertaining to business activities conducted on the premises and expanded area;
4. Failure to maintain a clean and organized operation; or
5. For disturbance of the quiet enjoyment of nearby residents and businesses.



Application For Temporary Outdoor Dining Area Permit

Applicant: _____ Bus. Name: _____

Company/Business Mailing Address: _____

Proposed Location:

Nearest Street Address or Intersection:

Contact Information:

Primary Contact Phone #: (____) _____ - _____

Email Address: _____

Property Owner/Landlord Information:

Name: _____ Address: _____

Phone #: _____ Email Address: _____

Emergency Contact Information:

Name: _____ Daytime Phone #: (____) _____ - _____

Email Address: _____ Evening Phone #: (____) _____ - _____



Temporary Outdoor Dining Area Permit Consent Statement

A Consent statement is required for a Temporary Outdoor Dining Permit application when:

1. The proposed outdoor dining area is on property not owned by the applicant; or
2. The proposed outdoor dining area encroaches into an adjacent business' operational area, as defined by the extension of its property lines.

I _____, the legal property owner
(Print Name)

at _____, Westlake Village, CA, hereby
(Business Address)

acknowledge and support the use of the area proposed in the Temporary Outdoor Dining Area Permit application.

I _____, hereby declare that I am the legal business
(Print Name)

owner/operator or property owner at _____,
(Business Address)

Westlake Village, CA, and am authorized to pursue said Temporary Outdoor Dining Area Permit and agree to comply with all conditions stated in any approval document of the City.

Signature of Property Owner

Date

Signature of Applicant

Date