

RESOLUTION NO. 2138-20

A RESOLUTION OF THE WESTLAKE VILLAGE CITY COUNCIL ADOPTING COVID-19 OUTDOOR OPERATION REGULATIONS

The City Council of the City of Westlake Village does resolve as follows:

Section 1. Findings and Intent.

A. 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").

B. 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.

C. 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.

D. 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.

E. 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.

F. 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"). The Safer at Home Order was amended by the Los Angeles County Health Officer on April 10 and May 13, 2020.

G. 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.

H. 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.

I. On June 11, 2020, the Los Angeles County Health Officer issued a Reopening Safer at Work and in the Community for Control of COVID-19 Order

("Reopening Order"). The Reopening Order was amended by the Los Angeles County Health Officer on June 18, July 1, and July 14, 2020.

J. The Reopening Order supersedes the Safer at Home Order and will continue in effect until terminated by the Los Angeles County Health Officer. Among other things, the Reopening Order prohibits indoor operations of designated activities and business sectors.

K. The purpose of this Resolution is to establish regulations that allow designated activities and business sectors to operate outdoors consistent with the Reopening Order and in a manner that provides protection for those participating in the designated activities and the general public against the spread of COVID-19.

Section 2. Adoption. Pursuant to Government Code Section 8634, the City Council hereby adopts the COVID-19 Outdoor Operation Regulations ("Regulations") set forth in the attached Exhibit A. Businesses and other establishments operating outdoors shall comply with such regulations and all applicable laws.

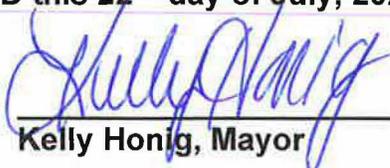
Section 3. Duration. Unless earlier cancelled or extended by the City Council for any reason, the Regulations shall expire at 11:59 p.m. on September 10, 2020.

Section 4. Interpretation. The Regulations are not intended to create, and shall not be interpreted as creating, any substantive or procedural rights or benefits with respect to outdoor operations by a business or other establishment. The Regulations supersede any conflicting WVMC provisions and are subject to, and shall not be interpreted as authorizing an outdoor operation prohibited by, state law.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council declares that it would have adopted this Resolution 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.

Section 6. Certification. The City Clerk shall certify the adoption of this Resolution and shall cause this Resolution and the Clerk's certification to be entered into the Book of Resolutions of the Council of this City.

PASSED, APPROVED, AND ADOPTED this 22nd day of July, 2020.



Kelly Honig, Mayor

ATTEST:



Beth A. Schott, City Clerk

Exhibit A

COVID-19 Outdoor Operation Regulations

Purpose

These regulations set forth a process for establishments to obtain a Temporary Outdoor Operation Permit to allow for outdoor operations on private property beyond what an establishment is already permitted for while protecting the public interest.

Definitions

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

- Applicant: an establishment operator that has applied for a Temporary Outdoor Operation Permit.
- Establishment: a hair salon; barber shop; fitness facility (including private gymnasiums); nail salon; tanning salon; facility providing skin care or cosmetology services; massage therapy facility (in non-healthcare settings); or religious worship facility.
- Permittee: an establishment operator that has received a Temporary Outdoor Operation Permit.
- Private property: a privately owned parking lot or shopping plaza common area.

Compliance with Law

Establishments 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 Operation Area Permits shall expire on September 10, 2020 unless earlier cancelled or extended by the City Council.

Permit Overview

1. The outdoor operation area shall be located in front of or adjacent to the front of the applicant's establishment as opposed to in front of other establishments. In the event that an applicant does not have parking spaces to encroach into directly in front of its establishment, a consent statement from the establishment in front of or adjacent to the proposed outdoor operation area must be submitted with the application.

2. An outdoor operation 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 operation 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 operation 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 operation area is to be located.
5. The permittee shall ensure that social distancing is maintained by persons in the outdoor operation area or on any adjacent public sidewalk area.
6. An outdoor operation 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 operation 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 operation area. Live music, and amplified music and sounds, are prohibited at outdoor operation areas.
8. The permittee and the property owner shall maintain the outdoor operation area clear of litter, equipment, packaging, 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 operation 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 Operation 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 operation 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 operation 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 operation 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 establishment’s storefront space defined by extended property lines, a consent statement from the affected establishment 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 Operation Area – Establishment Name.” For example, *Request for Temporary Outdoor Operation Area – Coffee Café*.
 - b. Hard copy paper applications shall not be accepted.

Design Criteria

The Acting Planning Director shall approve a Temporary Outdoor Operation 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 operation area as a permitted outdoor use has first right to perimeter in determining social distancing. If the interior operation/outdoor retail area exits through the outdoor operation/ 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.

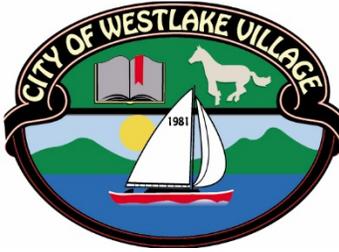
The design materials and colors used for chairs, tables, lighting, and other fixtures, including umbrellas, shall be of good quality, as necessary to assure a pleasing and pleasant ambiance. Said removable furnishings shall be secured in a safe manner during use.

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 Operation Area Permit may be revoked by any of following:

1. By an action of the Westlake Village City Council; or
2. Failure to remain in compliance with 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 the activities conducted on the premises and expanded area; or
3. Failure to maintain a clean and organized operation; or
4. For disturbance of the quiet enjoyment of nearby residents and businesses.



Application For Temporary Outdoor Operation Area Permit

Applicant: _____ Est. Name: _____

Company/Establishment 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 Operation Area Permit Consent Statement

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

1. The proposed outdoor operation area is on property not owned by the applicant;
or
2. The proposed outdoor operation 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
(Establishment Address)

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

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

establishment owner/operator or property owner at _____,
(Establishment Address)

Westlake Village, CA, and am authorized to pursue said Temporary Outdoor Operation 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