

**DIRECTOR OF EMERGENCY SERVICES
EXECUTIVE ORDER NO. 2020-11**

WHEREAS, in December 2019, a novel coronavirus known as SARS-CoV-2 was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease COVID-19 that has now spread globally; and

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency in response to COVID-19; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency to exist in California as a result of COVID-19; and

WHEREAS, on March 4, 2020, the Chair of the Los Angeles County Board of Supervisors and the Los Angeles County Health Officer declared a local emergency and a local health emergency, respectively, as a result of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency as a result of COVID-19; and

WHEREAS, Calabasas Municipal Code section 2.44.060 empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, the City Manager, acting as the Director of Emergency Services, did proclaim the existence of a local emergency within the City on the 16th day of March 2020; and

WHEREAS, the City Council ratified the City Manager's proclamation on March 16, 2020, and further ratified the City Manager's Executive Orders responding to the local emergency issued to date on March 25, 2020 and April 22, 2020; and

WHEREAS, Government Code section 8634 states, "During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice."

NOW, THEREFORE, I, Raymond Taylor, Interim City Manager of the City of Calabasas, as Director of Emergency Services, in accordance with the authority

vested in me by Government Code section 8634, Calabasas Municipal Code section 2.44.060, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. Restaurants may establish or expand outdoor dining areas, provided these areas:
 - a. Maintain Americans with Disabilities Act accessibility.
 - b. Are under the control of the restaurant or authorization has been obtained (such as from landlord or City, if located on a public right of way).
 - c. Comply with all applicable Los Angeles County Department of Public Health regulations.
 - d. Comply with all applicable Department of Alcohol Beverage Control regulations.
 - e. Comply with the City of Calabasas Requirement for Temporary Outdoor Dining Areas issued by the Community Development Director.

Any restaurant seeking to establish or expand outdoor dining areas must apply for and receive approval for the proposed outdoor dining area via a Temporary Use Permit from the Community Development Department. The City shall not charge a fee for the Temporary Use Permit application.

2. Outdoor dining areas may be established in the public rights of way, such as sidewalks, upon prior approval of the City's Public Works Director and subject to Los Angeles County Public Health and City guidelines via issuance of an Encroachment Permit, in addition to the Temporary Use Permit required by Section 1 of this Order. Anything added to public sidewalks shall not impede sight distances, access to utilities, or the minimum necessary safe pedestrian path of travel and shall address safety from vehicles, each to be judged in the discretion of the Public Works Director. The restaurant shall be required to remove any temporary encroachment into the public right of way if required to do so by the City's Public Works Director. The City shall not charge a fee for the Encroachment Permit.

3. Outdoor dining areas may include converted parking areas, provided:
 - a. The reduced business occupancy supports these conversions
 - b. The City's Community Development Director or designee determines, in writing, that the conversion can be accomplished safely.
 - c. Any outdoor dining area established by conversion of parking areas must provide for safe separation of the outdoor dining area from the remaining parking area, such as by the installation of large planters or other appropriate barrier.

4. Failure to comply with this Order shall constitute a misdemeanor subject to fines and imprisonment as provided for by applicable law, including Calabasas Municipal Code section 2.44.100. I hereby urge the Los Angeles County Sheriff's Department and the City Attorney to vigorously enforce this Order pursuant to law. Further, the City's Code Enforcement Officers are hereby empowered to enforce compliance with this order within the City of Calabasas, under Calabasas Municipal Code Chapter 1.17 and any other applicable law.

5. This Order shall be filed in the office of the City Clerk, posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Agoura Hills/Calabasas Community Center, Gelson's Market, at Calabasas City Hall, and published in a local newspaper.

6. This Order and its allowance for expanded temporary outdoor dining facilities shall remain in place until six months after the ending of the declared emergency.

7. If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

SO ORDERED.

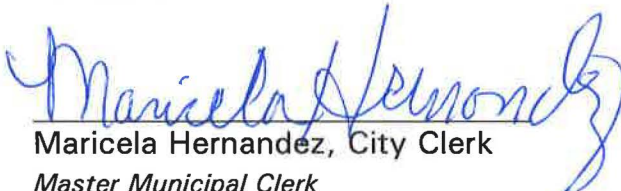


Raymond Taylor
Director of Emergency Services
City of Calabasas

6-3-20

Date signed

ATTEST:



Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk

APPROVED AS TO FORM:



Matthew T. Summers
Colantuono, Highsmith & Whatley, PC
Assistant City Attorney