



# CITY OF LAGUNA HILLS

*City Manager*

## OFFICE OF THE CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES

### Executive Orders

**Pursuant to Proclamation No. 20-03-18-01  
Declaring the Existence of a Local Emergency**

**RE: NOVEL CORONAVIRUS, COVID-19**

**Issue Date: June 3, 2020**

On March 18, 2020, in my capacity as the Director of Emergency Services (LHMC 2-32.060), I issued Proclamation 20-03-18-01 Declaring the Existence of a Local Emergency in response to severe public health concerns and economic impacts relating to the COVID-19 pandemic. The novel coronavirus, COVID-19, causes infectious disease and was first detected in Wuhan, Hubei Province, China in December 2019. Symptoms of COVID-19 include fever, cough, and shortness of breath; outcomes have ranged from mild to severe illness, and, in some cases, death. The Center for Disease Control and Prevention (CDC) has indicated the virus is a significant public health threat, and States of Emergency have been declared by the County of Orange, the State of California and the federal government of the United States. On March 19, 2020, California Governor Gavin Newsom issued Executive Order N-33-20, which bans gatherings, public and private, and orders residents to stay at home at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as defined, in order to mitigate the impact of COVID-19. Executive Order N-33-20 is enforceable pursuant to California law per Government Code Section 8665.

In order to comply with all applicable Public Health and Executive Orders and to protect public health in the City of Laguna Hills, the following Executive Orders are in effect until further notice:

23. Interim Procedures to Allow for the Operation of Certain Outdoor Business Activities. This is an Executive Order authorizing the Community Development Director to administratively grant emergency temporary use permits to lawfully established commercial businesses for the utilization of private property, parking lots, sidewalks, and public property.

A. Purpose and Intent. The purpose and intent of this Executive Order is to help lawfully established commercial businesses operate in a safe manner where social distancing is maintained in accordance with guidance from the State of California and local health officials, as

such, it is necessary to temporarily allow commercial businesses to operate on private property, parking lots, sidewalks and public property. This Executive Order is necessary in order to help limit the spread of COVID- 19 and to protect the health, safety and welfare of the public because it is essential that contact between persons, which could lead to the spread of COVID-19, be limited, and the use of private property, parking lots, sidewalks, and public property is necessary to allow existing commercial businesses operate in a safe manner where social distancing is maintained in accordance with guidelines issued by the State of California and local health officials.

B. Temporary Use Permits. The Community Development Director is hereby authorized to administratively grant emergency temporary use permits, which allow for the temporary use of private property, parking lots, sidewalks, and public property for outdoor commercial uses.

C. Application. An application for an emergency temporary use permit shall be filed with the Community Development Department, on forms approved by the Community Development Director, and shall include all information and materials specified by the Community Development Director. After consulting with City departments, as applicable, the Community Development Director may approve or conditionally approve an emergency temporary use permit if the Community Development Director finds that the temporary use would not create a hazard to the health, safety or welfare of the public. The Community Development Director may impose any conditions deemed necessary to ensure that the temporary use does not create a hazard to the public health, safety or welfare of the public.

D. Revocation. The Community Development Director shall have the authority to immediately revoke any emergency temporary use permit granted pursuant to this Executive Order if the Community Development Director determines that there has been a violation of any condition of approval or if the temporary outdoor use creates a hazard to the public health, safety or welfare of the public. Any revocation of an emergency temporary use permit shall be deemed effective upon the posting of a notice of revocation at the site of the business granted the emergency temporary use permit.

E. Appeal. Any decision made by the Community Development Director, pursuant to the authority granted the Community Development Director under this Executive Order, may be appealed by the applicant/permittee to the City Manager by notifying the City Manager of the appeal within three (3) calendar days of the decision. The City Manager shall have authority to sustain, reverse, or modify the decision of the Community Development Director. The City Manager's decision shall be final.

F. Fee Waiver. All application fees and appeal fees directly related to this Executive Order are hereby waived.

G. Temporary Suspension of Code and Existing Discretionary Permit Requirements for Lawfully Established Commercial Businesses. As long as an emergency temporary use permit is in effect, all Laguna Hills Municipal Code provisions and any restrictions set forth in an existing discretionary permit regulating uses, nonconforming uses, development standards, parking, signage, permit procedures, or other regulations specifically addressed in the emergency temporary use permit that would otherwise regulate the use and development of private or public property, are hereby temporarily suspended for sites subject to an emergency temporary use

permit, to the extent that the Laguna Hills Municipal Code provisions or restrictions set forth in an existing discretionary permit conflict with the terms of the emergency temporary use permit.

H. Indemnification. As a condition of receiving an emergency temporary use permit, the permittees shall agree to defend, indemnify, and hold harmless the City and its employees from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the issuance of the emergency temporary use permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding.

I. Encroachment Permit. Permittees that utilize public property, including any City-owned property and/or the public right-of-way, shall obtain an Encroachment Permit from the Public Works Department/City Engineer in conjunction with any emergency temporary use permit issued pursuant to this Executive Order.

J. Accessibility for Disabled. Areas used for temporary commercial uses pursuant to this Executive Order shall be accessible to the disabled.

K. Expiration. Any emergency temporary use permit shall expire either by November 2, 2020, or fourteen (14) days after the locally declared emergency pursuant to Proclamation No. 2020-03-18-1 is terminated (whichever occurs first) unless such temporary use permit is revoked earlier by order of the Community Development Director, as authorized herein.

Additional Executive Orders may be issued at any time relating to this public health emergency. Additional Executive Orders are cumulative, and do not negate or reverse these Executive Orders contained herein unless explicitly stated.



Donald J. White  
Director of Emergency Services/City Manager

Cc:

Mayor and City Council  
Greg Simonian, City Attorney  
Kenneth Rosenfield, Public Works Director/City Engineer  
Melissa Au-Yeung, Deputy City Manager  
David Reynolds, Deputy City Manager  
David Chantarangsu, Community Services Director  
Janice Reyes, Finance Director  
Matthew Stiverson, Police Chief