

Adopted
08/04/20
Devine/Najararian
Absent: Kassakhian

RESOLUTION NO. 20-123

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENDALE,
CALIFORNIA, RATIFYING EMERGENCY ORDERS UNDER THE CITY OF
GLENDALE EMERGENCY AUTHORITY REGARDING COVID-19 RELATING TO
RETAIL ESTABLISHMENTS, PERSONAL CARE ESTABLISHMENTS, GYMS AND
HEALTH CLUBS; AND FOR OTHER RELATED AND LAWFUL PURPOSES**

Whereas, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by the Coronavirus Disease 2019 (COVID-19), a severe acute respiratory illness caused by a novel (new) coronavirus. Symptoms of the virus include fever, cough, and shortness of breath, and infected individuals have experienced a range of outcomes, from mild sickness to severe illness and death; and

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 4, 2020, the Los Angeles County Board of Supervisors and the Department of Public Health declared a local and public health emergency in response to increased spread of coronavirus across the country; and the Glendale City Council adopted Resolution No. 20-29 consistent with County's Safer at Home Order (subsequently amended and renamed Reopening Safer at Work and in the Community for Control of COVID-19 and referred to herein as the "County Order"), which closed all dine-in services at restaurants, except for delivery and take-out; and

Whereas, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

Whereas, on March 16, 2020, the City Council of the City of Glendale, pursuant to Glendale Municipal Code Chapter 2.84, declared the existence of a local emergency and adopted Resolution No. 20-29 consistent with County Order, which closed all dine-in services at restaurants;

Whereas, on May 15, 2020 Glendale's Resolution No. 20-29 - pertaining to restaurants, bars, nightclubs etc. - expired and said business and activities continued to be regulated under the County Order.

Whereas, on or about May 26, 2020, the County Order was amended to allow for partial re-opening of restaurants for dine-in services and retail stores for in-store shopping services if they meet certain county protocols;

Whereas on May 29, 2020, consistent with the County of Los Angeles adjustments to the County Order, Glendale's Resolution No. 20-29 expired, and restaurants were permitted to offer dine-in services if they meet certain county protocols, but larger gatherings in banquet halls were required to remain closed;

Whereas on July 1, 2020, California Gov. Gavin Newsom ordered a second shutdown of indoor dining at restaurants and indoor businesses in over 19 counties that have seen a recent surge in coronavirus cases, which included Los Angeles County, and the Los Angeles County Health Officer has ordered the same by way of amendments to the County Order;

Whereas there remains a strong likelihood of a significant and increasing number of cases of community transmission, when individuals who contract the virus causing COVID-19 have no symptoms or have only mild symptoms, and so are unaware that they carry the virus and are transmitting it to others, and for such reasons, the County of Los Angeles Health Officer continues to prohibit social gatherings within the County;

Whereas the City of Glendale is taking steps to offer direct assistance to the local economy in response to the economic impacts presented by COVID-19 and considering ways in which the City can support local business, among the recommendations included implementing outdoor business activity for retail establishments, personal care establishments and gyms/fitness facilities;

Whereas, public health orders limiting certain indoor business activity has severely hampered certain economic activity including the operation of personal care establishments, gyms and health clubs;

Whereas, allowing retail establishments, personal care establishments, gyms and health clubs to conduct outdoor business operations, and waiving permit fees for said activities will benefit the local economy while complying with State Health Officer orders and the County Order; and

Whereas, by virtue of the authority granted pursuant to Chapter 2.84 of the Glendale Municipal Code, the Director of Emergency Services issued an emergency public order to support local businesses;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE that:

SECTION 1. The Emergency Public Order No. 13 is hereby ratified and shall continue to be in effect until December 31, 2020. Emergency Public Order Nos. 14 and 15 are hereby ratified and shall continue in effect until December 31, 2020 but only during those periods when the County Order prohibits indoor operation of those services.

A. Outdoor Retail Establishments (Order No. 2020-13).

1. Consistent with the requirements of Chapter 5.96 of the Glendale Municipal Code, (GMC), any retail establishment operating within the City of Glendale that alters business operations in response to COVID-19 and requires a temporary permit to accomplish those changes in operations to allow for retail sales on sidewalks or outdoor spaces within their private property:

- The Sidewalk Dining Permit and the Addendum to the Sidewalk Dining Permit shall be required for sales on sidewalks and a Temporary Certification of Occupancy shall be required for sales on outdoor spaces within their private property;

- The permit application fee is waived for temporary uses exercised pursuant to the temporary certificate of occupancy;
- Notwithstanding Title 30 or any other provision of the GMC, during the pendency of this Public Order, the commercial activities described herein are permitted to occur outdoors.
- For purposes of the Public Order, outdoor spaces within private property includes parking lots, where no more than 50% of the lot may be utilized for such purpose. Businesses that share parking lots that cannot adhere to the 50% minimum parking requirement are eligible for reduced parking contingent upon a successful petition process of their neighbors who share that parking lot.

2. This Public Order shall not apply to retail establishments or sidewalk sales of products that require a minimum age for purchase, such as tobacco or alcohol.

B. Personal Care Establishments (Order No. 2020-14). For personal care establishments, such as hair salons and barbershops, or as the term may be defined by the County Order and Reopening Protocol, that alter business operations in response to COVID-19 and require a temporary certificate of occupancy permit to accomplish those changes in operation to operate as an outdoor service:

- The permit application fee is waived for temporary uses exercised pursuant to the temporary certificate of occupancy;
- Notwithstanding Title 30 or any other provision of the GMC, during the pendency of this Public Order, personal care services, as defined by the County Order and Reopening Protocols, are permitted to occur outdoors. The outdoor space utilized for such purposes may only be on private property;
- Personal care establishment operators must maintain a minimum of 50% of their required parking when moving their operations outdoors. Businesses that share parking lots who cannot adhere to the 50% minimum parking requirement are eligible for reduced parking contingent upon a successful petition process of their neighbors who share that parking lot.

C. Gyms and Health Clubs (Order No. 2020-15). For gyms and health clubs, as defined in the Glendale Municipal Code section 30.70.30G, that alter business operations in response to COVID-19 and require a temporary certificate of occupancy permit to accomplish those changes in operation to operate as an outdoor gym as outlined by the County Order and Reopening Protocols:

- The permit application fee is waived for temporary uses exercised pursuant to the temporary certificate of occupancy;

- Notwithstanding Title 30 or any other provision of the GMC, during the pendency of this Public Order, emergency, gym and physical fitness activities are permitted to occur outdoors. The outdoor space utilized for such purposes may only be on private property;
- Gym operators must maintain a minimum of 50% of their required parking when moving their operations outdoors. Businesses that share parking lots who cannot adhere to the 50% minimum parking requirement are eligible for reduced parking contingent upon a successful petition process of their neighbors who share that parking lot;
- The Director of Community Services and Parks may, at his discretion, identify City-owned parks, where facility permits may be issued, with certain necessary requirements, including payment of fees, and showing proof of insurance, for their usage for outdoor gym and physical fitness activities.

SECTION 2. This Order does not and shall not be construed to allow any business or individual to operate his/her/its business regulated by this public order in a manner that violates any public health orders or protocols of the State of California, Los Angeles County Public Health Officer, and the City of Glendale, including but not limited to those pertaining to gatherings, indoor dining, social distancing and face coverings.

SECTION 3. If any provision of this Public Order or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Orders or this Resolution which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

SECTION 4. Violation of this Public Order may result in the revocation of the temporary certificate of occupancy. Any violation of the County Order shall be a violation of this Public Order and thereby a violation of the Glendale Municipal Code. Any violation of this Public Order may be referred to the Office of the City Attorney for prosecution under Glendale Municipal Code Chapter 1.20, which provides for fines not to exceed \$1,000 or imprisonment not to exceed six months. Each individual officer should use his/her discretion in enforcing this order and always keep the intent of the order in mind. Violations may also be enforced by the provisions of Glendale Municipal Code Chapter 1.24, which shall provide, along with other enforcement mechanisms set forth therein, for fines of \$400 for the first citation, \$1,000 for the second citation, and \$2,000 for the third citation.

SECTION 5. This Resolution and the corresponding orders do not supersede any stricter limitation imposed by the County of Los Angeles or the State of California.

Adopted by the Council of the City of Glendale on this 4th day of August, 2020.



Mayor

ATTEST:

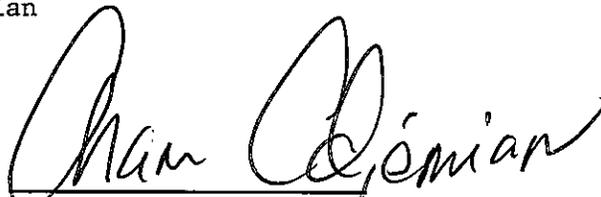


City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF GLENDALE) SS.

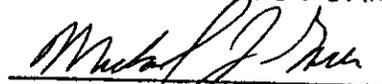
I, Aram Adjemian, City Clerk of the City of Glendale, hereby certify that the foregoing Resolution No. 20-123 was adopted by the Council of the City of Glendale, California, at its regular meeting held on the 4th day of August, 2020, and that the same was adopted by the following vote:

Ayes: Brotman, Devine, Najarian, Agajanian
Noes: None
Absent: Kassakhian
Abstain: None



City Clerk

APPROVED AS TO FORM:



CITY ATTORNEY

DATE 8/4/20

RESOLUTION NO. 20-122

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENDALE,
CALIFORNIA, RATIFYING AN EMERGENCY ORDER UNDER THE CITY OF
GLENDALE EMERGENCY AUTHORITY REGARDING COVID-19 RELATING TO THE
LOS ANGELES COUNTY PUBLIC HEALTH OFFICER'S SAFER-AT-HOME ORDER;
AND FOR OTHER RELATED AND LAWFUL PURPOSES**

Whereas, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by the Coronavirus Disease 2019 (COVID-19), a severe acute respiratory illness caused by a novel (new) coronavirus. Symptoms of the virus include fever, cough, and shortness of breath, and infected individuals have experienced a range of outcomes, from mild sickness to severe illness and death; and

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 4, 2020, the Los Angeles County Board of Supervisors and the Department of Public Health declared a local and public health emergency in response to increased spread of coronavirus across the country; and on March 19, 2020, issued a Safer-at-Home Emergency Order, which has subsequently been amended a number of times with the most recent amendment on July 18, 2020, called the Reopening Safer at Work and in the Community for Control of COVID-19 ("County Order");

Whereas, since the issuance of the County Order, the Los Angeles County Health Officer has issued a number of revisions which have increased activities in certain areas and limited activities in other areas;

Whereas, consistent with both the State of California and County findings relating to the increasing number of COVID-19 cases, the City of Glendale has similarly issued a number of public orders to respond to the pandemic surge and to aid in reducing the number of reported cases and keeping Glendale citizens safe;

Whereas, staying at home is the best way to flatten the curve and protect oneself, one's family, and the entire community from COVID-19, and the County Order's intent is to continue to ensure that residents remain in their residences as much as practicable, to limit close contact with others outside their household in both indoor and outdoor spaces; to encourage persons who can telework or work from home should continue to do so as much as possible during this pandemic; to prohibit gatherings of people who are not part of a single household or living unit, except for the limited purposes expressly permitted by the County Order;

Whereas, the intent of this Public Order of the Glendale Director of Emergency Services ("Public Order") is to:

- a. Keep the maximum number of people in their residences to the maximum extent feasible, consistent with protecting their own health and the health of others, while enabling essential activities, government services, and business to continue;

- b. Significantly slow the spread of COVID-19;
- c. Reduce COVID-19 virus infections, COVID-19 illness, and death caused by COVID-19 and its complications;
- d. Protect the health, safety, and welfare of the residents of Glendale and other individuals located in Glendale;
- e. Allow essential activities, businesses, and government services to operate and be delivered in relative safety; and
- f. To preserve a sphere of personal freedom by allowing outside recreational activities under conditions designed to minimize health risks;

Whereas, the County Order allows persons to engage in all permitted activities as defined by the County's Safer-at-Home Order, but requires that persons practice Social (Physical) Distancing, at all times while out in public and wear a cloth face covering over both the nose and mouth when in or likely to be in contact with others, to lower the risks of person-to-person contact for themselves and others;

Whereas, there remains a strong likelihood of a significant and increasing number of cases of community transmission, when individuals who contract the virus causing COVID-19 have no symptoms or have only mild symptoms, and so are unaware that they carry the virus and are transmitting it to others, and for such reasons, the County of Los Angeles Health Officer continues to prohibit social gatherings within the county;

Whereas, the County Order, pursuant to Sections 26602 and 41601 of the California Government Code and Section 101029 of the California Health and Safety Code, the Health Officer has requested that the chief of police ensure compliance with the enforcement of the County Order, and the violation of any provision of the County Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment or both.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE that:

Section 1. The Emergency Public Order No. 2020-12 is hereby ratified and shall continue to be in effect until the end of the state of emergency within the City of Glendale.

Section 2. This Public Order is issued based on the increasing number of confirmed cases of COVID-19 within the City of Glendale, and throughout the region and intended to provide the City with additional tools to enforce the County Order. Scientific evidence and public health practices show that the most effective approach to slowing the community transmission of COVID-19 is through social (physical) distancing, limiting social gatherings to only those within one's immediate household, and wearing a face covering over the nose and mouth. The age and health of a significant portion of the population of the City of Glendale, places thousands of residents at risk for serious health complications, including death, from COVID-19.

Section 3. All businesses must implement social distancing measures for customers, visitors, and employees that provide a six-foot buffer, to the extent possible, between individuals. All customers and visitors must wear face coverings over their noses and mouths to provide additional protection for employees and customers. A business owner or operator may refuse admission or service to any individual who fails to wear face coverings as required by this Public Order. Additionally, all retail businesses

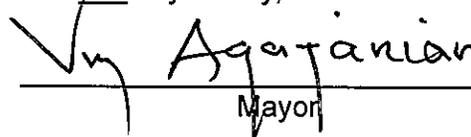
are encouraged to install plexiglass to separate cashiers and customers at all points of sale.

Section 4. Any violation of the County Order shall be a violation of this Public Order and thereby a violation of the Glendale Municipal Code. Any violation of this Public Order may be referred to the Office of the City Attorney for prosecution under Glendale Municipal Code Chapter 1.20, which provides for fines not to exceed \$1,000 or imprisonment not to exceed six months. Each individual officer should use his/her discretion in enforcing this order and always keep the intent of the order in mind. Violations may also be enforced by the provisions of Glendale Municipal Code Chapter 1.24, which shall provide, along with other enforcement mechanisms set forth therein, for fines of \$400 for the first citation, \$1,000 for the second citation, and \$2,000 for the third citation.

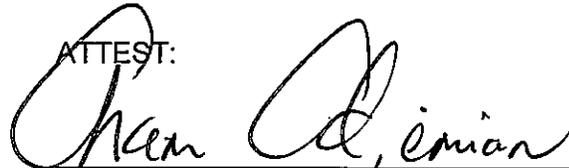
Section 4. If any provision of this Public Order or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Orders or this Resolution which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

Section 5. This Resolution and the corresponding Order do not supersede any stricter limitation imposed by the County of Los Angeles or the State of California.

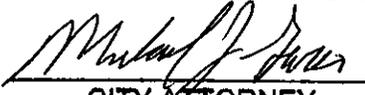
Adopted by the Council of the City of Glendale on this 4th day of July, 2020.



Mayor

ATTEST:


City Clerk

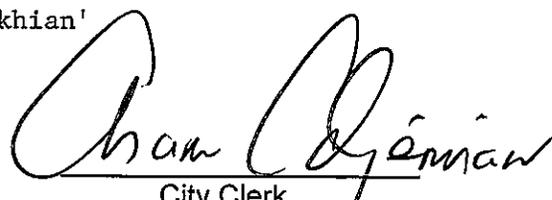
APPROVED AS TO FORM:


CITY ATTORNEY
DATE 8/4/20

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF GLENDALE)

I, Aram Adjemian, City Clerk of the City of Glendale, hereby certify that the foregoing Resolution No. 20-122 was adopted by the Council of the City of Glendale, California, at its regular meeting held on the 4th day of July, 2020, and that the same was adopted by the following vote:

Ayes: Brotman, Devine, Najarian, Agajanian
Noes: None
Absent: Kassakhian'
Abstain: None



City Clerk



**CITY OF GLENDALE, CALIFORNIA
REPORT TO THE CITY COUNCIL**

AGENDA ITEM

Report: Emergency Public Orders Providing for Penalties for Violations of County Health Orders and Authorizing Commercial Outdoor Business Activity

1. Resolution Providing that Violations of State and County Health Orders Related to COVID-19 Pandemic Constitute Violations of Glendale Municipal Code Subject to Enforcement and Penalties Including Administrative Citations
2. Resolution Ratifying Emergency Public Orders Authorizing Outdoor Commercial Activity in Accordance with State and County Health Orders (Forthcoming)

COUNCIL ACTION

<p>Item Type: Consent Item</p> <p>Approved for <u>August 4, 2020</u> calendar</p>
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ADMINISTRATIVE ACTION

Submitted by:

Michael J. Garcia, City Attorney
Yasmin K. Beers, City Manager

Prepared by:

Michael J. Garcia, City Attorney

Reviewed by:

Michele Flynn, Director of Finance
Roubik R. Golanian, P.E., Assistant City Manager
Michael J. Garcia, City Attorney

Approved by:

Yasmin K. Beers, City Manager

RECOMMENDATION

It is recommended that the Council adopt resolutions (i) making violations of Los Angeles County's Health Orders punishable as violations of the Glendale Municipal Code including by way of administrative citation, and (ii) ratifying an Emergency Public Order authorizing outdoor commercial activity, notwithstanding provisions of the Glendale Municipal Code, including but not limited to outdoor retail, gyms, and personal care businesses such as hair and nail salons.

BACKGROUND/ANALYSIS

At its regular meeting of July 21, 2020, the Council extended various public orders related to COVID-19, including the Order requiring most individuals to wear face coverings when leaving their residences or places of business. These Orders are enforceable as violations of the Glendale Municipal Code, either as misdemeanors or by way of administrative citation.

During that meeting there was a discussion of ensuring that aspects of the County's Safer at Work and in the Community for Control of COVID-19 Order ("County Health Order"), such as prohibitions on gatherings on non-household members, social (physical) distancing, and prohibitions on indoor dining. Currently, the County Health Order requests that all chiefs of police ensure compliance with and enforcement of the Order. Violation of the County Health Order is punishable as a violation of state law. In addition, as of the writing of this Report, the County announced a compliance and enforcement plan for businesses licensed by County Health.

Council requested consideration of an Emergency Public Order making violations of the County Health Order punishable as violations of the Glendale Municipal Code, including as misdemeanor violations or for enforcement by way of administrative citation. The Director of Emergency Services signed an Emergency Public Order consistent with the above on July 28, 2020. Staff requests Council ratification of said Order.

In addition, it is anticipated that during the week of July 27, 2020, the Director of Emergency Services will have approved Emergency Public Orders authorizing outdoor commercial activity including personal services such as hair salons, barbers, and nail salons, retail sales, and gyms and physical fitness studios in accordance with State and County Orders authorizing such activity. Said orders will also waive applicable permit fees for a specified period of time. Upon approval of said Emergency Public Orders, staff will include a resolution with this item ratifying the Emergency Public Orders.

FISCAL IMPACT

There is no fiscal impact associated with the Order making violations of the County Health Order a violation of the City's Emergency Public Order. It is anticipated the Emergency Public Orders allowing outdoor commercial activity will have a fiscal impact, as fees for permits for outdoor activity will be waived. The permits to be issued would either be for an extended Sidewalk Permit for activity in the right of way or Temporary

Certificates of Occupancy for private property. Estimates of the fiscal impact are based on an estimated number of permits issued as follows:

- Retail Businesses using extended Sidewalk Permit
\$233 permit fee plus \$2.23/sf
Estimated 100 sq. ft. of outdoor retail space/business
Approximately 50 businesses using extended permit
Average fee per business: \$456
Total Estimate for Waiving Fees for 50 Businesses Extending Sidewalk Dining:
\$22,800
- Gyms, Personal Care, Salons and Retail Businesses using Temporary Certificate of Occupancy
Temporary Certificate of Occupancy fee is \$166/hour
Estimating 3.5 hours/permit
About 25 businesses using permit
Average fee per business: \$581
Total Estimate for Waiving Fees for 25 Businesses Using Private Parking Lot:
\$14,525

ALTERNATIVES

1. The Council can adopt the Resolutions ratifying the Emergency Public Orders.
2. The Council can choose not to ratify the Emergency Public Orders.
3. The Council can choose an alternative not identified by staff.

CAMPAIGN DISCLOSURE

Not applicable.

EXHIBITS

None.