

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE,
CALIFORNIA, AMENDING AND EXTENDING EMERGENCY PUBLIC
ORDER RELATING TO AL FRESCO DINING AND AUTHORIZING
EXTENSION OF THE AL FRESCO DINING PROGRAM FOR THE
MONTROSE SHOPPING PARK THROUGH OCTOBER 31, 2021**

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 orders, 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's Safer at Home 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's Safer at Home orders.

Whereas, on or about May 26, 2020 revised its Safer at Home Orders 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 July 1, 2020, California Gov. Gavin Newsom ordered a second shutdown of 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;

Whereas, in response to the COVID-19 surge, the County of Los Angeles issued revised Safer at Home orders commencing in November 2020 requiring the closure of additional businesses that had re-opened or partially re-opened under earlier Safer at Home Orders, such as renewed prohibitions on outdoor dining and reduced occupancy of retail establishments; and

Whereas, on December 3, 2020, the Governor issued Regional Stay at Home Orders requiring closure or reduction in many businesses, including prohibitions of outdoor seating for bars, restaurants, wineries and tap rooms, and closure of personal care establishments; and

Whereas, as a result of these renewed Stay at Home Orders from the State and County, many businesses are experiencing, and will continue to experience, substantial losses of income as a result of business closures or restrictions, the loss of hours or wages, or layoffs related to COVID-19; and

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;

Whereas since the City declared a state of emergency on March 16, 2020 in response to the COVID-19 pandemic, the City has undertaken a number of regulatory actions, economic development efforts, and tenant protections to help businesses stay afloat during ongoing closures and operational reductions, including through a \$3.65M Business Recovery Strategy, the City Council provided direct funding to the business community;

Whereas, on June 16, 2020, the Director of Emergency Services adopted Public Order No. 2020-10, requiring the waiver of fees for permits for outdoor dining and, such order was ratified by Resolution No. 20-95 ending on August 31, 2020, such public order was extended on August 27, 2020 by Public Order No. 2020-16, extending the time until December 31, 2020; extended again on December 30, 2020, the Director of Emergency Services issued Emergency Public Orders 2020-20 (Al Fresco Dining), extending the previous public order, which emergency public order was ratified by the City Council on January 21, 2021, by Resolution No. 2021-09; extended again on March 23, 2021, by Resolution No. 2021-37 until June 30, 2021 and lastly extended again on May 25, 2021 by

Resolution No. _____, extending the Emergency Public Order through October 31, 2021;

Whereas, Resolution No. _____ extended Al Fresco Dining through October 31, 2021, except for the Montrose Shopping Park where it was extended only through September 6, 2021;

Whereas, the Council now desires to extend Al Fresco Dining in the Montrose Shopping Park through October 31, 2021 and consider future reports to consider further extending Al Fresco Dining beyond said date;

Whereas, such conditions of peril to life, health and safety, continue to exist, and necessitate the extension of the public orders for the preservation of public health and safety;

Whereas providing for the vitality of the City's economic community serves the public health, safety and welfare, and where the council enacted Glendale Municipal Code Chapter 2.30 to authorize the city to undertake an economic development program consisting of economic development activities, including the waiver of fees, for the purpose of improving retail and commercial options, increasing commercial/industrial activity, increasing visitation and visitor spending, improving entertainment options, enriching cultural experiences, improving recreational options, and expanding the city's tax base which increases the city's ability to provide municipal services to its inhabitant residents and businesses; and

Whereas such economic growth within the city aids in the promotion of the health and welfare of the inhabitant residents and businesses in the city, and is a general benefit to them by and through the provision of improved dining opportunities, which may be limited even beyond the rescission of federal, state and local states of emergency and emergency public orders that have restricted the occupancy requirements for indoor dining.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA THAT:

SECTION 1. Emergency Public Order (EPO 2020-20) relating to Al Fresco Dining is subject to compliance with State and Los Angeles County public health orders, and shall, pursuant to the City's Emergency Services Authority (Glendale Municipal Code Chapter 2.84 and the City's economic development authority under Glendale Municipal Code Section 2.30.030, remain in effect until October 31, 2021 at 11:59 p.m., as follows:

A. Al Fresco Dining

For restaurant and retail businesses that have altered, or will alter, business operations in response to COVID-19 economic response or recovery efforts, and

require a temporary certificate of occupancy permit to accomplish those changes in operations. The permit fees identified below are hereby waived:

Restaurants using 1,000 SF Parklets

- \$223 permit fee + \$2.23/sf
- Businesses have to share parklets, using 500 square feet each

Restaurants using extended Outdoor Dining Permit

- \$223 permit fee + \$2.23/sf

Businesses using Temporary Certificate of Occupancy

- TCO fee is \$166/hour

Retail Businesses using extended Outdoor Dining Permit

- \$223 permit fee plus \$2.23/sf

Outdoor Dining shall occur in accordance with the City's Outdoor Dining Guidelines as most recently amended by the Council on March 23, 2021.

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, social distancing, dining and other business activity, 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.

SECTION 6. Staff will present a report to Council for consideration of future extensions of Al Fresco dining beyond October 31, 2021, including consideration of additional standards for said future extensions.

SECTION 7. The Council directs staff to work with business owners to develop a long-term solution in the Montrose Shopping Park in the form of parklets. Council further directs staff to work with the Monstrose Shopping Park Association to begin developing an urban design plan for Honolulu Avenue.

Adopted by the Council of the City of Glendale on this 10th day of August, 2021.

Mayor

ATTEST:

City Clerk

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. _____ was adopted by the Council of the City of Glendale, California, at its regular meeting held on the ____ day of August, 2021, and that the same was adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

City Clerk