



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

### AGENDA ITEM

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Report: Ratification and Extension of Emergency Public Orders

1. Resolution Extending and Amending Emergency Public Orders Relating to Personal Care Establishments; Outdoor Gyms and Dance Academies; Use of City's Parks Facilities for Gyms and Dance Academies; and Outdoor Use of Banquet Halls
2. Resolution Extending Emergency Public Orders Relating to Moratorium on Certain Commercial Evictions
3. Resolution of the City Council Restating a Prior Resolution and Ratifying a Public Order for Face Coverings under the City of Glendale Emergency Authority

### COUNCIL ACTION

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**Item Type:** Action Item

**Approved for**         June 29, 2021         **calendar**

### ADMINISTRATIVE ACTION

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**Approved by:**

Roubik R. Golanian, P.E., City Manager

## **RECOMMENDATION**

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It is recommended that the Council provide direction relating to the Emergency Public Orders relating to: Personal Care Establishments (Outdoor); Outdoor Gyms and Dance Academies; Outdoor Use of Banquet Halls; the Emergency Public Order relating to Commercial Eviction Moratorium; and ratify Public Order No. 2020-26 relating to Face Coverings.

## **BACKGROUND/ANALYSIS**

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Since the City declared a state of emergency on March 16, 2020 in response to the unprecedented COVID-19 pandemic, the City has undertaken a number of actions to protect life, property and public health and safety, including regulatory actions, economic development efforts, and tenant protection and assistance efforts to help residents and businesses. The regulatory actions include:

- Declaration of State of Emergency;
- Imposition of a moratorium on residential evictions, effective through September 30, 2020 (succeeded by state legislation implementing a statewide residential eviction moratorium);
- Imposition of a moratorium on commercial evictions, which expired on June 30, 2020; Re-enactment of the moratorium on December 23, 2020; and
- Issuance of Emergency Public Orders to permit and incentivize outdoor business activities for restaurants, banquet halls, retail establishments, personal care establishments, gyms/fitness centers and dance academies.

### **Extensions of Orders Regarding Outdoor or Modified Business Activity**

On June 15, 2021, in connection with the State of California terminating the Blueprint for a Safer Economy, Los Angeles County enacted a new public health order: “A Safer Return Together at Work in the Community: Beyond the Blueprint for a Safer Economy” (“Revised County Order”). Among other things, the Revised County Order rescinded most of Los Angeles County’s sector-specific protocols and aligns with the State Beyond the Blueprint for Industry and Business Sectors, while urging everyone, including those who are not or cannot be vaccinated against COVID-19 to continue to exercise caution and good judgment as physical distancing requirements and capacity limitations are removed.

While the State and the County have lifted most business capacity and distancing limitations (except limited activities of day and overnight camps, schools, and certain mega-events), the Council may desire to continue authorizations for outdoor business activity while economy activity continues to rebound after the termination of the Blueprint. On May 25, 2021, the Council extended the Al Fresco outdoor dining program (including outdoor retail) for one year. The Council may choose to extend other outdoor business activity, including waiver of fees.

On June 30, 2021, a number of emergency public orders previously enacted and extended by the Director of Emergency Services or the Council that are related to

outdoor business activity are set to expire with respect to the following outdoor business activities:

- Banquet Halls
- Personal Care Establishments
- Gyms

#### Banquet Halls

This Public Order applied to banquet halls, as defined in the Glendale Municipal Code section 30.70.30B, that need to alter business operations in response to COVID-19 and required a temporary certificate of occupancy permit to accomplish those changes in operations to operate as a restaurant, and waived the permit application fee for temporary uses exercised pursuant to the temporary certificate of occupancy.

#### Personal Care Establishments

This Public Order applies to personal care establishments, such as hair salons and barbershops, or as the term may be defined by the County Orders and Reopening Protocols, that must 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 outdoor space utilized for such purposes may only be on private property. Personal care establishment operators must maintain a minimum 50% of their required parking when conducting their operations outdoors. Businesses that share parking lots and 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.

#### Gyms and Dance Academies

This Public Order applies to gyms and health clubs, as defined in the Glendale Municipal Code section 30.70.30G, and dance academies as defined in Glendale Municipal Code section 5.08.080, that must 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 or dance academy in order to comply with County health orders.

This Public Order:

- Permits gyms, health clubs and dance academies to engage in business activity outdoors notwithstanding GMC provisions to the contrary, provided such activity occurs on private property;
- Requires gym and dance academy operators to maintain a minimum of 50% of their required parking when moving their operations outdoors, but makes businesses that share parking lots and cannot adhere to the 50% minimum

parking requirement eligible for reduced parking contingent upon a successful petition process of their neighbors who share that parking lot;

- Waives the permit application fees for temporary certificates of occupancy required for outdoor operations;
- Permits the Director of Community Services and Parks to identify City-owned parks for usage for outdoor gym and physical fitness activities for Glendale based brick and mortar business (subject to permitting and insurance requirements); and
- Waives the parks facility rental fees for outdoor park usage for gym or dance academy; however, hourly staff costs will still be assessed where staff is not already assigned to a facility at the day and time of a class.

### **Commercial Eviction Moratorium**

On March 18, 2020, the Director of Emergency imposed a temporary moratorium on residential and commercial evictions, which order was ratified by the City Council by adoption of Resolution No. 20-33. The Commercial Eviction Moratorium was modified, extended or expanded by various orders of the Council and expired on June 30, 2020.

On December 15, 2020, the Council discussed the impact of the revised Stay at Home Orders on local businesses and directed the Director of Emergency Services to implement emergency measures to prohibit the eviction of specified commercial tenants who are having challenges making rental payments as a result of COVID-19, including as a result of necessary compliance with public health orders from the State of California and the County of Los Angeles.

On December 23, 2020, the Director of Emergency Services issued Public Order 2020-19, which was ratified by the City Council on January 21, 2021, by Resolution No. 20-10, and extended on March 23, 2021 by Resolution No. 21-39. The Emergency Order:

- Prohibits a landlord from filing an unlawful detainer action against a commercial tenant in the City of Glendale if the commercial tenant is able to show an inability to pay rent due to circumstances related to the COVID-19 pandemic. These circumstances include a commercial tenant's loss of income due to a COVID-19 related workplace closure or reduction in hours or activities, child care expenditures, health care expenses related to being ill with COVID-19 or caring for a member of the tenant's household who is ill with COVID-19, or reasonable expenditures that stem from government-ordered emergency measures;
- Prohibits the filing of any unlawful detainer proceeding whether it is for nonpayment of rent due prior to the enactment of the Order or during the effective period of the Order provided the unlawful detainer proceeding has not commenced prior to the effective date of the Order;
- Obligates commercial tenants to pay lawfully charged rent;

- Obligates commercial tenants to repay any back due rent within six months following the expiration of the Order; provided, however, a landlord and commercial tenant may agree to different repayment terms;
- Requires the commercial tenant to notify the landlord in writing before the rent is due, or within a reasonable period of time afterwards not to exceed 7 days, that the tenant needs to delay all or some payment of rent because of an inability to pay the full amount due to reasons related to COVID-19;
- Provides that if non-payment of rent occurred prior to the effective date of the Order and an unlawful detainer has not commenced, the commercial tenant will have up to seven days after the Order or prior to commencement of an unlawful detainer action, to provide notice of non-payment of rent associated with COVID-19;
- Requires commercial tenants to retain verifiable documentation, such as bank statements, medical bills, invoices or signed letters or statements explaining the tenant's changed financial circumstances, to support the tenant's assertion of an inability to pay. This documentation shall be provided to the landlord no later than the time that the first payment of back-due rent is made; and
- Is not applicable to any commercial tenant with 100 or more employees, 11 or more locations or offices worldwide, or to any tenant that is a publicly traded company.

The Commercial Eviction Emergency Order is effective until June 30, 2021. The County's commercial eviction moratorium is set to expire on June 30, 2021 as well, although the County may have modified its moratorium after the writing of this Report. The County takes the position that its moratorium is a baseline for all incorporated cities in Los Angeles County; however, the City Attorney's Office has expressed its opinion previously that the County's emergency powers do not extend that far or that the determination is open for debate. Other cities with extended commercial eviction moratoria include Los Angeles, Pasadena and Culver City, all of which expire when those cities' emergencies are declared over by their city councils. Burbank will consider an extension to its commercial eviction moratorium on June 22, 2021, which would extend its moratorium to September 30, 2021.

A proposed resolution to extend the Emergency Public Order imposing the commercial eviction moratorium is included for Council consideration. If the Council adopts the resolution, the Council will need to set a date to which the Order is being extended.

### **Ratification of Emergency Order Pertaining to Face Coverings**

On May 3, 2021, the Director of Emergency Services issued Public Order 2020-26, which restated the requirements set for in City of Glendale City Council Resolution 20-148, and also required that no activity, action or omission relative to the use of face

coverings that is permitted or made lawful under the Los Angeles County Public Health Safer at Home Order dated April 29, 2021, (the “LA County Order”), as said LA County Order may subsequently modified by Los Angeles County relative to face coverings, shall constitute a violation of the City of Glendale Public Order. Given that the State and County to continue to reduce or eliminate face covering requirements, especially for vaccinated individuals, the Public Order No. 2020-26 continues to only regulate that which would be unlawful under the LA County Order as it has continued to be revised. Staff requests ratification of Emergency Public Order No. 2020-26.

## **FISCAL IMPACT**

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### Parks Rental Fees

There would be a fiscal impact associated with waiving the parks facility rental fees although exact costs cannot be quantified as fiscal impact would depend on the number of fitness facilities using parks facilities for fitness classes/activities. As noted above, facility rental fees range from \$35 to \$60 per hour, plus \$20 per hour staff costs if staff is not already assigned to the facility at the time of usage. It is unknown at this time how many Glendale-based brick and mortar fitness facilities would utilize the waiver since none are currently using parks facilities for classes/fitness activities, but there are an estimated 20 such establishments in Glendale.

### Outdoor Business Activity

#### Gyms, and Personal Care, Salons 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

#### Banquet Halls

With respect to banquet halls, Staff estimates that the waiver of the TCO fees for banquet hall conversions to restaurants could cost up to \$11,620, based on the following assumptions. The TCO fee is \$166 per hour and it is estimated to that 3.5 hours are spent per application (est. \$581 per application). With 20 banquet halls, the estimate totals \$11,620.

## **ALTERNATIVES**

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1. The Council can amend and extend the Emergency Public Orders relating to: (a) Personal Care Establishments, Outdoor Gyms and Dance Academies, Outdoor Use of

Banquet Halls; (b) extend the Emergency Public Order for Commercial Eviction Moratorium; and (c) ratify the Emergency Public Order pertaining to Face Coverings.

2. The Council can choose not to ratify, amend or extend the Emergency Public Orders.

3. The Council can choose an alternative not identified by staff.

**CAMPAIGN DISCLOSURE**

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Not applicable.

**EXHIBITS**

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None.