

RESOLUTION NO. 21-10

**A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE,
CALIFORNIA, RATIFYING AN EMERGENCY PUBLIC ORDER
RELATING TO A COMMERCIAL EVICTION MORATORIUM**

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 June 2, 2020, the City Council, by Resolution No. 20-61, amended and extended the Commercial Eviction Moratorium until June 30, 2020; and

Whereas, on June 9, 2020, the City Council, by Resolution No. 20-82, amended the Commercial Eviction Moratorium regarding its exemption for multi-location businesses; and

Whereas, on June 30, 2020, the Commercial Eviction Moratorium expired; and

Whereas, on August 13, 2020, the CJC repealed the CJC Order, which had the effect of permitting the filing of unlawful detainer proceedings in state courts, effective September 1, 2020; and

Whereas, on September 23, 2020, the Governor issued Executive Order N-80-20 extending prior orders authorizing local government to issue commercial eviction moratoriums, and authorizing local governments to issue such moratoriums through March 31, 2021; and

Whereas, since November 2020, there has been a surge in COVID-19 cases in the State of California and in Los Angeles; and

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, hindering their ability to keep up with their rent, thereby leaving them vulnerable to eviction; and

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 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, on December 15, 2020, the Glendale City Council discussed the impact of the revised Stay at Home Orders on local businesses and directed the Director of Emergency 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; and

Whereas, in furtherance, thereof, the Director of Emergency Services issued Emergency Public Order No. 2020-19 Reenacting a Moratorium on Certain Commercial Evictions, which public order is subject to ratification by the Council; and

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.

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

SECTION 1. Emergency Public Order 2020-19 (Commercial Eviction Moratorium) is hereby ratified and shall remain in effect until March 31, 2021 at 11:59 p.m., to wit:

1. Moratorium on Commercial Evictions. Subject to the provisions herein, no landlord shall file 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.

2. Applicability. The moratorium on commercial evictions imposed by this Order shall apply to prohibit the filing of any unlawful detainer proceeding whether it is for nonpayment of rent due prior to the enactment of this Order or during the effective period of this Order provided the unlawful detainer proceeding has not commenced prior to the effective date of this Order.

3. Exemptions. This Order shall not be 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.

4. Obligation to Pay; Repayment Date. Nothing in this Order shall be construed to mean that a commercial tenant is not obligated to pay lawfully charged rent. Commercial tenants shall have up to six months following the expiration of this Order to repay any back due rent; provided, however, a landlord and commercial tenant may agree to different repayment terms.

5. Notice. The commercial tenant shall 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. If non-payment of rent occurred prior to the effective date of this Order and an unlawful detainer has not commenced, the commercial tenant shall have up to seven days after this Order or prior to commencement of an unlawful detainer action, to provide notice of non-payment of rent associated with COVID-19.

6. Documentation. Commercial tenants with a COVID-19 justification for nonpayment of rent in accordance with this Order shall 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.

7. Affirmative Defense. Commercial tenants may use the protections afforded in this Order as an affirmative defense in an unlawful detainer action.

8. Prohibition of Late Fees, Interest, Harassment. A landlord is further prohibited from charging or collecting late charges, fees, or interest on unpaid rent, or engaging in any harassing behavior in an attempt to collect deferred rent, when payment of rent is delayed during the period this Order is in effect.

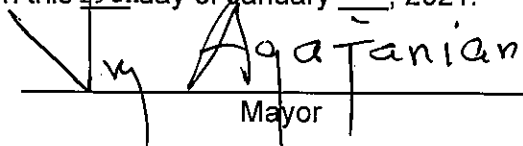
SECTION 2. This Order does not and shall not be construed to allow any business or individual to operate his/her/its business regulated by this public order in a manner that violates any public health orders or protocols of the State of California, Los Angeles County Public Health Officer, and the City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

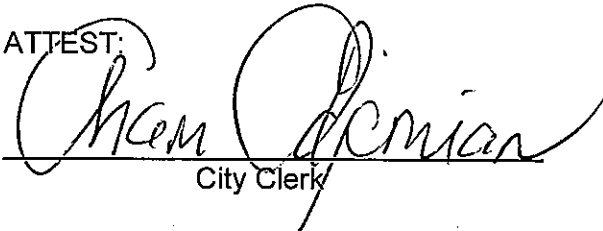
SECTION 5. This Resolution and the corresponding orders do not supersede any stricter limitation imposed by the County of Los Angeles or the State of California.

Adopted by the Council of the City of Glendale on this 19th day of January, 2021.



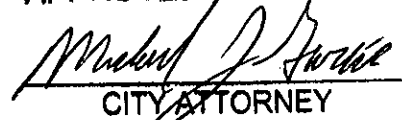
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM



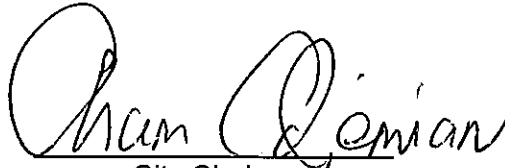
CITY ATTORNEY

DATE 1/19/21

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. 21-10 was adopted by the Council of the City of Glendale, California, at its regular meeting held on the 19th day of January, 2021, and that the same was adopted by the following vote:

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


City Clerk

RESOLUTION NO. 21-09

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA, RATIFYING EMERGENCY PUBLIC ORDER RELATING TO AL FRESCO DINING; OUTDOOR RETAIL ESTABLISHMENTS; PERSONAL CARE ESTABLISHMENTS (OUTDOOR); OUTDOOR GYMS AND DANCE ACADEMIES; AND OUTDOOR USE OF BANQUET HALLS, TO THE EXTENT PERMITTED BY STATE AND COUNTY HEALTH ORDERS

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, 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;

Whereas, on July 20, 2020, the Director of Emergency Services adopted Public Order No. 2020-11, waiving the permit application fees for Temporary Certificates of Occupancy to allow temporary conversion of banquet halls to restaurant use, subject to County of Los Angeles Public Health orders and, such order was ratified by Resolution No. 20-112 ending on December 31, 2020;

Whereas, on July 30, 2020, the Director of Emergency Services adopted Public Order No. 2020-13, requiring the waiver of permit application and allowing of Temporary Certificates of Occupancy for outdoor operations of retail establishments and, such order was ratified by Resolution No. 20-123 ending on December 31, 2020;

Whereas, on July 30, 2020, the Director of Emergency Services adopted Public Order No. 2020-14, requiring the waiver of permit application and allowing of Temporary Certificates of Occupancy for outdoor operations of personal care establishments and, such order was ratified by Resolution No. 20-123 ending on December 31, 2020;

Whereas, on July 31, 2020, the Director of Emergency Services adopted Public Order No. 2020-15, requiring the waiver of permit application and allowing of Temporary Certificates of Occupancy for outdoor operations of gyms and, such order was ratified by

Resolution No. 20-123, and expanded by Resolution No. 20-149, ending on December 31, 2020;

Whereas, on October 28, 2020, the Director of Emergency Services adopted Public Order No. 2020-17, requiring the waiver of permit application and allowing of Temporary Certificates of Occupancy for outdoor operation of gyms and dance academies and such order was ratified by Resolution No. 20-175 ending on December 31, 2020;

Whereas, on December 30, 2020, the Director of Emergency Services issued Emergency Public Orders 2020-20 (Al Fresco Dining), 2020-21 (Outdoor Retail Establishments), 2020-22 (Personal Care Establishments – Outdoor), 2020-23 (Outdoor Gyms and Dance Academies), and 2020-24 (Outdoor Use of Banquet Halls) extending previous public orders, which emergency public orders are subject to Council ratification:

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.

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

SECTION 1. The following Emergency Public Orders of the Director of Emergency Services are hereby ratified, subject to compliance with State and Los Angeles County public health orders, and shall remain in effect until March 31, 2021 at 11:59 p.m.: A. Al Fresco Dining (EPO 2020-20); B. Outdoor Retail Establishments (EPO 2020-21); C. Personal Care Establishments (Outdoor) (EPO 2020-22); D. Outdoor Gyms and Dance Academies (EPO 2020-23); and E. Outdoor Use of Banquet Halls (EPO 2020-24), all as follows:

A. Al Fresco Dining

For restaurant businesses that have altered business operations in response to COVID-19 economic recovery efforts and required a temporary certificate of occupancy permit to accomplish those changes in operations. The permit fees identified below are hereby waived:

- Temporary Certificate of Occupancy Permit – Necessary for requests to utilize private parking lots to conduct outdoor dining: Fee is minimum of \$166 per hour. Typical hours charged are 3 to 4 hours. Fee is waived for restaurants applying for a waiver as a result of impacts due to COVID-19. Other applicants applying for a temporary certificate of occupancy for activities other than outdoor dining remain subject to applicable fee.
- Permit – Necessary for sidewalk dining and the parklet (existing on-street parking): Fee is \$233 plus a Yearly Licensing Fee of \$2.23 per square feet.
- Fee is waived for restaurants applying for waiver as a result of impacts due to COVID-19.

B. Banquet Halls

For banquet halls, as defined in the Glendale Municipal Code section 30.70.30B, that 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 the permit application fee was waived for temporary uses exercised pursuant to the temporary certificate of occupancy:

- Temporary Certificate of Occupancy Permit – Necessary for requests to temporarily change operations from banquet hall use to restaurant use: Fee is minimum of \$166 per hour. Typical hours charged are 3.5 hours. Fee is waived for banquet halls applying for a waiver as a result of impacts due to COVID-19.

C. Retail Establishments

For retail establishments, consistent with the requirements of Chapter 5.96 of the Glendale Municipal Code, (GMC), and operating within the City of Glendale that altered business operations in response to COVID-19 and required 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 their private property includes parking lots, where no more than 50% of the lot may be utilized for such purpose. 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.

D. Personal Care Establishments

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 altered 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 at minimum 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.

E. Gyms and Dance Academies

For 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, where instruction in dance is given, and that have altered 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 academies as outlined by the County Order and Reopening Protocols:

- The parks facility rental fee is waived for temporary uses exercised pursuant to the Rental of Park Facilities for Fitness Classes or Activities policy ("Policy");
- The hourly staff costs set forth in the Policy are hereby enforced;
- 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, and showing proof of insurance, for their usage for outdoor gym and physical fitness activities.

Additionally, for gyms, health clubs, and dance academies defined herein that require a temporary certificate of occupancy permit to accomplish those changes in operation to operate as an outdoor business 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, gym and physical fitness activities and dance academies are permitted to occur outdoors. The outdoor space utilized for such purposes may only be on private property;

- Gym and dance academy 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

33 of 215

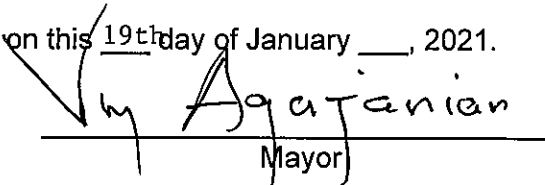
to those pertaining to gatherings, social distancing, dining and other business activity, and face coverings;

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.

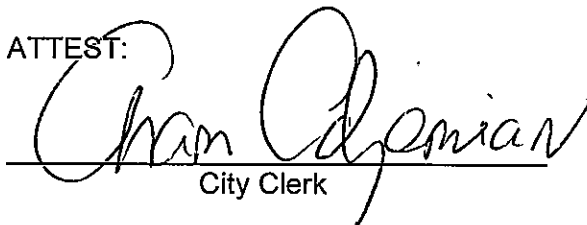
SECTION 5. This Resolution and the corresponding orders do not supersede any stricter limitation imposed by the County of Los Angeles or the State of California.

Adopted by the Council of the City of Glendale on this 19th day of January , 2021.



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM



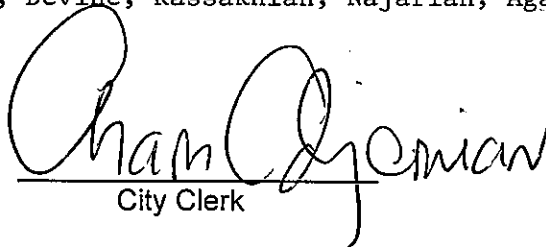
CITY ATTORNEY

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

DATE 1/19/21

I, Aram Adjemian, City Clerk of the City of Glendale, hereby certify that the foregoing Resolution No. 21-09 was adopted by the Council of the City of Glendale, California, at its regular meeting held on the 19th day of January, 2021, and that the same was adopted by the following vote:

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



City Clerk



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

AGENDA ITEM

Report: Ratification of Extension of Emergency Public Orders

1. Resolution Ratifying the Extension of Emergency Public Orders Relating to AI Fresco Dining; Outdoor Retail Establishments; Personal Care Establishments (Outdoor); Outdoor Gyms and Dance Academies; and Outdoor Use of Banquet Halls, to the Extent Permitted by State and County Health Orders
2. Resolution Ratifying Emergency Public Order Reenacting a Moratorium on Certain Commercial Evictions

COUNCIL ACTION

Item Type: Action Item

Approved for January 19, 2021 **calendar**

ADMINISTRATIVE ACTION

Submitted by:

Michael J. Garcia, City Attorney
Roubik Golanian, Interim City Manager

Prepared by:

Michael J. Garcia, City Attorney
Lucy Varpetian, Principal Assistant City Attorney

Reviewed by:

Philip Lanzafame, Director of Community Development
Onnig Bulanakian, Director of Community Services and Parks
Michele Flynn, Director of Finance
Roubik R. Golanian, Interim City Manager
Michael J. Garcia, City Attorney

Approved by:
Roubik Golanian, Interim City Manager

RECOMMENDATION

It is recommended that the Council ratify the Emergency Public Orders relating to: Commercial Eviction Moratorium; Al Fresco Dining; Outdoor Retail Establishments; Personal Care Establishments (Outdoor); Outdoor Gyms and Dance Academies; and Outdoor Use of Banquet Halls, to the Extent Permitted by State and County Health Orders.

BACKGROUND/ANALYSIS

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;
- Imposition of a moratorium on commercial evictions, which expired on June 30, 2020; Re-enactment of the moratorium on December 23, 2020; and
- Imposition of a freeze on residential rent increases, effective through September 30, 2020.

Additionally, the City Council has moved forward with several economic development and rental assistance efforts intended to provide resources or financial assistance to local businesses and residents negatively impacted by the economic fallout associated with COVID-19. The Director of Emergency Services and City Council also enacted a number of measures to assist small businesses during the pandemic including a commercial eviction moratorium and waiver of permit fees to conduct certain business activities outdoors on private parking lots, City-owned parklets, City parks, and sidewalk areas.

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 City Council on April 14, 2020, May 12, 2020, June 2, 2020 and June 9, 2020. The Commercial Eviction Moratorium expired on June 30, 2020.

On December 15, 2020, the Glendale City Council discussed the impact of the revised Stay at Home Orders on local businesses and directed the Director of Emergency 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 prohibited 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.

In addition, the moratorium on commercial evictions imposed by the Public Order 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.

The Public Order 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.

Commercial tenants are obligated to pay lawfully charged rent. Commercial tenants shall have up to six months following the expiration of the Order to repay any back due rent; provided, however, a landlord and commercial tenant may agree to different repayment terms. The commercial tenant shall 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. If non-payment of rent occurred prior to the effective date of this Order and an unlawful detainer has not commenced, the commercial tenant shall 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.

Commercial tenants with a COVID-19 justification for nonpayment of rent in accordance with this Order shall 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.

Commercial tenants may use the protections afforded in the Order as an affirmative defense in an unlawful detainer action. A landlord is further prohibited from charging or collecting late charges, fees, or interest on unpaid rent, or engaging in any harassing

behavior in an attempt to collect deferred rent, when payment of rent is delayed during the period this Order is in effect.

Al Fresco Dining

On June 16, 2020, the Director of Emergency Services issued 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. The public order was later extended until December 31, 2020. On December 30, 2020, the Director of Emergency Services issued Public Order 2020-20 which extended the permits issued under this Order to expire automatically on March 31, 2021.

This public order applied to restaurant businesses that have altered business operations in response to COVID-19 economic recovery efforts and required a temporary certificate of occupancy permit to accomplish those changes in operations. The permit fees identified below are hereby waived:

- Temporary Certificate of Occupancy Permit – Necessary for requests to utilize private parking lots to conduct outdoor dining: Fee is minimum of \$166 per hour. Typical hours charged are 3 to 4 hours. Fee is waived for restaurants applying for a waiver as a result of impacts due to COVID-19. Other applicants applying for a temporary certificate of occupancy for activities other than outdoor dining remain subject to applicable fee.
- Permit – Necessary for sidewalk dining and the parklet (existing on-street parking):
Fee is \$223 plus a Yearly Licensing Fee of \$2.23 per square feet.
Fee is waived for restaurants applying for waiver as a result of impacts due to COVID-19.

Banquet Halls

On July 20, 2020, the Director of Emergency Services adopted Public Order No. 2020-11, waiving the permit application fees for Temporary Certificates of Occupancy to allow temporary conversion of banquet halls to restaurant use, subject to County of Los Angeles Public Health orders and, such order was ratified by Resolution No. 20-112 ending on December 31, 2020. On December 30, 2020, the Director of Emergency Services issued Public Order 2020-21 which extended the waiver is until March 31, 2021.

The Public Order applied to banquet halls, as defined in the Glendale Municipal Code section 30.70.30B, that 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 the permit application fee was waived for temporary uses exercised pursuant to the temporary certificate of occupancy:

- Temporary Certificate of Occupancy Permit – Necessary for requests to temporarily change operations from banquet hall use to restaurant use: Fee is

minimum of \$166 per hour. Typical hours charged are 3.5 hours. Fee is waived for banquet halls applying for a waiver as a result of impacts due to COVID-19.

Retail Establishments

On July 30, 2020, the Director of Emergency Services adopted Public Order No. 2020-13, requiring the waiver of permit application and allowing of Temporary Certificates of Occupancy for outdoor operations of retail establishments and, such order was ratified by Resolution No. 20-123 and ending on December 31, 2020. On December 30, 2020, the Director of Emergency Services issued Public Order 2020-22 which extended the waiver is until March 31, 2021.

The Public Order applied to retail establishments, consistent with the requirements of Chapter 5.96 of the Glendale Municipal Code, (GMC), and operating within the City of Glendale that altered business operations in response to COVID-19 and required 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 their private property includes parking lots, where no more than 50% of the lot may be utilized for such purpose. 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.

Personal Care Establishments

On July 30, 2020, the Director of Emergency Services adopted Public Order No. 2020-14, requiring the waiver of permit application and allowing of Temporary Certificates of Occupancy for outdoor operations of personal care establishments and, such order was ratified by Resolution No. 20-123 ending on December 31, 2020. On December 30, 2020, the Director of Emergency Services issued Public Order 2020-23 which extended the waiver is until March 31, 2021.

This Public Order applied to personal care establishments, such as hair salons and barbershops, or as the term may be defined by the County Order and Reopening Protocol, that altered 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 at minimum 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.

Gyms and Dance Academies

On July 31, 2020, the Director of Emergency Services adopted Public Order No. 2020-15, requiring the waiver of permit application and allowing of Temporary Certificates of Occupancy for outdoor operations of gyms and, such order was ratified by Resolution No. 20-123, and expanded by Resolution No. 20-149, ending on December 31, 2020. On December 30, 2020, the Director of Emergency Services issued Public Order 2020-23 which extended the Public Order until March 31, 2021;

On October 28, 2020, the Director of Emergency Services adopted Public Order No. 2020-17, requiring the waiver of permit application and allowing of Temporary Certificates of Occupancy for outdoor operation of gyms and dance academies and such order was ratified by Resolution No. 20-175 ending on December 31, 2020.

The Public Order applied 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, where instruction in dance is given, and that have altered 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 academies as outlined by the County Order and Reopening Protocols:

- The parks facility rental fee is waived for temporary uses exercised pursuant to the Rental of Park Facilities for Fitness Classes or Activities policy ("Policy");
- The hourly staff costs set forth in the Policy are hereby enforced;
- 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, and showing proof of insurance, for their usage for outdoor gym and physical fitness activities.

Additionally, for gyms, health clubs, and dance academies defined herein that require a temporary certificate of occupancy permit to accomplish those changes in operation to operate as an outdoor business 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, gym and physical fitness activities and dance academies are permitted to occur outdoors. The outdoor space utilized for such purposes may only be on private property;

- Gym and dance academy 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.

FISCAL IMPACT

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

Al Fresco Program

Staff estimates that the waiver of permit fees associated with outdoor dining permits to implement the Al Fresco program will have a fiscal impact of approximately \$75,175, assuming assistance to 80 businesses, based on the following assumptions.

Businesses using 1,000 SF Parklets

- \$223 permit fee + \$2.23/sf
- Businesses have to share parklets, using 500 square feet each
- About 30 businesses will use the parklets
- Average fee per business: \$1,338
- Total Estimate for Waiving Fees for 30 Businesses Using Parklets: \$40,140.

Businesses using extended Sidewalk Permit

- \$223 permit fee + \$2.23/sf
- Estimating 250 sf of outdoor dining space/business
- About 30 businesses using extended permit
- Average fee per business: \$780.50
- Total Estimate for Waiving Fees for 30 Businesses Extending Sidewalk Dining: \$23,415.

Businesses using Temporary Certificate of Occupancy

- TCO fee is \$166/hour
- Estimating 3.5 hours/permit
- About 20 businesses using permit
- Average fee per business: \$581
- Total Estimate for Waiving Fees for 20 Businesses Using Private Parking Lot: \$11,620.

Retail Businesses using extended Sidewalk Permit

\$223 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: \$446

Total Estimate for Waiving Fees for 50 Businesses Extending Sidewalk Dining:

\$22,300

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

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

1. The Council can ratify the public orders relating to Commercial Eviction Moratorium; Al Fresco Dining; Outdoor Retail Establishments; Personal Care Establishments (Outdoor); Outdoor Gyms and Dance Academies; and Outdoor Use of Banquet Halls, to the Extent Permitted by State and County Health Orders.
2. The Council can choose not to ratify the extension of the public orders.
3. The Council can choose an alternative not identified by staff.

CAMPAIGN DISCLOSURE

Not applicable.

EXHIBITS

None.