

RESOLUTION NO. 21-39

**A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE,
CALIFORNIA, EXTENDING 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 was ratified by the City Council on January 21, 2021, by Resolution No. 2021-10; 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. Resolution NO. 2021-10 (Commercial Eviction Moratorium) is hereby extended and shall remain in effect until June 30, 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.

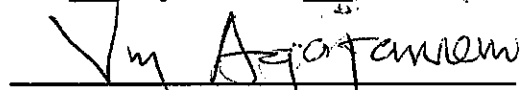
SECTION 2. This Order does not and shall not be construed to allow any business or individual to operate his/her/its business regulated by this public order in a manner that violates any public health orders or protocols of the State of California, Los Angeles County Public Health Officer, and the City 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 23rd day of March 2021.



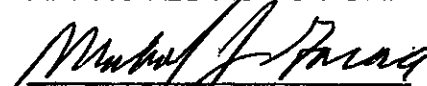
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM



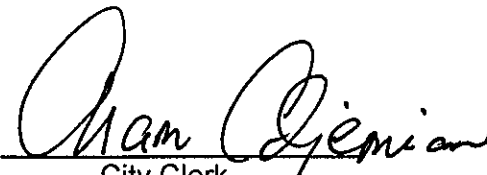
CITY ATTORNEY

DATE 4/20/21

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. 21-39 was adopted by the Council of the City of Glendale, California, at its regular meeting held on the 23rd day of March, 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. 21-38

**A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA,
RATIFYING EMERGENCY PUBLIC ORDER RELATING TO TEMPORARILY
SUSPENSION OF CONDITION 19 OF USE AND STANDARDS VARIANCE OF
CHAMLIAN SCHOOL TO ASSIST SCHOOL RE-OPENING IN ORDER TO COMPLY
WITH CALIFORNIA DEPARTMENT OF PUBLIC HEALTH GUIDELINES**

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, the Los Angeles County Office of Education authorized the 80 school districts in Los Angeles County to close schools, effective Monday, March 16, 2020 in order to mitigate community spread of COVID-19;

Whereas January 14, 2021, the California Department of Public Health ("CDPH") developed COVID-19 and Reopening In-Person Instruction Framework & Public Health Guidance for K-12 Schools in California, 2020-2021 School Year and on February 11, 2021, the Los Angeles County of Public Health updated its school reopening threshold to align with CDPH;

Whereas CDPH requires, among other things, as a condition of reopening to: (1) Stagger arrival and drop off-times and locations as consistently as practicable to minimize scheduling challenges for families; and (2) Designate routes for entry and exit, using as 1243 of 1575

many entrances as feasible and put in place other protocols to limit direct contact between people as much as practicable;

Whereas on January 19, 2011, Chamlian School was granted a Use Variance Case No. PVAR 2010-023 & Standards Variance Case No. PVAR 2010-028 ("Permit") that included as a condition (Condition 19) that access from Second Avenue shall be limited to maintenance vehicles and parking for occasional special events after school hours;

Whereas, the Permit is in conflict with the CDPH Guidelines that require staggering arrival and drop-off times and use of as many entry and exit routes as feasible to limit direct contact between people and in order to comply with the CDPH Guidelines, Chamlian School is seeking temporary relief from the limiting requirement of access from Second Avenue;

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, in furtherance, thereof, the Director of Emergency Services issued Emergency Public Order No. 2020-25 on March 2, 2021, temporarily suspending Condition 19 of the Permit to assist school re-opening in order to comply with California Department of Public Health Guidelines; 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 2020-25 (Chamlian School Temporary CUP Condition 19 Waiver) is hereby ratified and shall remain in effect until the CDPH Guidelines or County Order are amended to remove requirements of staggered arrival and drop-off times or use of as many ingress and egress routes as feasible or the local emergency expires, whichever occurs first;

SECTION 2. Condition 19 of Use Variance Case No. PVAR 2010-023 & Standards Variance Case No. PVAR 2010-028 ("Permit") of a private school located at 4444 Lowell Avenue, Glendale, CA, which limits the access of Second Avenue to maintenance vehicles and parking for occasional special events after school hours, is temporarily lifted to allow for compliance with CDPH Guidelines.

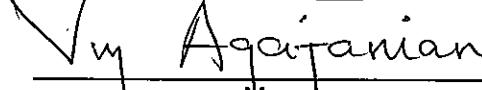
SECTION 3. This Order does not and shall not be construed to allow for waiver of any other condition of the Permit and noncompliance with Condition No. 19 is in effect so long as the CDPH Guidelines or County Order require staggering of arrival and drop-off or use of as may ingress and egress routes as feasible, or the local emergency expires, whichever occurs first;

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. 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 6. 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 23rd day of March Mar, 2021.



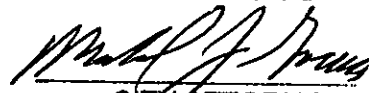
Mayor

ATTEST:



City Clerk

APPROVED AS IC

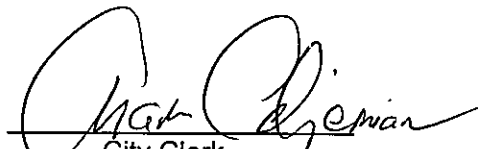


CITY ATTORNEY
DATE 4/20/21

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. 21-38 was adopted by the Council of the City of Glendale, California, at its regular meeting held on the 23rd day of March, 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. 21-37

**A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE,
CALIFORNIA, AMENDING AND EXTENDING EMERGENCY PUBLIC
ORDERS 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 were ratified by the City Council on January 21, 2021, by Resolution No. 2021-09.

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 are subject to compliance with State and Los Angeles County public health orders, and shall remain in effect until June 30, 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.

In addition, the City's Outdoor Dining Guidelines are amended to allow the use of tents, canopies, umbrellas, and heaters, which will be required to comply with Fire Code requirements as set forth in the Glendale Outdoor Dining Tent/Propane Heater Guidelines attached as Exhibit 1 to the Report to Council dated March 23, 2021 and incorporate herein by this reference.

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

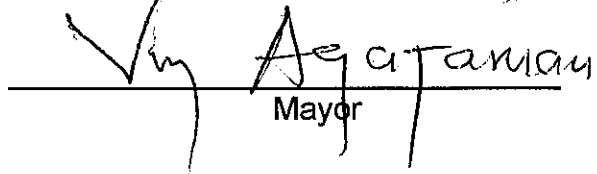
SECTION 3. If any provision of this Public Order or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Orders or this Resolution which can be given effect without the invalid provision or application, 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 23rd day of March __, 2021.



Mayor

ATTEST:

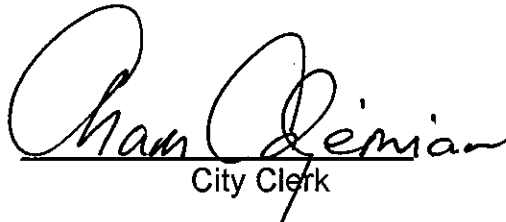


City Clerk

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. 21-37 was adopted by the Council of the City of Glendale, California, at its regular meeting held on the 23rd day of March, 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

APPROVED AS TO FORM



CITY ATTORNEY

DATE 4/20/21



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

AGENDA ITEM

Report: Ratification and Extension of Emergency Public Orders

1. Resolution Extending and Amending Emergency Public Orders Relating to Al Fresco Dining (including Expanding Use to Allow Tents, Canopies, Umbrellas and Heaters); Outdoor Retail Establishments; Personal Care Establishments; Outdoor Gyms and Dance Academies; and Outdoor Use of Banquet Halls
2. Resolution Ratifying Emergency Public Order No. 20-25 Temporarily Suspending Condition 19 of Use Variance and Standards Variance for Chamlian School Pertaining to Vehicular Access to Assist School Re-Opening in Order to Comply with California Department of Public Health Guidelines
3. Resolution Extending Emergency Public Orders Relating to Moratorium on Certain Commercial Evictions

COUNCIL ACTION

Item Type: Action Item

Approved for March 23, 2021 calendar

ADMINISTRATIVE ACTION

Submitted by:

Michael J. Garcia, City Attorney

Prepared by:

Lucy Varpetian, Principal Assistant City Attorney

Reviewed by:

Phil Lanzafame, Director of Community Development

Michele Flynn, Director of Finance

Michael J. Garcia, City Attorney

Approved by:

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

RECOMMENDATION

It is recommended that the Council provide direction relating to the Emergency Public Orders relating to: Al Fresco Dining; Outdoor Retail Establishments; Personal Care Establishments (Outdoor); Outdoor Gyms and Dance Academies; Outdoor Use of Banquet Halls; Chamlian School, and; the Commercial Eviction Moratorium.

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 (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

Per the State of California Department of Public Health, Los Angeles County moved into the "Red Tier" of the State's Blueprint for a Safer Economy on March 12, 2021. As a result, the County began lifting or lessening some local activity-specific restrictions under its Reopening Safer at Work and in the Community Protocols starting on March 15, 2021, including the following:

- Indoor dining (up to 25% capacity).
- Gyms/Fitness Centers (up to 10% capacity)
- Retail Business Establishments (up to 50% capacity)
- Personal Care Establishments (up to 50% capacity)

While it is anticipated the County will continue to reduce or eliminate activity-specific restrictions as COVID cases and the other indicia of the COVID pandemic continue their decline, continued authorization for outdoor business activity is necessary while the State and County transition business activity as identified in the Blueprint for a Safer Economy.

On March 31, 2021, a number of emergency public orders previously enacted and extended by the Director of Emergency Services or the Council are set to expire with respect to the following outdoor business activities:

- Al Fresco Dining
- Banquet Halls
- Retail Establishments
- Personal Care Establishments
- Gyms

Al Fresco Dining

This Public Order applies to restaurant businesses that must alter business operations in response to COVID-19 public health orders and require a temporary certificate of occupancy permit to accomplish those changes in operations. The Public Order also waives fees for temporary certificate of occupancy permits and permits to allow sidewalk dining and in the City-created parklet areas. In addition to the extension of this order, staff proposes that the outdoor dining guidelines be amended to include the appropriate use of tents, canopies, or umbrellas and the use of heaters, which are not currently permitted. Use of tents, canopies, umbrellas, and heaters will be required to comply with Fire Code Requirements. (Exhibit 1). These guidelines will make outdoor dining through Temporary Certificate of Occupancy, Parklets, and Sidewalk Dining more functional for restaurants and patrons as outdoor dining continues.

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.

Retail Establishments

This Public Order applies 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 alter business operations in response to COVID-19 and require 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 is required for sales on sidewalks and a Temporary Certification of Occupancy is required for sales on outdoor spaces within private property. The Public Order provides that these commercial activities are permitted to occur during the pendency of the Public Order, notwithstanding contrary provisions of the GMC. The Public Order waives the permit application fee for the temporary uses exercised pursuant to the temporary

certificate of occupancy. 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 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.

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.

Ratification of Emergency Order Pertaining to Chamlian School

On January 14, 2021, the California Department of Public Health (“CDPH”) developed COVID-19 and Reopening In-Person Instruction Framework & Public Health Guidance for K-12 Schools in California, 2020-2021 School Year and on February 11, 2021, the Los Angeles County of Public Health updated its school reopening threshold to align with CDPH. As a condition of reopening, CDPH requires, among other things: (1) Staggered arrival and drop off-times and locations as consistently as practicable to minimize scheduling challenges for families; and (2) Designated routes for entry and exit, using as many entrances as feasible and other protocols to limit direct contact between people as much as practicable.

Chamlian School was granted a Use Variance (Case No. PVAR 2010-023) and Standards Variance (Case No. Case No. PVAR 2010-028), which contain a condition (Condition No. 19) that limits access from and to Second Avenue to maintenance vehicles and parking for occasional special events after school hours. Condition No. 19 does not permit staggering arrival and drop-off times and use of as many entry and exit routes as feasible to limit direct contact between people as necessary to comply with the CDPH Guidelines due to the limitation on access to and from Second Avenue. Chamlian School sought temporary relief from the limiting requirement of access to and from Second Avenue.

On March 2, 2021, the Director of Emergency Services issued Emergency Public Order No. 2020-25, which temporarily waives Condition 19 of the Permit to allow staggering arrival and drop-offs and to allow the school to allow Second Avenue for ingress and egress. (Exhibit 2). The Order does not allow for waiver of any other condition of the Permit and noncompliance with Condition No. 19 is in effect only so long as the CDPH Guidelines or County Order require staggering of arrival and drop-off or use of as may ingress and egress routes as feasible, or when the local emergency expires, whichever occurs first. Staff requests ratification of Emergency Public Order No. 2020-25.

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. 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 March 31, 2021. The County of Los Angeles Board of Supervisors recently extended the County's commercial eviction moratorium through June 30, 2021. 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 soon consider an extension to their commercial eviction moratorium.

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.

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 amend and extend the Emergency Public Orders relating to Al Fresco Dining, Outdoor Retail Establishments, Personal Care Establishments, Outdoor Gyms and Dance Academies, Outdoor Use of Banquet Halls, ratify the Emergency Public Order pertaining to Chamlian School, and extend the Commercial Eviction Moratorium
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

Not applicable.

EXHIBITS

1. Glendale Outdoor Dining Tent/Propane Heater Guidelines
2. Public Order No. 20-25 Pertaining to Chamlian School



Glendale Public Order No. 2020-25

Under City of Glendale Emergency Authority

Issue Date: March 2, 2021

**Temporarily Suspending Condition 19 of Conditional Use Permit
of Chamlian School to Assist School Re-Opening in Order to Comply with
California Department of Public Health Guidelines**

Whereas, on March 16, 2020, the City Council of the City of Glendale, pursuant to Glendale Municipal Code Chapter 2.84, declared a local emergency. This was necessitated by the growing concern over 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. The number of confirmed cases has continued to escalate dramatically over a short period of time. The Centers for Disease Control and Prevention advises us that COVID-19 spreads easily from person to person and has issued guidelines recommending that the public adopt policies and routines to enable social distancing wherever possible. In addition, on March 16, 2020, the City Council also ordered the closure of and limitation of access to certain public establishments;

Whereas, the City of Glendale has redoubled its efforts to maintain hand hygiene, respiratory etiquette, and social distancing. It is absolutely critical that we as a City do everything we can to slow the pace of community spread and avoid unnecessary strain on our medical system. To aid in our efforts, under the emergency authorities vested in the Director of Emergency Services pursuant to Chapter 2.84 of the Glendale Municipal Code, to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency, it is ordered that a series of temporary restrictions be placed on certain establishments throughout the City of Glendale in which large numbers of people tend to gather and remain in close proximity;

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 the Los Angeles County's Reopening Safer at Work and in the Community for Control of COVID-19 Order, ("County Order") which closed certain businesses that were categorized as non-essential services;

Whereas, the Los Angeles County Office of Education authorized the 80 school districts in Los Angeles County to close schools, effective Monday, March 16, 2020 in order to mitigate community spread of COVID-19;

Whereas January 14, 2021, the California Department of Public Health ("CDPH") developed COVID-19 and Reopening In-Person Instruction Framework & Public Health Guidance for K-12 Schools in California, 2020-2021 School Year and on February 11, 2021, the Los Angeles County of Public Health updated its school reopening threshold to align with CDPH;

Whereas CDPH requires, among other things, as a condition of reopening to: (1) Stagger arrival and drop off-times and locations as consistently as practicable to minimize scheduling challenges for families; and (2) Designate routes for entry and exit, using as many entrances as feasible and put in place other protocols to limit direct contact between people as much as practicable;

Whereas on January 19, 2011, Chamlian School was granted a Use Variance Case No. PVAR 2010-023 & Standards Variance Case No. PVAR 2010-028 ("Permit") that included as a condition (Condition 19) that access from Second Avenue shall be limited to maintenance vehicles and parking for occasional special events after school hours;

Whereas, the Permit is in conflict with the CDPH Guidelines that require staggering arrival and drop-off times and use of as many entry and exit routes as feasible to limit direct contact between people and in order to comply with the CDPH Guidelines, Chamlian School is seeking temporary relief from the limiting requirement of access from Second Avenue;

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 Director of Emergency Services finds that it is in the public interest, and to the benefit of public health and safety, to waive temporarily Condition 19 of the conditional use permit.

Now therefore, by virtue of the authority granted pursuant to Chapter 2.84 of the Glendale Municipal Code, the Director of Emergency Services issues the following order, effective immediately and until the CDPH Guidelines or County Order are amended to remove requirements of staggered arrival and drop-off times or use of as many ingress and egress routes as feasible or the local emergency expires, whichever occurs first;

Section 1. Condition 19 of Use Variance Case No. PVAR 2010-023 & Standards Variance Case No. PVAR 2010-028 ("Permit") of a private school located at 4444 Lowell Avenue, Glendale, CA, which limits the access of Second Avenue to maintenance vehicles and parking for occasional special events after school hours, is temporarily lifted to allow for compliance with CDPH Guidelines.

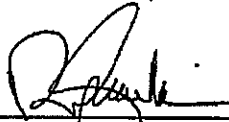
Section 2. This Order does not and shall not be construed to allow for waiver of any other condition of the Permit and noncompliance with Condition No. 19 is in effect so long as the CDPH Guidelines or County Order require staggering of arrival and drop-off or use of as may ingress and egress routes as feasible, or the local emergency expires, whichever occurs first.

Section 3. 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.

Day of 3rd of March 2021

Time: 5:03

By: 
Roubik Golanian
Acting Director of Emergency Services

Approved as to Form:
MICHAEL J. GARCIA, CITY ATTORNEY

By: 
Title: City Attorney
Date: 3/2/21



GLENDAL FIRE DEPARTMENT

Fire Prevention Bureau

780 Flower Street, Glendale CA 91201

Phone: (818) 548-4810 fpbinfo@glendaleca.gov

OUTDOOR DINING – TENT / PROPANE HEATER GUIDELINES

This information is being provided by the Glendale Fire Department as a summary of the 2019 California Fire Code and California Code of Regulations, Title 19, Chapter 2. The following guidelines are to be adhered to:

Tents and Canopies

- There is no distinction between tents, canopies or umbrellas with or without walls
- 12 foot Fire break required for every 70 linear feet of 10 x 10 tents
- Anchorage is required (ropes, weights) to withstand weather and prevent collapsing
- Small Tents (under 10 occupancy) – Must meet CPAI 84 standards for fabric fire resistance
- Large Tents (over 10) – Must meet SFM standards for fabric fire resistance
- Fire Resistance Tag/Seal of Registration must be intact, legible and securely affixed
- Occupancy load, egress width, chair, table and aisle requirements mirror other assembly uses
- Tents must be maintained free of combustible materials
- A minimum distance of 20 Feet is required for any open flame device, heating appliance, generators or parked vehicles
- Tents and canopies shall not block fire hydrants or fire department connections

Fire Extinguishers

- The minimum legal size is 2A 10BC with an annual inspection (by Cal SFM registered company) must be noted on tag or label
- Fire extinguishers are required every 75 feet of foot travel

Propane *Notify Glendale Fire Department if propane will be used

- The use and storage of propane shall be approved by the Glendale Fire Department
- Propane cylinders shall be DOT approved, in serviceable condition and used in accordance with manufacturer's documentation
- Storage of cylinders, full or empty, shall be outside and secured within suitable enclosures with approved placards, signs and labels installed in an approved manner
- Storage and use of cylinders shall be a minimum of ten feet from weeds, grass, brush, trash and other combustible materials
- Approved vehicle impact protection shall be installed in storage areas adjacent to or near any vehicular driving surface
- Smoking is prohibited within 25 feet of propane

1254 of 1575

- Approved signs stating “No Smoking” shall be conspicuously posted near the storage area

- The storage area shall be no closer than 25 feet to any source of ignition
- Cylinders in storage and in use shall be positioned with the pressure relief valve in direct communication with the vapor space of the container
- Equipment associated with propane cylinders, including hoses, shall be in serviceable condition and used in accordance with manufacturer's documentation
- Propane cylinders and appliances shall be located outside and not be placed closer than 10 feet from tents or canopies and 5 feet from buildings and means of egress
- Pressure relief devices shall be pointed away from the public, heat producing appliances, sources of ignition, tents, membrane structures and temporary special event structures
- Propane cylinders shall not be positioned closer than five feet from heat producing appliances
- Safety devices on cylinders shall not be tampered with or rendered ineffective
- Propane shall be used with approved fire extinguishers in close proximity
- Location of tanks shall provide protection from physical damage or other hazards
- Propane cylinders shall be secured in place, in an approved manner
- Propane is not allowed inside tents
- Mushroom type propane heaters are not allowed inside of or within 10 feet of tents
- Ducted propane heating systems may be permitted when installed per the manufacturers specifications

Electrical Heaters

- Electrical heaters may be permitted when installed and operated per the 2019 California Electrical Code and manufacturers specifications
- Electrical cords must be covered in an approved manner to avoid any trip hazards and heaters from tipping over

Required Fire Permits

- Storage or Use of Propane
- Place of Assembly
- Open Flame Cooking and Candles
- Tents over 400 sq. ft.
Exceptions: Tents without walls:
 - Individual tent not over 700 sq. ft.
 - Aggregate area of contiguous tents not over 700 sq. ft.
 - Minimum clearance of 12 ft. from other tents and structures

**Notify Glendale Fire Department if propane will be used*