

A PROCLAMATION BY THE DIRECTOR OF  
EMERGENCY SERVICES TEMPORARILY CLOSING  
SAN FERNANDO BOULEVARD BETWEEN  
ANGELENO AVENUE AND MAGNOLIA BOULEVARD  
TO VEHICLE TRAFFIC WITH CROSS STREETS  
OPEN AND FURTHER EXPANDING OUTDOOR  
DINING TO PREVENT THE SPREAD OF COVID-19

The Director of Emergency Services of the City of Burbank does hereby find:

A. On March 13, 2020, a local emergency was declared in the City of Burbank due to the COVID-19 pandemic. On March 17, 2020, the City Council, by Resolution No. 20-29,135, confirmed the existence of the local emergency and has continued to reconfirm its existence pursuant to state law.

B. On March 19, 2020, Los Angeles County Public Health (Public Health) issued an Order entitled Safer at Home for Control of COVID-19 (PH Order). This PH Order encompassed rules for events and gathering, social distancing and closure of non-essential businesses and areas, as well as listing categories of essential businesses allowed to stay open under the PH Order. And on March 19, 2020, the Governor issued an executive order like the Safer at Home Order. The City of Burbank is subject to this PH Order. The PH Order allowed restaurants to remain open as an essential business but only for pick-up or delivery.

C. Since March 19, 2020, the Stay at Home Order has been revised on numerous occasions adding to the list of prohibited and allowed activities. The PH Order is now known as Reopening Safer at Work and in the Community for Control of COVID-19 and is continually being updated. Over the past few weeks, many more businesses have been allowed to reopen on a limited basis, although some businesses considered high risk activities are not allowed to reopen at all.

D. In June, Public Health started the process of reopening various sectors of the economy. Restaurants could open for indoor dining at up to 60% of prior capacity and retail shops were only allowed to have 50% of their maximum capacity.

E. Restaurant operations must be conducted in accordance with the required Social (Physical) Distancing, reopening protocols, and other infection control protocols ordered by the Health Officer.

F. For purposes of the PH Order, "Social (Physical) Distancing" means, in part: maintaining at least six (6) feet of physical distance from individuals who are not members of the same household.

G. The PH Order's intent is to protect the public from the avoidable risk of serious illness and death resulting from the spread of COVID-19. The PH Order finds sustained Social (Physical) Distancing and infection control measures will continue slowing the

spread of COVID-19 and diminishing its impact on the delivery of critical healthcare services.

H. The devastating economic impacts of the safer at home orders in effect since March 19, 2020, are still being felt. In May, the City of Los Angeles reported an unemployment rate of over 24%. The State's official unemployment rate for April was 16.4% and the preliminary rate in May is 16.3%. The rate for the Los Angeles-Long Beach-Glendale metropolitan area during the same time frame was 20.4% and 20.6%. CA Employment Development Department reports the City of Burbank's preliminary unemployment rate for May is 23.6%, even higher than the metropolitan region and more on par with the City of Los Angeles. Furthermore, some of the City's largest employment centers such as the studios and production related services have not reopened yet, adding to the economic downturn in Burbank.

I. Nationally, since imposition of stay at home orders, 80% of the businesses nationwide sought some type of financial assistance. In Burbank, that would mean 10,080 businesses asked for some type of financial aid since the beginning of the COVID-19 crisis. A recent Chamber of Commerce survey showed approximately 70% of Burbank businesses responding sought some type of financial assistance from federal and state programs.

J. On May 19, 2020, the City Council was presented with the Community Development Department's Economic Recovery Plan and Council embraced the plan as well, expressing their desire to assist our businesses in reopening.

K. Since the week of June 21, 2020, COVID-19 cases are rising at an alarming rate in California including Los Angeles County. Because of the sharp increases in cases, the Governor ordered all bars in Los Angeles County to close. Toward that end, on June 28, 2020, Public Health issued a revised order closing bars, breweries, tasting rooms, craft distilleries and wineries, as well as brew pubs. Also, based on the Governor's guidance, beaches were closed, and all firework displays were cancelled for 4<sup>th</sup> of July weekend in Los Angeles County.

L. To further stem the increase in COVID-19 cases, on July 1, 2020, the Governor ordered the closure of indoor dining, as well as museums, zoos and entertainment centers for 19 counties in the state including the County of Los Angeles. Due to the continuing rise in COVID-19 cases, the Governor ordered all restaurants closed to indoor dining statewide, as well as closing other sectors that had been allowed to reopen such as personal care services.

M. Prior to July 1, 2020 restaurants had already reduced capacity and were subject to social distancing requirements. Even with these limitations, members of the public were concerned about dining indoors since outdoor activities seemed to be considered safer. As of July 1, 2020, indoor dining is prohibited, and only outdoor dining is allowed. Based on these factors, restaurants need outdoor areas to expand dining services. The City

Council on July 14, 2020 approved expansion of outdoor dining on sidewalks and into private parking lots.

N. The commercial district on San Fernando Boulevard between Angeleno and Magnolia Boulevard is a vital economic artery of the City. Based on economic indicators, the longer the emergency orders are in place, the more difficult it will be for retail and restaurant operators to successfully reopen their businesses. Further, patrons are hesitant to return to retail stores and restaurants due to social distancing concerns. City staff conducted a survey of the businesses along this corridor and businesses overwhelmingly supported the proposed street closure.

M. The closure of three blocks of San Fernando Boulevard between Angeleno Avenue and Magnolia Boulevard to vehicles will provide for a pedestrian promenade. This will encourage the patronage of restaurants and retail stores in the downtown area by providing for greater social distancing. Further, the closure will allow restaurants to expand outdoor dining along the sidewalks and into parking stalls on the street. This too will ensure social distancing, support restaurants' efforts to reopen given the closure of indoor dining and give more opportunities for patrons seeking outdoor dining options as opposed to takeout.

O. During this State of Emergency, the City must consider the welfare of its businesses while protecting the health and welfare of its citizens. The temporary closure of three blocks of San Fernando Boulevard to create an economic recovery zone is a permissible purpose within the scope of California Vehicle Code Section 21101(e). The rules and regulations contained in this proclamation being issued pursuant to the authority vested in the Director of Emergency Services under Burbank Municipal Code Section 5-2-106 are reasonably related and necessary to the protection of life and property as affected by the spread of COVID-19.

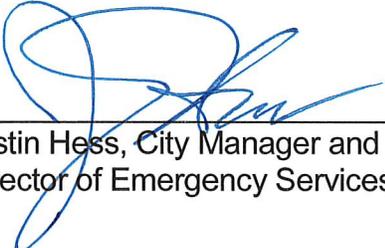
The Director of Emergency Services of the City of Burbank does hereby order the following within the City Burbank:

1. Beginning no sooner than July 16, 2020, the following blocks (streets) of San Fernando Boulevard (SFB) are closed to vehicular traffic: a) Angeleno Avenue to Olive Avenue; b) Olive Avenue to Orange Grove Avenue; c) Orange Grove Avenue to Magnolia Boulevard (collectively SFB Blocks). Angeleno Avenue, Olive Avenue, Orange Grove Avenue and Magnolia Boulevard will remain open to vehicular traffic. The closure of San Fernando Boulevard may continue through Labor Day, September 7, 2020, and be reopened to vehicular traffic as soon as practical after September 7, 2020. (Refer to section 13 below.)
2. Upon closure of SFB Blocks as outlined in paragraph 1, above, SFB Blocks may be used by pedestrians and bicyclists and for limited dining use as permitted in paragraph 5, below. The Bicycle Rules of the Road as defined in Burbank Municipal Code (BMC) 6-1-2801 shall apply to SFB Blocks for the duration of the closure.

3. The City allows encroachment onto City sidewalks for outdoor dining under City Council Resolution No. 24927 and/or as amended by City Council Resolution No. 15-28734, and a newly approved temporary expanded outdoor restaurant dining program established through December 31, 2020, by City Council Resolution No. 20-29,161 on July 14, 2020.
4. Restaurants or bars allowed to operate under Los Angeles County Public Health Orders (PH Orders) with frontage on SFB Blocks (collectively Restaurants) may add or expand outdoor dining by encroaching into sidewalks by seeking a permit pursuant to City Council Resolution No. 24927 and/or as amended by City Council Resolution No. 15-28734, or a newly approved temporary expanded outdoor restaurant dining program established through December 31, 2020, by City Council Resolution No. 20-29,161. Restaurants located on a corner fronting SFB Blocks may further expand along the sidewalk contiguous to the side of their restaurant building along the open block and may seek a permit for such expansion pursuant to City Council Resolution No. 20-29,161. All guidelines and conditions under the applicable resolution shall apply to permits issued thereunder.
5. Restaurants may further expand outdoor dining by encroaching into parking stalls along SFB Blocks and may seek a permit for such expansion pursuant to City Council Resolution No. 20-29,161. All guidelines and conditions under the applicable resolution shall apply to permits issued thereunder.
6. Restaurants may begin expanded service upon issuance of this Order but shall apply for a permit from the Public Works Department before 5:00 p.m. on Friday, July 24, 2020. Until Public Works issues a permit, Restaurants shall abide by the following rules if adding or expanding outdoor dining:
  - A. Any tables must adhere to the social distancing requirement prescribed by the PH Orders, currently 6 feet of separation.
  - B. Access required under the Americans with Disabilities Act shall be maintained.
  - C. Fire hydrants and crosswalks must remain unobstructed.
  - D. Alcoholic beverages may be possessed or consumed within the encroachment area. All CA Department of Alcoholic Beverage Control requirements must be followed.
  - E. Restaurants must follow all applicable requirements of PH Orders including protocols applicable to restaurants.
  - F. Restaurant assumes complete liability for any injury or damage caused by the encroachment into the public sidewalks or parking stalls.If Public Works denies or revokes the permit, then Restaurant shall immediately cease any outdoor dining encroaching into sidewalks or parking stalls not permitted by Public Works Department.
7. An area extending 18 feet in both directions from the centerline of the closed street - this is the roadway in between the parking stalls - is restricted for the use of pedestrians and bicyclists only.

8. Any permit issued for outdoor dining as provided herein will prohibit tents or canopies and only allow umbrellas, if there is adequate spacing to accommodate umbrellas.
9. No person(s) may operate, stand or park a vehicle on any SFB Block during the closure including delivery vehicles This shall not apply to vehicles operated by the Police or Fire Department, any public ambulance or any public utility vehicle or private ambulance which has qualified as an authorized emergency vehicle.
10. Pursuant to Vehicle Code Sections 21103 and 22651 (n), the Public Works Director or designee is directed to cause signs placed at all entrances to the designated streets and provide notice that violators may be cited for a violation of the temporary street closure. The Public Works Director or designee shall develop a traffic plan for the closure area, erect all necessary barricades and take other necessary steps to implement the SFB Blocks closure.
11. City encourages Restaurants to work cooperatively in designating their outdoor dining area especially as to parking stalls and where possible to consider sharing dining areas in parking stalls on SFB Blocks.
12. Pursuant to Burbank Municipal Code Section 5-2-301, it is unlawful to commit any act forbidden by this Order. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code including violating this Order may be guilty of a misdemeanor pursuant Burbank Municipal Code Section 1-1-105.
13. This Order is effective immediately and shall remain in effect until 11:59 p.m. on September 7, 2020, unless terminated sooner or extended by further order of the Director of Emergency Services or the City Council.
14. If any section, subsection, sentence, clause or phrase of this Order is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Order.

DATED this 15<sup>th</sup> day of July 2020.

  
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Justin Hess, City Manager and  
Director of Emergency Services