

AN UNCODIFIED URGENCY ORDINANCE OF THE
COUNCIL OF THE CITY OF BURBANK TEMPORARILY
ALLOWING RESTAURANTS TO CONTINUE TO USE
THEIR PRIVATE PARKING LOTS FOR OUTDOOR DINING
AND WAIVING PARKING REQUIREMENTS

THE COUNCIL OF THE CITY OF BURBANK FINDS:

A. On March 4, 2020, the State of California declared a State of Emergency and the Los Angeles County Department of Public Health (LADPH) declared a Health Emergency due to the spread of COVID-19. On March 13, 2020, the City of Burbank declared a Local Emergency, which was ratified and has been extended by the City Council every sixty days since.

B. Following the March 4, 2020 declarations, the State and LADPH have issued Health Orders and guidance to implement social distancing protocols, face covering requirements, and restrictions on activities and services that render in-person contact, as well as frameworks for the safe reopening of sectors. Since March 2020, these Health Orders have been revised on numerous occasions adding to the list of prohibited and allowed activities.

C. In March 2020, the order allowed restaurants to remain open as an essential business but only for pick-up or delivery. In early summer, restaurants and other businesses could reopen for indoor customers, as well as outdoor dining for restaurants. In July, Health Orders closed restaurants for indoor dining due to a surge in COVID cases.

D. Because of the restrictions on restaurants, the City Council adopted Ordinance 20-3,943 on July 28, 2020, temporarily allowing restaurants to use their private parking lots for outdoor dining and waiving parking requirements to include allowing certain service businesses to operate in their parking lots until December 31, 2020. On December 15, 2020 through adoption of another Urgency Ordinance Council extended the use of private parking lots through June 2021.

E. In Los Angeles County out-door dining was resumed on January 29, 2021, and in-door dining resumed at 25% capacity in mid-March and 50% capacity in May.

F. The State of California's economy is fully reopening on June 15, 2021. With the reopening, there will no longer be restriction on restaurant capacities either indoor or outdoor.

G. The devastating economic impacts of the Safer at Home Orders in effect since March 19, 2020, are still being felt. A recent report found Los Angeles County lost 437,000 jobs in 2020, will have 354,000 fewer living wage jobs in 2021 compared to the pre-pandemic economy, and that 738,672 living wage jobs need to be created for the entire

Los Angeles County workforce to achieve a satisfactory standard of living.¹ Also, the report found 62% of businesses in Los Angeles County have less than two months cash on hand. And an estimated 15,000+ businesses have already permanently closed because of the pandemic, with tens of thousands of businesses at risk of permanent closure.

H. Between February 2020 and October 2020 restaurant occupations suffered the most, with waiters and waitresses losing over 25,000 jobs and restaurant cooks over 13,000, while fast food and counter workers declined in employment by close to 5,000. In 2022, most occupations are still forecasted to be at an employment level below the beginning of 2020 including restaurant occupations. The hospitality industry, primarily the sectors of accommodation and food services, has been one of the hardest hit industries by the pandemic in Los Angeles County.²

I. Emergency authorization for vaccine(s), have been approved and nearly 53% of eligible Californians have been vaccinated. Children, however, are still not eligible for a vaccine. As such, the pandemic will be a factor for at least another few months. Even if California's economy reopens fully in June, it still will take months for businesses and restaurants to recover.

J. As the pandemic fades, the negative economic impacts will continue. As such, the City should consider the welfare of its businesses while protecting the health and welfare of its citizens.

K. Based on economic indicators, given the length the emergency orders were in place, the more difficult it will be for restaurants to successfully reopen for the long term. Even once fully reopened, allowing restaurants to operate outdoors in private parking lots will facilitate their continued operation and survival, while protecting public health by providing more space for outdoor dining. Some members of the public still prefer outdoor dining, especially families whose children haven't, yet, been vaccinated.

L. The proposed temporary use of private parking lots for restaurant dining is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities) permitting minor alterations to existing facilities involving negligible expansion of existing use and Section 15303 (Class 3: New Construction or Conversion of Small Structures) permitting location

¹ Los Angeles County Department of Workforce Development, Aging and Community Services (WDACS) commissioned a report entitled "*Pathways for Economic Resiliency: Los Angeles County 2021-2026*" with a shorter executive summary. See: <https://wdacs.lacounty.gov/la-county-wdacs-releases-report-on-covid-19-impact-on-local-economy-recommendations-to-strengthen-data-driven-economic-recovery-efforts/>

² PATHWAYS FOR ECONOMIC RESILIENCY: Los Angeles County 2021 - 2026
INSTITUTE FOR APPLIED ECONOMICS; December 2020. This report was commissioned by the Los Angeles County Department of Workforce Development, Aging and Community Services (WDACS). © 2020 Los Angeles County Economic Development Corporation.

of limited numbers of new, small facilities or structures where only minor modifications are made in the exterior of the structures. The County Public Health Officer's limitations on operating capacity, physical distance limitations, and the temporary nature of this authorization to operate in parking areas ensure negligible or no expansion of existing uses.


THE COUNCIL OF THE CITY OF BURBANK DOES ORDAIN AS FOLLOWS:

1. Notwithstanding any prohibition in the Burbank Municipal Code or any permit granted to restaurants, restaurants are allowed to use their private parking lots for outdoor dining through 11:59 p.m. on December 31, 2021, unless terminated sooner or extended by the City Council or terminated sooner by action of the City Manager, acting as the Director of Emergency Services.
2. To facilitate the use of restaurants' parking lots for outdoor dining, any restaurant utilizing their private parking lot for outdoor dining need not comply with the parking requirements imposed by the Burbank Municipal Code and/or any City issued permit. This waiver of parking requirements shall expire at 11:59 p.m. on December 31, 2021, unless terminated sooner or extended by the City Council or terminated sooner by action of the City Manager, acting as the Director of Emergency Services.
3. Any restaurant using their private parking lot for outdoor dining shall not make any permanent alterations to their parking lot and shall not make any permanent installations in their parking lot.
4. Notwithstanding the foregoing, this permission to use private parking lots for dining and waiver of parking requirements does not apply to restaurants that are only permitted for takeout food and are not permitted for indoor dining.
5. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance 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.

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6. Pursuant to the Charter of the City of Burbank Section 500 based on the findings contained herein, the oral staff report and testimony concerning this Ordinance, the Council declares this Ordinance is necessary as an emergency measure to preserve public peace, health, safety and welfare. As such, this ordinance shall be introduced and passed at one and the same meeting and shall become effective immediately upon a 4/5ths vote of the Council.

PASSED AND ADOPTED this 22nd day of June, 2021.




Bob Frutos
Mayor

Attest:

Approved as to Form:
Office of the City Attorney



Zizette Mullins, MMC, City Clerk

By: 

Amy Albano, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BURBANK)

I, Zizette Mullins, MMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 21-3,958 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 22nd day of June, 2021, by the following vote:

- AYES: Anthony, Schultz, Springer, Talamantes and Frutos.
- NOES: None.
- ABSENT: None.

I further certify that this **Urgency Ordinance** was published as required by law in a newspaper of general circulation in the City of Burbank, California within 14 days following its adoption on June 22, 2021.



Zizette Mullins, MMC, City Clerk