

**A PROCLAMATION TEMPORARILY ALLOWING  
SERVICE BUSINESSES TO USE THEIR PRIVATE  
PARKING LOTS FOR OUTDOOR OPERATIONS AND  
WAIVING PARKING REQUIREMENTS TO PREVENT  
THE SPREAD OF COVID-19 BY THE DIRECTOR OF  
EMERGENCY SERVICES**

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 issued an Order entitled Safer at Home for Control of COVID-19 (Order). This 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 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 Order. The 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 County Public Health Order is now known as Reopening Safer at Work and in the Community for Control of COVID-19 and is continually being updated. During 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. The 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 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.

E. In June, LA County Public Health started the process of reopening various sectors of the economy. 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.

F. 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.

G. 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.

H. 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, Los Angeles County Public Health issued a revised order closing bars, breweries, tasting rooms, craft distilleries and wineries, as well as brew pubs.

I. 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.

J. On July 13, the Governor ordered the closure of a variety of businesses due to the continuing surge in COVID-19 cases in the state. The Governor's order, however, allows many of these closed businesses to operate outdoors and this was further confirmed in another order by the Governor on July 20, 2020. The orders are based on the premise that outdoor activities are safer than indoors and less likely to spread COVID 19. The businesses that are currently closed for indoor service, but allowed to operate outdoors are:

- personal care services such as nail salons, tanning salons, esthetician, skin care, and cosmetology services; electrology, body art professionals, tattoo parlors, and piercing shops; and massage therapy (in non-healthcare settings);
- hair salons and barbershops;
- fitness facilities, including private gymnasiums; and
- faith-based service held outdoors.

K. The above businesses were allowed to reopen and then ordered to close due to the increase in COVID-19 cases. Based on economic indicators, the longer the emergency orders are in place, the more difficult it will be for service businesses like those listed above to successfully reopen for the long term. Allowing these businesses to

operate outdoors in private parking lots, like restaurants, will facilitate the continued operation of these service businesses while protecting public health.

L. During this State of Emergency, the City must consider the welfare of its businesses while protecting the health and welfare of its citizens.

M. The proposed temporary use of private parking lots for service businesses 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 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 Offices' 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.

N. The rules and regulations 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 rules and regulations are instituted within the City Burbank for service businesses to operate outdoors under Los Angeles County Public Health Orders:

1. Notwithstanding any prohibition in the Burbank Municipal Code or any permit granted to service businesses allowed to operate outdoors, but not indoors, pursuant to the Governor's orders or Los Angeles County Public Health orders (collectively Service Businesses), Service Businesses are allowed to use their private parking lot for outdoor operations through 11:59 p.m. on July 28, 2020 when City Council will consider adopting such a program.
2. To facilitate the use of Service Businesses' parking lots for outdoor operations, any Service Business utilizing their private parking lot for outdoor operations need not comply with the parking requirements imposed by the Burbank Municipal Code and/or any permit. This waiver of parking requirements shall expire at 11:59 p.m. on July 28, 2020 when City Council will consider adopting such a program.
3. Any Service Business using their private parking lot for outdoor operations shall not make any permanent alterations to their parking lot and shall not make any permanent installations in their parking lot.
4. 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.

5. This Order is effective immediately and shall remain in effect until 11:59 p.m. on July 28, 2020, when the City Council will consider adopting such program. This Order may be terminated sooner or extended by further order of the Director of Emergency Services.

6. 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 22<sup>nd</sup> day of July 2020.



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Justin Hess, City Manager and  
Director of Emergency Services