

CITY OF INDUSTRY

CITY COUNCIL SPECIAL MEETING AGENDA

JUNE 2, 2020

1:00 PM



Mayor Cory C. Moss
Mayor Pro Tem Cathy Marcucci
Council Member Abraham Cruz
Council Member Mark D. Radecki
Council Member Newell Ruggles

Location: City Council Chamber, 15651 East Stafford Street, City of Industry, California 91744

Addressing the Authority:

NOTICE OF TELEPHONIC MEETING:

- ***Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the special meeting of the City Council shall be held telephonically. Members of the public shall be able to attend the meeting telephonically, and offer public comment by calling the following conference call number: 657-204-3264, and entering the following Conference ID: 962 450 991#. Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public, Council Chambers will not be open for the meeting, and all public participation must occur by telephone at the number set forth above. Pursuant to the Executive Order, and in compliance with the Americans with Disabilities Act, if you need special assistance to participate in the City Council meeting (including assisted listening devices), please contact the City Clerk's Office at (626) 333-2211 by 5:00 p.m. on Monday, June 1, 2020, to ensure that reasonable arrangements can be made to provide accessibility to the meeting.***

Addressing the City Council/Agency/Commission/Authority:

Public Comments (Agenda Items Only): During public comments, if you wish to address the Council during this Special Meeting, under Government Code Section 54954.3(a), you may only address the City Council concerning any item that has been described in the notice for the Special Meeting.

Agendas and other writings:

In compliance with SB 343, staff reports and other public records permissible for disclosure related to open session agenda items are available at City Hall, 15625 East Stafford Street, Suite 100, City of Industry, California, at the office of the City Clerk during regular business hours, Monday through Thursday 8:00 a.m. to 5:00 p.m., Friday 8:00 a.m. to 4:00 p.m. Any person with a question concerning any agenda item may call the City Clerk's Office at (626) 333- 2211.

1. Call to Order
2. Flag Salute
3. Roll Call
4. Public Comments
5. **ACTION ITEMS**

5.1 Update on activities regarding COVID-19 assistance programs for Industry businesses and related information, and consideration of a Proclamation and Order of the City Council of the City of Industry, California, proclaiming existence of a local emergency

RECOMMENDED ACTION: Adopt the Proclamation proclaiming existence of a local emergency and providing assistance to local businesses.

6. Adjournment. Next regular City Council meeting will be on Thursday, June 11, 2020 at 9:00 a.m.

CITY COUNCIL

ITEM NO. 5.1



CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

MEMORANDUM

TO: Honorable Mayor Moss and Members of the City Council

FROM: Troy Helling, City Manager

DATE: June 2, 2020

SUBJECT: Update on activities regarding COVID-19 assistance programs for Industry businesses and related information, and consideration of a Proclamation and Order of the City Council of the City of Industry, California, proclaiming existence of a local emergency

Background:

Given the threat presented by the novel coronavirus ("COVID-19"), on March 17, 2020, the City Council ratified a proclamation and order of the Director of Emergency Services proclaiming the existence of a local emergency. In order to address the COVID-19 pandemic, on or about March 19, 2020, the County of Los Angeles ("County") Department of Public Health issued the Safer at Home Order which ordered the immediate closure of all non-essential businesses, including dine-in service at restaurants.

While the COVID-19 pandemic remains, the State of California is moving through a Resilience Roadmap to safely reopen businesses and reduce the risk of COVID-19. The Roadmap presents four stages to reopen the economy entirely, Stage One is safety and preparedness (staying at home, making individual behavior changes, and making personal protective equipment available); Stage Two involves the opening of lower-risk workplaces (retail, manufacturing, offices (when telework isn't possible), outdoor museums, and limited personal services); Stage Three is the opening of higher-risk workplaces (limited personal care and recreational venues); and Stage Four is the end of the stay at home order (gradually resume remaining activities and travel).

The County adopted a Roadmap to Recovery that includes five phases. It differs from the State's Resilience Roadmap by including a "highest risk businesses" category as Stage Four, distinguishing entertainment venues, large conventions, and sporting and spectator events from "higher risk businesses" (Stage Three) which include body art, massage, bars/nightclubs, movie theaters, and schools. For the County, Stage Five ends the Safer at Home Order.

At both the State and County level, we are currently in Stage 2. The County applied for a variance to allow it to move more swiftly through Stage 2. On Friday, May 29, 2020, the County's variance was approved by the State. Under the variance, the County is permitted to allow the reopening of hair salons, barbershops, and dine-in restaurants. The County, via an order of the County Health Officer ("Order"), announced the ability for the aforementioned business to reopen, subject to certain reopening protocols established by the County. These businesses were all permitted to reopen beginning on Friday, May 29, 2020. Included in the reopening protocols for restaurants, are measures aimed to ensure physical distancing. Restaurants are to prioritize and expand outdoor seating, as allowed by local zoning and planning codes.

Many businesses have been forced to close due to the Safer at Home Order, others have operated on reduced staffing levels, and it is estimated that the Los Angeles region's economy is expected to lose an estimated \$13 billion in revenue this year as a result of the COVID-19 pandemic.

At the May 28, 2020 City Council meeting, Council directed Staff to return with options to incentivize and motivate businesses to re-open. Staff is proposing that the City Council consider a process to allow for outdoor dining at all restaurants in the City, subject to certain regulations; a program that allows businesses in all zones of the City to erect temporary banners that will assist in advertising their businesses; and a reduction in development fees to alleviate the economic impacts of COVID-19 on businesses, and to help spur economic development in the City. Each of these proposals is discussed in turn, below.

Discussion:

Outdoor Dining:

Given the Health Officer's May 29th Order, the City began receiving inquiries regarding outdoor dining. Currently, pursuant to Section 17.12.025 of the City's Municipal Code ("Code") fast food restaurants with 50 or more seats and/or with alcohol service, and full-service restaurants with or without alcohol service, require issuance of a conditional use permit ("CUP") to operate in the City. The majority of the City's CUPs do not allow for outdoor dining, or for the service of alcohol outdoors. Further, when outdoor dining is permitted, the restaurant must comply with the site plan submitted with the CUP application, any deviations are prohibited.

Because of the City's current restrictions on outdoor dining, during the time of this local emergency, Staff is recommending that the City Council permit the expansion of outdoor dining, and new outdoor dining, subject to approval of a Temporary Outdoor Dining Permit ("Temporary Permit"). Under Staff's proposal, the Emergency Services Director (City Manager) would issue the Temporary Permit to restaurants meeting certain requirements, including the following:

- a. Complete a no-fee application that includes written approval from the property owner, and submission of a site plan that includes the area where the outdoor seating will occur, the number of tables, and whether alcoholic beverages will be served outdoors;
- b. Outdoor seating may only occur in the area immediately adjacent to the restaurant, on the sidewalk, and/or in a private parking area;

- c. Outdoor seating cannot interfere with any established and/or physically marked path of travel under the Americans with Disabilities Act (“ADA”), and cannot be placed in any ADA accessible parking stall;
- d. Outdoor seating cannot create any traffic issues;
- e. For requirements not listed in the Temporary Permit, all restaurants have to comply with the requirements of the COVID-19 Industry Guidance: Dine-In Restaurants, issued by the California Department of Public Health and the State of California Department of Industrial Relations on May 12, 2020 (“State Order”) and the County Order. In the event of any inconsistency between the State Order and the County Order, the stricter prevails;
- f. The applicant may not serve alcoholic beverages unless its current CUP allows for alcoholic beverage service, and must comply with all rules and regulations issued by the California Department of Alcoholic Beverage Control for alcohol service;
- g. The Director of Emergency Services may place additional conditions on any Temporary Permit to protect the public health, safety and welfare;
- h. The Director of Emergency Services can relax all parking requirements in the City’s Code, to accommodate outdoor dining;
- i. The Temporary Permit can be revoked if the applicant doesn’t comply with its provisions; and
- j. Temporary Permits expire 90 days from the date of Council’s Proclamation, unless extended by the Director of Emergency Services.

These regulations allow restaurants to expand or implement outdoor dining in a manner that ensures public safety, in compliance with the County’s Order. Further, by creating a permitting process, where the City reviews and approves site plans, the City is able to better monitor the expansion of outdoor dining and accommodate various restaurants in a single shopping center that wish to offer outdoor seating.

Temporary Banners:

Pursuant to Sections 15.32.020 and 15.32.050 of the City’s Code, the City permits temporary signs and banners in certain circumstances, for a limited duration of time. Generally, temporary signs are allowed to advertise special events, and can be up for fifteen or thirty days, depending on the event. As a means of allowing local businesses to better advertise to customers, establish rules for entry to the business, and designate temporary areas for conducting business, Staff is proposing that the City Council temporarily relax the rules that regulate temporary signs in the City.

Staff is proposing that the City permit temporary signs during the local emergency, and for 30 days thereafter, in all zones in the City. The signs cannot exceed 80 square feet in size.

Development Fees:

As with most cities throughout California, the City requires developers to pay the full cost associated with processing entitlement permits (CEQA review, staff time, etc.). Given the economic impact of the COVID-19 pandemic on businesses throughout the Los Angeles region, and to spur economic development in the City, Staff is proposing that the City implement a program to reduce development fees in the City.

Under Staff’s proposal, all fees for land use entitlements are reduced by 50 percent, not to exceed \$50,000.00 for any application. The reduction is effective from March 1, 2020 through

the date of termination of the local emergency. In the event the City collected the full application amount for any application received after March 1, 2020, the City would refund the applicant within 90 days of the Council's adoption of the proclamation.

Fiscal Impact:

Temporary Outdoor Dining Permits: Staffs intention is not to charge for the temporary permit and not to recover the cost of staff time associated with the review of the permits.

Temporary Banners: Staffs currently does not charge for the temporary banner permits and does not wish to recover the cost of staff time associated with the review of the permits.

Development Fees: If the local emergency and fee reduction remain in effect for one (1) year, the fiscal impact is estimated at \$125,000. It should be noted that the fiscal impact depends upon the number and types of applications received. Since future development activity cannot be predicted, the fiscal impact was estimated, using projects from the most recent 12 month period, which accumulated total charges of approximately \$250,000.

Recommendation:

Adopt the Proclamation proclaiming existence of a local emergency and providing assistance to local businesses.

Exhibit:

- A. Proclamation and Order of the City Council of the City of Industry, California, Proclaiming the Existence of a Local Emergency
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EXHIBIT A

Proclamation and Order of the City Council of the City of Industry, California, Proclaiming the Existence of a Local Emergency

**PROCLAMATION AND ORDER OF THE CITY COUNCIL
OF THE CITY OF INDUSTRY, CALIFORNIA,
PROCLAIMING EXISTENCE OF A LOCAL EMERGENCY**

WHEREAS, Government Code Section 8630 and Section 2.60.060 of the City of Industry Municipal Code, empower the City Council to proclaim the existence or threatened existence of a local emergency when the City of Industry (“City”), is affected or likely to be affected; and

WHEREAS, the City Council of the City of Industry does hereby find as follows:

(a) Due to the threat presented by the novel coronavirus (“COVID-19”), on or about March 17, 2020, the City Council ratified a proclamation and order of the Director of Emergency Services proclaiming the existence of a local emergency; and

(b) Given the COVID-19 pandemic, and the need to protect the most vulnerable members of the community, on or about March 19, 2020, the County of Los Angeles Department of Public Health issued the Safer At Home Order for Control of COVID-19, which ordered the immediate closure of all non-essential businesses, including dine-in service at restaurants; and

(c) It is estimated that the Los Angeles region’s economy is expected to lose an estimated \$13 billion in revenue this year as a result of the COVID-19 pandemic; and

(d) While the COVID-19 pandemic remains, on May 29, 2020, the County of Los Angeles (“County”) was granted a variance by the State of California to re-open in person dining, along with hair salons and barbershops; and

(e) On May 29, 2020, the County’s Health Officer issued a Revised Health Order (“County Order”), along with a Protocol for Restaurants—Opening for On-Site Dining (“Restaurant Protocols”). Under the County Order, restaurants that provide in-person dining are permitted to re-open, but must comply with the County’s Restaurant Protocols; and

(f) Since the declaration of the COVID-19 emergency, the City has received requests from local businesses for personal protective equipment, access to COVID-19 testing, assistance with guidance in applying for government stimulus programs, and most recently, assistance in reopening their businesses in a manner that protects their employees and the public at large; and

(g) Under the Restaurant Protocols, restaurants should prioritize outdoor seating, and expand outdoor seating when possible, as allowed by the City’s zoning and planning codes. Pursuant to Section 17.12.025 of the City’s Municipal Code (“Code”), fast food restaurants with 50 or more seats and/or with alcohol service, and full-service restaurants with or without alcohol service, require issuance of a conditional use permit (“CUP”) to operate in the City. The majority of the City’s CUPs do not allow for outdoor dining, or for the service of alcohol outdoors. Further, when outdoor dining is permitted, the restaurant must comply with the site plan submitted with the CUP application, deviations are prohibited. In an effort to help businesses safely reopen while allowing customers and employees to maintain physical distance

recommended by public health officials, and to prioritize and expand outdoor dining, the City desires to temporarily relax the rules that regulate outdoor dining in the City; and

(h) Pursuant to Sections 15.32.020 and 15.32.050 of the City's Code, the City permits temporary signs and banners in certain circumstances, for a limited duration of time. As a means of allowing local businesses to better advertise to customers, establish rules for entry, and designate temporary areas for conducting business, the City desires to temporarily relax the rules that regulate temporary signs in the City; and

(i) To help alleviate the economic hardships related to the COVID-19 pandemic, to assist businesses on the road to economic recovery, and to spur economic development in the greater Los Angeles region, the City desires to implement a program to reduce development fees in the City; and

WHEREAS, given the alarming levels of the spread of COVID-19, and the economic devastation that it has brought to the Los Angeles County region, the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, DOES HEREBY PROCLAIM AND ORDER AS FOLLOWS:

1. The above recitals are true and correct and are incorporated herein by reference.
2. A local emergency now exists throughout the City.
3. The Proclamation and Order of the City Council of the City of Industry, California, Proclaiming Existence of a Local Emergency, adopted on March 17, 2020, remains in effect in its entirety. The provisions of this Proclamation shall supplement those of the March 17, 2020 Proclamation.
4. **Outdoor Dining.** The City shall assist dine-in restaurants in prioritizing and expanding outdoor seating by permitting outdoor seating at all dine-in restaurants that have a validly City issued use permit, and/or CUP, subject to the approval of a temporary outdoor dining permit. The following regulations shall apply to the Temporary Outdoor Dining Permit:
 - a. Any expansion of outdoor dining, or new outdoor dining shall require the approval of a Temporary Outdoor Dining Permit by the City.
 - b. Any restaurant that desires to implement outdoor seating, and/or expand current outdoor seating shall file an application for a Temporary Outdoor Dining Permit with the City. The application, shall at a minimum, require written approval by the property owner, and submission of a site plan that includes the area where the outdoor seating will occur, the number of tables, and whether alcoholic beverages will be served outdoors. The City's Emergency Services Director is permitted to promulgate additional application requirements. There is no fee for the application.

- c. Outdoor seating may only occur in the area immediately adjacent to the restaurant, on the sidewalk, and/or in a private parking area.
- d. Outdoor seating shall not interfere with any established and/or physically marked path of travel under the Americans with Disabilities Act (“ADA”), and shall not be placed in any ADA accessible parking stall.
- e. Outdoor seating shall not create any traffic issues.
- f. For requirements not set forth herein, all restaurants shall comply with the requirements of the COVID-19 Industry Guidance: Dine-In Restaurants, issued by the California Department of Public Health and the State of California Department of Industrial Relations on May 12, 2020 (“State Order”) and the County Order. In the event of any inconsistency between the State Order and the County Order, the stricter shall prevail.
- g. The applicant may not serve alcoholic beverages unless its current CUP allows for alcoholic beverage service. The applicant shall comply with all rules and regulations issued by the California Department of Alcoholic Beverage Control for the service of alcohol.
- h. The Director of Emergency Services may place additional conditions on any Temporary Outdoor Dining Permit to protect the public health, safety and welfare.
- i. The Director of Emergency Services may relax all parking requirements set forth in the City’s Code, to accommodate outdoor dining.
- j. Failure to comply with the provisions of the Temporary Outdoor Dining Permit shall subject the applicant to revocation of the Permit.
- k. All Temporary Outdoor Dining Permits shall expire 90 days from the date of this Proclamation, unless extended by the Director of Emergency Services.
- l. The Director of Emergency Services may promulgate an appeals process for the revocation of a Temporary Outdoor Dining Permit.

5. **Temporary Banners.** As a means of allowing local businesses to better advertise to customers, establish rules for entry, and designate temporary areas for conducting business, the City desires to temporarily relax the rules that regulate temporary signs in the City, as follows:

- a. During the existence of the local emergency, any temporary sign as defined in Section 15.32.020 of the City’s Code, not exceeding 80 square feet, may be erected in any zone, provided that a Temporary Sign Permit has been first obtained from the City. All temporary signs permitted under this

Proclamation shall be removed within 30 days of the expiration of the local emergency.

6. **Development Fees.** To help alleviate the economic hardships related to the COVID-19 pandemic, to assist businesses on the road to economic recovery, and to spur economic development in the greater Los Angeles region, the City desires to implement a program to reduce development fees in the City, as follows:

- a. All fees for any land use entitlement application shall be reduced by 50 percent, not to exceed \$50,000.00 for any application. Said reduction shall be effective for any application received from March 1, 2020 through the date of termination of the local emergency. In the event that the City has collected the full application amount for any application received after March 1, 2020, the City shall, within 90 days, reimburse the applicant for any amount overpaid.

7. The City Council shall review the need for continuing the local emergency, as set forth by State law.

8. The provisions of this Proclamation are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Proclamation or their applicability to other persons or circumstances.

9. The City Clerk shall certify to the adoption of this Proclamation and that the same shall be in full force and effect.

PASSED, APPROVED AND ADOPTED this 2nd day of June, 2020, by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

Cory C. Moss, Mayor

ATTEST:

Julie Gutierrez-Robles, City Clerk