

ORDER BY THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF LA CAÑADA FLINTRIDGE, CALIFORNIA, TEMPORARILY SUSPENDING LCFMC SECTION 11.46 REQUIRING A TEMPORARY USE PERMIT FOR SPECIFIED USES AND ACTIVITIES OPERATING OUTDOORS DURING THE PERIOD OF THE LOCAL EMERGENCY RATIFIED ON MARCH 31, 2020

WHEREAS, Chapter 2.16 of the City of La Cañada Flintridge Municipal Code empowers the Director of Emergency Services to proclaim the existence or threaten existence of a local emergency when the City is affected or likely to be affected by a disaster or public calamity and the City Council is not in session; and

WHEREAS, Chapter 2.16 of the City of La Cañada Flintridge Municipal Code designates the City Manager as the Director of Emergency Services; and

WHEREAS, Chapter 2.16 of the City of La Cañada Flintridge Municipal Code defines “emergency” as “the actual threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the city caused by such conditions including, but not limited to, fire, brush fire, earthquake, flood, windstorm, rain storm, tornado, hurricane, riot, terrorist attack, drought, energy shortage, hazardous materials release, air pollution, epidemic, or other conditions posing a wide-scale threat to persons or property including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and/or facilities of this city, requiring the combined forces of other political subdivisions to combat”; and

WHEREAS, on March 31, 2020, the City Council of the City of La Cañada Flintridge adopted Resolution No. 20-04, ratifying the Director of Emergency Services Proclamation of the Existence of a Local Emergency; and

WHEREAS, the Director of Emergency Services of the City of La Cañada Flintridge does hereby find:

- A. The Coronavirus Disease 2019 (COVID-19), a severe acute respiratory illness caused by a novel (new) coronavirus was first detected in Wuhan, Hubei Province, People’s Republic of China (China) and the first case was reported on December 31, 2019, in China, 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
- B. On March 04, 2020, the State of California declared a State of Emergency to exist in California as a result of the threat of COVID-19; and
- C. The Los Angeles County Board of Supervisors and the Department of Public Health declared a local and public health emergency on March 04, 2020 in response to the increased spread of COVID-19 across the country and Los Angeles County; and
- D. On March 11, 2020 the World Health Organization (WHO) characterized COVID19 as a world-wide pandemic; and

- E. As proclaimed by the Governor on March 12, 2020, despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection are needed;
- F. On March 16, 2020 the Los Angeles County Department of Public Health issued an order prohibiting group events and gatherings of over 50 persons or more, requiring social distancing measures and closure of certain business; and
- G. On March 19, 2020 the Los Angeles County Department of Public Health issued an order temporarily prohibiting events and gatherings of 10 persons or more and the closure of non-essential businesses; and
- H. On July 1, 2020 the Los Angeles County Department of Public Health modified an order requiring the closure of indoor, in-person dining at restaurants; and

WHEREAS, many business uses and activities would generally be permitted to operate outdoors pursuant to the approval of a Temporary Use Permit (TUP) issued in accordance with La Cañada Flintridge Municipal Code (LCFMC) Chapter 11.46, requiring the submittal of a permit application 35-days prior to the start of the use, the issuance of a decision 24-days prior to the commencement of the use, notification of properties within 500-feet of the site and the ability for an appeal of the TUP to be filed; and

WHEREAS, the County of Los Angeles Department of Public Health has mandated the closure of certain indoor business activities due to COVID-19, however, has authorized specified uses to be open for outdoor services only, including gyms/fitness centers, places of worship, restaurants and cafes, and personal care services.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that, pursuant to state law, City of La Cañada Flintridge Municipal Code Chapter 2.16, ordinances and resolutions of the City of La Cañada Flintridge that:

SECTION 1. A local emergency now exists throughout the City; and

SECTION 2. Pursuant to LCFMC Chapter 2.16, the Director of Emergency Services is empowered to take all acts pursuant thereto to protect life and property; and

SECTION 3. That the ability for existing businesses to operate outdoors/provide outdoor dining when indoor services and/or dining has been prohibited by the County of Los Angeles Department of Public Health, is necessary to preserve the economic vitality of the City and its businesses; and

SECTION 4. That LCFMC Section 11.46 is hereby suspended in order to allow the following outdoor services and uses that will be permitted without a TUP during the existence of this local emergency, unless otherwise prohibited by the County of Los Angeles Department of Public Health:

- Restaurants and cafes;
- Personal care services, including hair salons, barbers, nail salons, and massage therapy;
- Gyms and fitness centers;

- Places of worship;
- Any business, as identified by the County of Los Angeles Department of Public Health, to which public health guidance and/or orders have been issued, as amended from time to time, providing for safe outdoor activity.


SECTION 5. Any existing business identified in Section 4 above may operate its business activities outdoors without a City issued TUP, pursuant to this Order, when all of the following requirements are satisfied:

- Compliance with all requirements of the County of Los Angeles Department of Public Health guidance and/or orders, as may be amended from time to time.
- Maintaining permanent, or creating new temporary, ADA access, as required by federal and state law, including the availability of accessible parking spaces.
- If a driveway accessing the public right-of-way is temporarily closed, providing a sufficient number of cones of a height, size and standard reflectivity level for low light conditions, with an accompanying sign that states “ENTRANCE CLOSED”.
- Ensuring that any temporary tent or awning designed to accommodate a gathering of 10 or more persons shall comply with California Health and Safety Code Section 13115 with regards to State Fire Marshall Flame Resistance Rating.
- If outdoor dining includes the serving of alcoholic beverages, ensuring that all requirements of the Department of Alcoholic Beverage Control shall be maintained.
- Ensuring that all customers and employees comply with LCFMC Section 5.02 – Regulation of Community Noise.
- Ensuring that all customers and employees maintain social distancing of a minimum of six (6) feet and that face coverings are worn when appropriate and able to do so.

SECTION 6. The City reserves the right to suspend any business’ outdoor activities engaged-in under this order, if found to be in non-compliance with Section 5 following notice served by the City and seventy-two (72) hours opportunity to cure the non-compliance. Notwithstanding, a business found to be in non-compliance may apply for a TUP for continuation of such outdoor activities. Such TUP application shall be reviewed following the normal (non-local emergency) process. The business’ prior non-compliance and subsequent efforts at remediation may be taken into consideration as part of the TUP application review.

SECTION 7. That this order shall expire within thirty (30) days, unless subsequently ratified by the La Cañada Flintridge City Council prior to the expiration of that period, and shall otherwise terminate upon repeal by the City Council or the termination of the existence of the local emergency.

DATED this 23rd day of July, 2020.


 Mark R. Alexander, City Manager
 Director of Emergency Services