

**SECOND AMENDMENT ALLOWING USE OF
HEATERS AND EXTENDING:**

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 July 15, 2020, the City Manager, as the Director of Emergency Services, issued the following:

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
("SFB Closure Proclamation")

The City Council confirmed issuance of this emergency proclamation on August 11, 2020. This proclamation was extended on August 25, 2020, through October 4, 2020.

B Since issuance of the SFB Closure Proclamation, Los Angeles County remains on the Governor's watch list for COVID-19. On August 28, 2020, the watch list was replaced with a color tier listing. Los Angeles County is still in the strictest tier, which is purple. When Los Angeles County moves into the next tier (red), the County may then allow indoor dining at 25% capacity. Experts are predicting the earliest Los Angeles County may move to the red tier is early to mid-October.

C. The temporary closure of indoor dining, which began on July 1, 2020, continues and only outdoor dining is allowed. Even when restaurants are allowed to reopen with limited capacity, there is still a need for expanded outdoor dining. Members of the public continue to be concerned about dining indoors since outdoor activities seem to be considered safer by some experts.

D. All of the reasons stated in the recitals of the SFB Closure Proclamation and the First Amendment thereto for issuance of said Proclamation still exist today.

E. The temporary closure of San Fernando Boulevard (SFB) between Angeleno Avenue and Magnolia Boulevard has been successful. The closure of these three blocks to vehicles provides for a pedestrian promenade. This has encouraged the patronage of

restaurants and retail stores in the downtown area by providing for greater social distancing. Further, the closure allowed restaurants to expand outdoor dining along the sidewalks and into parking stalls on the street. This too has ensured social distancing, supported restaurants' efforts to reopen given the closure of indoor dining and given more opportunities for patrons seeking outdoor dining options as opposed to takeout.

F. During this State of Emergency, the City must consider the welfare of its businesses while protecting the health and welfare of its citizens. The continued 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 extension of the SFB Closure Proclamation contained in this Second Amendment is being issued pursuant to the authority vested in the Director of Emergency Services under Burbank Municipal Code Section 5-2-106 and is reasonably related and necessary to the protection of life and property as affected by the spread of COVID-19.

G. This second extension of the closure order for SFB also allows City staff and stakeholders time to study permanent changes to SFB including the proposals in the City's Complete Street Plan.

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

1. Section 8 of the SFB Closure Proclamation is amended to read as follows:

"Any permit issued for outdoor dining as provided herein will prohibit tents or canopies and only allow umbrellas and heaters as specified, if there is adequate spacing to accommodate umbrellas and heaters. Open flame heaters must be spaced 6 feet from a closed or open umbrella. If forced air heaters with cords are used, cords must be connected to a ground-fault circuit interrupter (GFCI) device and must be properly covered with ramps for safety. Only forced air heaters may be used directly under or less than 6 feet from open umbrellas. Any permit already issued for outdoor dining in the SFB closure area will automatically allow the use of heaters as specified in this section, as long as social distancing is maintained and tables, chairs, umbrellas and heaters fit within the footprint allowed by the permit for outdoor dining. "

2. Section 13 of the SFB Closure Proclamation is amended to read as follows:

"This Order is effective immediately and shall remain in effect until 11:59 p.m. on January 18, 2021, unless terminated sooner or extended by further order of the Director of Emergency Services or the City Council."

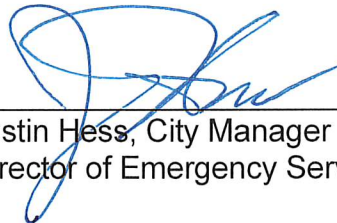
3. All other sections and provisions of the SFB Closure Proclamation not inconsistent with this Second Amendment shall remain in full force and effect.

4. Pursuant to Burbank Municipal Code Section 5-2-301, it is unlawful to commit any act forbidden by the SFB Closure Proclamation or this Second Amendment thereto.

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code including violating the SFB Closure Proclamation or this Second Amendment may be guilty of a misdemeanor pursuant to Burbank Municipal Code Section 1-1-105.

5. If any section, subsection, sentence, clause or phrase of this Second Amendment 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 28th day of September 2020.



Justin Hess, City Manager and
Director of Emergency Services