

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH CONTINUING THE TEMPORARY CLOSURE OF PARTS OF CITY STREETS AS PART OF THE COVID-19 PANDEMIC RESPONSE AND FINDING THE SAME EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Hermosa Beach does hereby find, order, and resolve as follows:

SECTION 1. Recitals.

1. As the COVID-19 pandemic continues in the City, the continuation of the in effect temporary street closures will continue to allow local restaurants to offer temporary dining in socially distant environments. Further, this will allow local residents and visitors to patronize these restaurants in a safe manner.
2. Local businesses and restaurants continue to face impacts from the COVID-19 pandemic and need assistance to recover from the economic damage caused by the COVID-19 pandemic.
3. Section 21101(e) of the California Vehicle Code further authorizes the City to adopt rules and regulations to temporarily close a portion of any street under its jurisdiction for local special events and other purposes when, in the opinion of the City or a public officer or employee that the City Council designates by resolution, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.
4. The City Council desired that portions of certain local streets be temporarily used for outdoor recreation and open air dining and other business purposes that allows the public to safely patronize local businesses and enjoy the outdoors, while adhering to any applicable COVID-19 related regulation.
5. To this end, on June 9, 2020, the City Council adopted Ordinance No. 20-1410U, Implementing a Temporary Permit for Outdoor Dining/Seating and Outdoor Retail Display to Assist in the Reopening of Restaurants, Food, and Retail Establishments during COVID-19, and on August 11, 2020, the Council authorized proposed plans to temporarily close one lane of vehicular traffic in each direction on Hermosa Avenue, between 8th and 14th Street, to facilitate recreational and economic activity in the City's downtown area.
6. On August 20, 2020, the City Manager, in her capacity as Director of Emergency Services, adopted Executive Order No. 2020-11, closing specified lanes of traffic on Hermosa Avenue as necessary to implement Ordinance No. 20-1410U and the Council's August 11 direction. Under section 2.56.060 of the Hermosa Beach Municipal Code, rules and regulations adopted by the Director of Emergency

Services, following the declaration of a local emergency, must be confirmed at the earliest practicable time by the City Council. On August 25, 2020, this action was ratified by the City Council as necessary for the protection of persons safely using City streets and the City Manager was authorized to extend the terms of the Temporary Permit for Outdoor Dining/Seating and Outdoor Retail Display through March 2021.

7. The City Council finds and resolves that continuing the temporary lane closures is necessary for the protection of persons safely using City streets.

SECTION 2. NOW, THEREFORE, the City Council hereby resolves as follows:

1. Based on the foregoing recitals and in accordance with the terms of Vehicle Code section 21101(e), the City Council desires that portions of the following streets shall continue to be closed to vehicular traffic through December 31, 2021 to allow for open air dining and other business purposes intended to allow the public to patronize local businesses and dine outdoors in a manner that is safe and allows businesses to provide services in a way that eases any concerns regarding the spread of COVID-19:
 - Hermosa Avenue between 8th Street and 14th Street (maximum of one lane closed in each direction so that through lanes open in both directions)
 - Pier Avenue between Valley Drive and Hermosa Avenue (maximum of one lane closed in each direction so that through lanes open in both directions)
 - Small section of Hermosa Avenue immediately north of the intersection for right turn to northbound Hermosa Avenue
2. The City finds and resolves that the closure of such streets is necessary for the protection of persons using such streets for such purposes during the designated time period.
3. The City Manager or designee is authorized to take such steps as are necessary to implement and maintain such closure for the designated period, and otherwise carry out the direction of this Resolution.

SECTION 3. Environmental Review. The lane closures effectuated by this Order are necessary to facilitate outdoor economic and recreational activity to recover from the economic damage caused by COVID-19 in a way that thwarts any further spread of COVID-19. Implementation of the Order is thus exempt from the California Environmental Quality Act (“CEQA”) under the statutory exemption for actions necessary to prevent or mitigate an emergency (Public Resources Code § 21080(b)(4); CEQA Guideline § 15269(c)) and the categorical exemption for minor temporary use of land (CEQA Guideline § 15304(e)). The lane reconfigurations for the Hermosa Avenue and Pier Avenue are temporary measures created in direct response to the COVID-19 emergency. In response to COVID-19, businesses have experienced unprecedented and ongoing closures and limitations, and the ability of local

businesses to survive (and to mitigate the effects of this emergency) depend on creation of additional outdoor and expanded spaces to provide for physical distancing. Finally, as this is a temporary measure during a period of reduced use of streets by vehicular traffic (with many people working from home), and as the improvements can be removed, there is no possibility that the lane closures will have a permanent effect on the environment.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or word of this Order is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this Order.

SECTION 5. Effective Date. This Order shall become effective immediately.

PASSED, APPROVED, AND ADOPTED this ____ day of July, 2021.

MAYOR

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney