

CITY OF HERMOSA BEACH

EXECUTIVE ORDER NO. 2020-05

EMERGENCY EXECUTIVE ORDER OF THE CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF HERMOSA BEACH, CALIFORNIA, 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

SECTION 1. RECITALS

- A. International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes which has been named “coronavirus disease 2019,” abbreviated COVID-19 (“COVID-19”).
- B. On March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19.
- C. On March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID-19.
- D. On March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19.
- E. On March 15, 2020, the Mayor Mary Campbell declared a local emergency to ensure an effective City response to COVID-19. At a special meeting on March 16, 2020, the City Council adopted Resolution No. 20-7230, approving and ratifying the declaration of emergency.
- F. On March 16, 2020, the Los Angeles County Public Health Officer issued an order countywide that (1) prohibited gatherings where at least 50 or more people are expected to attend, (2) puts limits and regulations on gatherings of 10-49 people, (3) limits restaurants to drive-through/takeout/delivery only, and (4) closes bars (that don’t serve food), gyms, movie theaters, etc.
- G. Also on March 16, 2020, the State Department of Public Health issued public health guidance with a non-exhaustive list of precautionary measures retail food, beverage, and other related service venue owners and management should take for the protection of patrons to prevent further COVID-19 transmission.

- H. The Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Department of Public Health have all issued recommendations including but not limited to strict adherence to social distancing guidelines, canceling or postponing group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus. Other counties throughout the state have similar directives.
- I. On March 19, 2020 the Los Angeles County Public Health Officer issued a second countywide order, the ‘Safer at Home’ Order, which was further clarified on March 21, 2020. This public health order prohibits all public and private group gatherings and events and requires people to stay in their homes with limited exceptions; and requires closure of all non-essential retail businesses, shopping centers, playgrounds for children, bars, nightclubs, movie theaters and all similar gathering places. The purpose of the order is to further restrict, and limit gathering of persons and require closures of non-essential retail businesses in an effort to stem or slow the spread of the virus.
- J. On March 19, 2020, the Governor of the State of California, also issued Executive Order N-33-20, (commonly known as the Safer at Home Order) an Order of the State Public Health Officer ordering all individuals living in California to stay home or at their place of residence except as needed to maintain continuity of operations of outlined federal critical infrastructure sectors.
- K. On April 28, 2020, the California Governor announced a four-stage framework titled “Resilience Roadmap” for modifying the statewide Safer at Home Order to gradually permit the phased reopening of the State.
- L. On May 4, 2020, California Governor, Gavin Newsom issued Executive order N-60-20, to modify its state-wide Safer at Home order and allow the state to move into Stage 2 of the reopening process to permit certain low risk businesses and open spaces to open with modifications. Executive Order N-60-20, also directs the State Public Health Officer to establish criteria and procedures, as set forth in the order to determine how local jurisdictions may implement public health measures that depart from state-wide directives of the State Public Health Officer.
- M. On May 12, 2020, during its regular City Council meeting, the City Council discussed COVID-19 impacts to City businesses and the need to preserve City retail and restaurants. The City Council directed the Economic Development Committee and/or Planning Commission to (1) hire an economic consultant to assess the market feasibility for economic uses and types of uses in the Downtown; and/or (2) bring back an interim urgency ordinance (moratorium) to address concerns about loss of retail and restaurant while the City studies the issue; and/or (3) establish regulations that give priority to preserving retail and restaurant uses on the ground floor and to address ground floor office conversions in the Downtown ahead of the City’s Zoning Code update process.
- N. On May 13, 2020, the Los Angeles County Public Health Officer issued a Revised Order entitled “Continuation of Safer at Home Order that begins to move the County of Los Angeles into Stage 2 of the County’s Roadmap to Recovery” (“May 13 Revised Order”) that (1) allows specified “Lower Risk Retail

Businesses” to reopen for curbside, doorside, outdoor or outside pick-up, (2) partially and conditionally re-opens public beaches for certain types of active recreation, and (3) re-opens additional recreational opportunities.

- O. The California Department of Alcohol Beverage Control (“ABC”) has issued various “Regulatory Relief” orders designed to support the alcoholic beverage industry in its efforts to assist California in slowing the spread of the virus while assisting the industry in dealing with the economic challenges it is facing as a result. More recently on May 15, 2020 , ABC issued its fourth notice of Regulatory Relief providing for temporary relief for licensees to expand licensed footprints in order to serve more people outside where it is safer while the COVID-19 pandemic continues, through an inexpensive ABC permit requiring authorization from local jurisdictions.
- P. On May 20, 2020, ABC issued its fifth Regulatory Relief Notice to permit on a temporary basis, licensees that do not operate kitchen facilities and do not prepare bona fide meals on the licensed premises to partner with businesses that do offer meals to sell bona fide meals in conjunction with to-go containers of alcoholic beverages.
- Q. As the State gradually moves forward with Stage 2 of the State’s “Resilience Roadmap”, it is expected that in order to allow restaurants to open, the Governor of the state of California will require a reduced capacity with new guidelines within restaurants, greatly impacting the maximum number of customers served.
- R. The City of Hermosa Beach seeks to be responsive to allow restaurants to take advantage of ABC’s temporary relief orders to permit, consistent with direction from the County of Los Angeles and its Health Department, to allow restaurants to re-open in light of the County’s Safer at Home order.
- S. This Order is adopted pursuant to the City’s police powers and powers afforded to the City in time of national, state, county and local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, State law, and the Section 2.56.060 of the Hermosa Beach Municipal Code to protect the peace, health, and safety of the public, and to protect life and property as affected by the emergency.

SECTION 2. The following emergency orders are issued effective as of the date set forth below:

- A. A Temporary Permit Program for Outdoor Dining/Seating to assist in the reopening of restaurant and food establishments during the time of limited capacities and social distancing requirements for restaurants as a result of California and Los Angeles County Health orders in response to COVID-19 is hereby established as set forth in **Exhibit A** attached hereto and incorporated herein by reference.

- B. A “Temporary Permit Program” to permit City businesses to display merchandise to assist in the reopening of retail establishments to best abide by limited capacity and social distancing requirements for businesses as established by of State and Los Angeles County orders in response to COVID-19 is hereby established as set forth in **Exhibit B** attached hereto and incorporated herein by reference.
- C. The provisions of Hermosa Beach Municipal Code Sections 17.26.050 (B), (C), and 17.44.030 regarding Offstreet Parking Requirements for Commercial and Business Uses are hereby temporarily suspended to allow for implementation of items A and B above on a temporary basis through the duration of City, State, and County COVID--19 emergency orders.

SECTION 3. 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 4. Effective Date and Termination. This Order shall become effective immediately and shall continue until the earlier to occur of: (1) the conclusion of the local emergency; (2) its termination is ordered by the City Manager/Director of Emergency Services; or (3) it is duly terminated by the City Council. The Order may also be superseded by a duly enacted ordinance or order of the City Council expressly superseding this Order.

ORDERED by the City Manager/Director of Emergency Service this 22nd day of May, 2020.

ATTEST:

Suja Lowenthal, City Manager and
Director of Emergency Services

Acting City Clerk