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**CITY OF HERMOSA BEACH
DIRECTOR OF EMERGENCY SERVICES**

EXECUTIVE ORDER NO. 2020-09

**EMERGENCY EXECUTIVE ORDER OF THE CITY
MANAGER/DIRECTOR OF EMERGENCY SERVICES OF
THE CITY OF HERMOSA BEACH, CALIFORNIA,
IMPLEMENTING EMERGENCY MEASURES TO
TEMPORARILY PERMIT GYMS, FITNESS FACILITIES,
HAIR SALONS AND BARBERSHOPS TO OPERATE
OUTDOORS DURING THE COVID-19 CRISIS**

SECTION 1. RECITALS

- A. On March 15, 2020, City of Hermosa Beach (“City”) Mayor Mary Campbell, declared a local emergency to ensure an effective City response to a respiratory disease which has been named “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.
- B. On March 19, 2020, the Governor of the State of California, issued Executive Order N-33-20, 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.
- C. Evidence in late April and early May demonstrated that state and local orders slowed the increase of community transfer of the disease by limiting interactions amongst people. As a result, on May 7, 2020, Governor Newsom, announced a four-staged framework, titled “Resilience Roadmap” that is intended to guide the state’s gradual modification of its Safer at Home Order to reopen California. The state also issued industry specific guidance to help specified businesses reopen under new restrictions, which require businesses to, among other things, implement social distancing measures.
- D. In line with the State’s health guidance, the Los Angeles County Public Health Officer issued a revised order on May 13, 2020 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,” that authorized some limited retail and outdoor recreation venues to reopen subject to among other things, social distancing measures to prevent the further spread of COVID-19. The order was updated again on May 26th, May 29th, June 11th and June 18th, 2020 to continue to allow the gradual reopening of additional sectors including bars, hair salons, personal care services, gyms and fitness facilities subject to social distancing measures.

- 1 E. The May 29th order for example, permitted restaurants and food facilities to
2 remain open and offer limited dine-in seating. The order also encouraged
3 restaurants to expand outdoor seating where possible in compliance with local
4 zoning codes to comply with social distancing requirements.
- 5 F. To assist in the economic recovery of local businesses and restaurants, on May
6 26, 2020, the City Manager issued Emergency Order No. 2020-05 to temporarily
7 suspend City of Hermosa Beach Municipal Code Sections 17.26.050 (B), (C) and
8 17.44.030 regarding off-street parking requirements for commercial and business
9 uses. Many surrounding cities, including Los Angeles, Pasadena, and Long Beach
10 also implemented similar rules and regulations to assist in the economic recovery
11 of these businesses during the COVID-19 crisis.
- 12 G. Since that time, the State and County have seen a sharp increase in confirmed
13 COVID-19 cases and hospitalizations, and the timing of these increases is in line
14 with the reopening of “high risk” businesses where individuals may congregate
15 with members who are not part of the same household and remove their face
16 coverings to eat and drink. As a result, the County Health Officer issued a revised
17 order on July 1, 2020 to backtrack on the County’s gradual reopening to prohibit
18 indoor dining and order the immediate closure of bars, wineries and winery
19 tasting rooms.
- 20 H. On July 13, 2020, the State Public Health Officer issued a state-wide order to
21 require the immediate closure of: (1) *indoor and outdoor* operations of bars, pubs,
22 brewpubs and breweries; and (2) *indoor* operation of restaurant dining, movie
23 theaters, zoos, museums, cardrooms, wineries and tasting rooms. The order also
24 imposes more stringent requirements on specified counties, including Los
25 Angeles County that have appeared on the State’s monitoring list for three
26 consecutive days to order the immediate closure of *indoor* operations of the
27 following sectors: gyms and fitness centers, places of worship, protests, offices
28 for non-critical infrastructure sectors, personal care establishments, hair salons,
barbershops, and malls.
- I. The following day, on July 14, 2020, the County Health Officer issued a revised
order to coincide with Governor’s July 13th Order and require the closure of
indoor operations of the following establishments: malls, shopping centers, hair
salons, barbershops, fitness facilities, and personal care establishments.
- J. Under the recent State and County health orders, local gyms, fitness centers, hair
salons and barbershops that are unable to shift their operations outdoors have been
forced to shut down for the second time during the COVID-19 pandemic. Many
of these businesses were struggling to financially recover following the first
mandatory closure in March, and some may not be able to survive a second
closure. This Order is intended to assist the economic recovery of these
establishments and to permit them to continue to operate under State and County

health orders by temporarily suspending local zoning regulations during the COVID-19 crisis.

K. California Business and Professions Code section 7317 requires that all barbershops, hair salons and cosmetology services including specified personal care services, must be performed in a licensed establishment. This Order is further intended to permit the outdoor operation of these establishments as permitted by the State Board of Barbering and Cosmetology.

L. This Order is necessary to temporarily suspend City of Hermosa Beach Municipal Code Sections 17.26.050(B), 17.44.60 and 17.38.550(B) regarding uses permitted within commercial zones and off-street parking requirements for commercial and business uses to the extent they conflict with this Order.

M. 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 provisions of Hermosa Beach Municipal Code Sections 17.26.050 (B), 17.44.030 and 17.38.550(B) regarding uses permitted within commercial zones and off-street parking requirements for commercial and business uses are hereby temporarily suspended, to the extent they conflict with this Order, to allow for the implementation of item A below on a temporary basis during the term of the City, State and Los Angeles County COVID-19 emergency orders:

A. "Outdoor Commercial Uses Operational Standards" have been developed by the City for the outdoor operation of: gyms, fitness centers, and hair salons and barbershops (to the extent permitted by State licensing agencies) to assist in their economic recovery and to allow them to continue to operate by permitting these establishments to operate outdoors as a result of California and Los Angeles County Health orders in response to COVID-19. The Outdoor Commercial Uses Operational Standards are set forth in Exhibit A attached hereto and incorporated herein by reference.

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 17th day of July, 2020.

ATTEST:



Suja Lowenthal, City Manager and
Director of Emergency Services



Eduardo Sarmiento, City Clerk

Exhibit A

OUTDOOR COMMERCIAL USES OPERATIONAL STANDARDS

I. INTRODUCTION

- A. The Outdoor Commercial Uses Design and Operational Standards are adopted pursuant to Executive Order 2020-09 in order to establish specific design and operational criteria for temporary outdoor commercial uses in public and private areas.
- B. An outdoor commercial area is a place on private property, private parking stalls public parking stalls, public metered parking spaces where patrons may conduct commercial activities such as but not limited to gym/fitness and personal service by an adjacent commercial business.
- C. These standards and procedures regulate the design and operation of temporary outdoor commercial areas. However, they do not provide information on all the government agency requirements for starting a new business or expanding an existing one. Business owners must secure the appropriate licenses and permits Los Angeles County Health Department, the City of Hermosa Beach Community Development Department and Business License Office.
- D. Temporary outdoor commercial areas shall be permitted to operate for the duration of the State of California's Emergency Orders for COVID-19. Permission for temporary outdoor commercial areas will expire immediately upon County and State approval to reopen at capacity levels established prior to the COVID-19 pandemic limits.
- E. These regulations apply to outdoor commercial areas on private property and the public right-of-way.

II. APPLICATION PROCEDURE

- A. Temporary Commercial areas that abide by the standards and procedures in this exhibit shall operate by right during the duration of the State of California's Emergency Orders for COVID-19.
- B. An application for the temporary commercial area shall be provided to the Community Development Department prior to operation.
- C. An encroachment permit shall be required for outdoor areas in the public right-of-way. Proof of Certificate of liability insurance shall be

provided to the Public Works Department, with the City of Hermosa Beach named as Additionally Insured, prior to issuance of an encroachment permit.

III. OUTDOOR AREA SITES

- A. The outdoor area shall be permitted on private property, public street parking or lots adjacent to the business. If the business has on-site parking, a portion of the private parking may be used for the outdoor area.
- B. The maximum area of either private or public areas may not exceed the loss of capacity of the interior area of the business.
- C. The outdoor area shall be accessible to the disabled. The buildings adjacent to these outdoor areas shall maintain building egress as defined by the Uniform Building Code and Title 24 Disabled Access Standards.
- D. The outdoor area shall be located within twenty feet of an outdoor food establishment.

IV. DESIGN STANDARDS

- A. Barriers shall conform to the Public Works Director's installation standards and be removable. Barriers need not be removed each evening, but shall be capable of being removed; if imbedded into the pavement they must be fixed through the use of recessed sleeves and posts, otherwise by wheels that can be locked into place or weighted in place. No signs or banners of any kind shall be placed, displayed or erected on barriers
- B. The appearance should be made attractive with potted plants or other decorative elements to provide an enhanced and inviting outdoor environment.
- C. No additional parking shall be required for the outdoor area. To the extent feasible, if existing parking is available, parking spaces should continue to be available to customers.

V. STANDARDS OF OPERATION

- A. Management of the commercial establishment is responsible for running and operating the outdoor area and shall not delegate or assign that responsibility. Outdoor areas shall be continuously

supervised by management to ensure social distancing guidelines are being met.

- B. Management shall keep the outdoor area clear of litter and food scraps.
- C. Management shall be responsible for maintaining noise volumes at reasonable levels.
- D. At the end of each business day, establishments are required to clean (sweep and wash) the area in and around the outdoor area and remove the debris to a closed receptacle. No debris shall be swept, washed, or blown into the sidewalk, gutter or street in conformance with the City's NPDES regulations.
- E. Upon termination of the outdoor commercial use, the business owner shall immediately remove the barriers around the outdoor area, return the sidewalk to its original condition, and remove all personal property, furnishings, and equipment from the sidewalk. Any personal property remaining on the premises shall be removed pursuant to the laws of the State of California.
- F. The allowable hours of operation shall be limited to 8:00 a.m. to 6 p.m. 7 days a week.
- G. Amplified entertainment shall be strictly prohibited in outdoor commercial areas. At no time may noise levels of activities conducted in the designated outdoor areas constitute a nuisance or violate the Noise Control Ordinance in Chapter 8.24.
- H. Outdoor areas for fitness uses are limited to hand-held fitness equipment. Large fitness equipment such as but limited to squat racks and fitness tires are prohibited. Weight dropping shall be strictly prohibited.
- I. The outdoor area shall not adversely affect the welfare of the residents, and/or commercial establishments nearby.

VI. ENFORCEMENT

- A. Notice of violation of the outdoor commercial use design standards or standards of operation shall be made in writing to the business owner by any Code Enforcement Officer, Public Works Inspector, Building Inspector, Police Department Official, or Fire Department Official of the City. A copy of the notice shall be filed with the Public Works Director. The business owner shall immediately cure the violation

upon receipt of notice. If the violation is not cured within ten (10) days after issuance of the notice to the business owner, the Director may suspend or revoke the Encroachment Permit.

- B. In the case of non-compliance with conditions of approval, substantial difficulties resulting from the operation of the outdoor area, or other unforeseen problems with the operation of the outdoor area, the Community Development Director has the right to reevaluate the business owners by-right operation of the outdoor area; and, if the outdoor area has created neighborhood, Police or Code Enforcement problems, continued operations of the outdoor area may be prohibited.