

RESOLUTION NO. 20-7252

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH RATIFYING EXECUTIVE ORDER NO. 20-2020-11 AND AUTHORIZING THE CITY MANAGER TO TEMPORARILY CLOSE PARTS OF CITY STREETS AS PART OF THE COVID-19 PANDEMIC RESPONSE

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

SECTION 1. Recitals.

1. As COVID-19 cases in Los Angeles County continues to increase, the County Health Officer has reinforced restrictions on business and recreation conducted indoors, while permitting outdoor activities and recreation subject to social distancing requirements.
2. The latest revision to the County Health Officer Order (“Reopening Safer at Work and in the Community for Control of COVID-19”), issued on August 12, 2020, reaffirms that restaurants are closed for indoor, onsite dining, but authorizes local public entities to temporarily close parts of streets to automobile traffic for purposes of facilitating permitted recreational activity.
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 desires that portions of certain local streets, including but not limited to Hermosa Avenue (and possibly Pier Avenue under a future action by the city), 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 social distancing requirements.
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.

7. The City Council finds and resolves that the lane closures in Executive Order No. 2020-11 and any additional closures for permits issued under Ordinance No. 20-1410U and for the traffic control plans anticipated on Pier Avenue are necessary for the protection of persons safely using City streets as permitted by the County Health Officer Order for Control of COVID-19.

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

1. Based on the foregoing and the reasons set forth in Executive Order No. 2020-11, the City Council hereby ratifies Executive Order No. 2020-11, issued by the City Manager, in her capacity as the Director of Emergency Services, on August 20, 2020 and attached hereto as Exhibit 1.
2. Based on the foregoing recitals and in accordance with the terms of Vehicle Code section 21101(e), the City Manager or her designees may determine which streets or portions of streets should be temporarily closed as part of the City's COVID-19 pandemic response to facilitate safe recreation and economic recovery and bring about the temporary closure of such streets.
3. The City Manager or designee is authorized to extend the terms of outdoor permits issued under Ordinance No. 20-1410U, until March 2021, consistent with the approved time for the lane closures.

SECTION 3. Environmental Review. The lane closures effectuated by this Order are necessary to facilitate outdoor economic and recreational activity in compliance with County Health Officer Orders to reduce the 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 traffic control plan for the Hermosa Avenue lane closure is a temporary measure (six months), that is created in direct response to County Health restrictions on indoor dining, personal care, and fitness activities and is needed to provide space for businesses to operate in the dense, built out environment, retain parking opportunities for customers, and provide space for pedestrians and people bicycling to safely travel and maintain physical distance. 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. The City's traffic engineer studied the feasibility and expected traffic impacts of closing the right turn lane for the North End Bar and Grill's outdoor dining and found that, given the low volume of cars currently using the right turn lanes, the closure could be readily and safely accomplished through the use of signage, delineators, and other temporary traffic measures and

that any rerouting of traffic would have minimal impact on operations at the studied intersections. 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 August, 2020.

MAYOR

ATTEST:

CITY CLERK