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**ORDINANCE NO. 20-1416U**

**AN URGENCY ORDINANCE OF THE CITY OF HERMOSA BEACH,  
CALIFORNIA, TO TEMPORARILY PERMIT PLACES OF WORSHIP TO  
OPERATE OUTDOORS DURING THE COVID-19 PANDEMIC AND  
SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY**

The City Council of the City of Hermosa Beach does ordain as follows:

**SECTION 1. Findings.**

- 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 confirming 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 was intended to guide the state’s gradual modification of its Safer at Home Order to reopen California. The state also issued sector 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.
- E. The May 29th Order for example, permitted restaurants and food facilities to remain open and offer limited dine-in seating. The Order also encouraged restaurants to expand outdoor seating where possible in compliance with local zoning codes to comply with social distancing requirements.
- F. On May 25, 2020, the State Public Health Officer along with the State Department of Industrial Relations issued industry guidance for places of worship and providers of

1 religious services and cultural ceremonies (referred to collectively as “Places of  
2 Worship”) to reopen and offer faith based-services subject to the safety measures  
3 established therein. This prompted the County Health Officer to issue a safety protocol  
4 for the reopening of Places of Worship in the County. As the situation has evolved, the  
County’s protocol has been updated at least four times to conform to State guidance  
and in response to the prevalence of COVID-19 in the County.

- 5 G. To assist in the economic recovery of local businesses and restaurants, on May 26,  
6 2020, the City Manager issued Emergency Order No. 2020-05 to temporarily suspend  
7 City of Hermosa Beach Municipal Code Sections 17.26.050 (B), (C) and 17.44.030  
8 regarding off-street parking requirements for commercial and business uses. Many  
9 surrounding cities, including Los Angeles, Pasadena, and Long Beach also  
10 implemented similar rules and regulations to assist in the economic recovery of these  
11 businesses during the COVID-19 Pandemic.
- 12 H. On June 15, 2020, the City Manager issued Executive Order No. 2020-06 to reopen the  
13 following recreation areas and business subject to social distancing measures: (1) City  
14 beaches for specified activities; (2) the City Pier; (3) specified businesses subject to  
15 their industry specific protocol established in the County’s June 11, 2020 order; (4) day  
16 camps provided that they obtain a City issued-permit; and (5) the outdoor operation of  
17 gyms and fitness facilities.
- 18 I. Since that time, the State and County have seen a sharp increase in confirmed COVID-  
19 19 cases and hospitalizations, and the timing of these increases is in line with the  
20 reopening of “high risk” businesses where individuals may congregate with members  
21 who are not part of the same household and remove their face coverings to eat and  
22 drink. As a result, the County Health Officer issued a revised order on July 1, 2020 to  
23 backtrack on the County’s gradual reopening to prohibit indoor dining and order the  
24 immediate closure of bars, wineries and winery tasting rooms.
- 25 J. On July 13, 2020, the State Public Health Officer issued a state-wide order to require  
26 the immediate closure of: (1) indoor and outdoor operations of bars, pubs, brewpubs  
27 and breweries; and (2) indoor operation of restaurant dining, movie theatres, zoos,  
28 museums, cardrooms, wineries and tasting rooms. The order also imposes more  
stringent requirements on specified counties, including Los Angeles County that have  
appeared on the State’s monitoring list for three consecutive days to order the  
immediate closure of indoor operations of the following sectors: gyms and fitness  
centers, places of worship, protests, offices for non-critical infrastructure sectors,  
personal care establishments, hair salons, barbershops, and malls.
- K. 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.
- L. On July 17, 2020, the City Manager issued Executive Order No. 2020-09 to  
temporarily permit gyms, fitness facilities, hair salons and barbershops to operate

1 outdoors during the COVID-19 Pandemic. Urgency Ordinance No. 20-1415U was  
2 adopted on July 28th 2020 to : (1) reinforce Executive Order No. 2020-09; (2) require  
3 members of the public to wear a face covering; and (3) temporarily suspend HBMC §  
4 17.08.020 (D)(14) to allow home occupations to continue to operate without a  
5 commercial business location.

6 M. The County Health Officer's most recent, "Reopening Safer at Work and in the  
7 Community for Control of COVID-19, Moving the County of Los Angeles into Stage  
8 3 of California's Pandemic Resilience Roadmap" order was revised again on July 18,  
9 2020 ("July 18th Order"), and permits Places of Worship to reopen, provided that the  
10 faith based services are held outdoors and they abide by the safety protocol most  
11 recently updated on July 17, 2020 and incorporated as Appendix F of the July 18th  
12 Order.

13 N. As the County moves through Stage 3 of the State's Resilience Roadmap, the City of  
14 Hermosa Beach desires to continue to implement emergency measures to assist  
15 additional services forced to close or limit their operation as a result of State and  
16 County stay-at-home orders to reopen in a safe manner that combats the continued  
17 spread of COVID-19. By reinforcing Executive Order No. 2020-10, this Ordinance  
18 temporarily suspends specified local regulations during the COVID-19 crisis to permit  
19 Places of Worship to operate outdoors in accordance with County Health Officer  
20 Directives.

21 O. On August 13, 2020, the City Manager\Director of Emergency Services issued  
22 Executive Order No. 2020-10 to temporarily suspend City of Hermosa Beach  
23 Municipal Code Sections 17.26.050(B), 17.44.30, 17.38.550(B) and 17.40.020  
24 regarding uses permitted within commercial zones, off-street parking requirements and  
25 uses for which a conditional use permit is required to the extent they conflict with this  
26 Order to permit Places of Worship to operate outdoors in accordance with Appendix F  
27 of the County's July 18th Order.

28 P. This Ordinance is necessary to reinforce City Manager's Executive Order No. 2020-10,  
to temporarily suspend City of Hermosa Beach Municipal Code Sections 17.26.050(B),  
17.44.30, 17.38.550(B) and 17.40.020 regarding uses permitted within commercial  
zones, off-street parking requirements and uses for which a conditional use permit is  
required to the extent they conflict with this Ordinance to permit Places of Worship to  
operate outdoors in accordance with Appendix F of the County's Health Officer Order,  
as that protocol may be updated from time to time by the County Health Officer.

Q. This Ordinance is adopted pursuant to Government Code section 36937, for the  
preservation of the public peace, health, and safety of residents living within the City,  
and finds urgency to approve this Ordinance immediately based on the facts described  
herein and detailed in the staff report.

**SECTION 2.** The provisions of Hermosa Beach Municipal Code Sections 17.26.050 (B),  
17.44.030, 17.38.550(B) and 17.40.020 regarding uses permitted within commercial zones, off-  
street parking requirements and uses for which a conditional use permit is required are hereby

temporarily suspended, to the extent they conflict with this Ordinance, 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. Places of worship and providers of religious services and cultural ceremonies (referred to collectively as “Places of Worship”), may operate outdoors in accordance with Appendix F of the County’s Health Officer Order, as that protocol may be updated from time to time by the County Health Officer.

**SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this Ordinance.

**SECTION 4. Environmental Review.** The City Council finds that adoption and implementation of this Ordinance is not a “project” for purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA guidelines (Guidelines) sections 15061(b)(3), and 15378(b)(5). The effect of the proposed amendment will be to maintain the status quo. No new development will result from the proposed action. No impact to the physical environment will result. The City Council also alternatively finds that the adoption and implementation of this Ordinance is exempt from the provisions of CEQA as an administrative activity by the City of Hermosa Beach, in furtherance of its police power, that will not result in any direct or indirect physical change in the environment, per sections 15061(b)(3), and 15378(b)(5) of the CEQA , Guidelines, as well as CEQA Guidelines section 15064(e) (economic regulations).

**SECTION 5. Urgency Declaration; Effective Date.** The City Council finds and declares that the adoption and implementation of this Ordinance is necessary for the immediate preservation and protection of the public peace, health and safety as detailed above by the City, pursuant to Government Code section 36937. The practice of religion and cultural practices with a community congregation is a cornerstone in the life of many City residents. As a result of State and County stay-at-home orders, Places of Worship were forced to close. The unexpected closure of these establishments forced City residents to forgo the ability to engage in in-person worship with members of their community and faith leaders. These establishments had to quickly learn to adapt to the evolving COVID-19 public health measures issued by State and County Health Officials and provide their services virtually. By suspending the enforcement of certain local regulations, Places of Worship will be able to operate outdoors, and City residents will once again be able to gather with their community in worship during these uncertain and turbulent times. This Ordinance is also conducive to the public health because it requires Places of Worship to follow the directives of State and County public health officials to prevent the further spread of the disease. This Ordinance must be passed by four-fifths of the City Council and shall take effect immediately after passage.

**SECTION 6 Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published or posted in the manner required by law.

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**PASSED, APPROVED, AND ADOPTED this 25th day of August, 2020.**

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**PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

**ATTEST:**

**APPROVED AS TO FORM:**

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**Eduardo Sarmiento, City Clerk**

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**Michael Jenkins, City Attorney**