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RESOLUTION NO. __

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HERMOSA BEACH, CALIFORNIA, IMPLEMENTING EMERGENCY
MEASURES TO PREVENT CUSTOMER QUEUING FOR OUTDOOR
DINING AT SIT-DOWN RESTAURANTS**

**THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES
RESOLVE AS FOLLOWS:**

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 was 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.
- 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. To assist in the economic recovery of local businesses and restaurants, on May 26, 2020, the City Manager issued Executive Order No. 2020-05 to establish a “Temporary Permit Program” to allow restaurants and food establishments during the time of limited indoor seating capacity and social distancing requirements to set up temporary outdoor dining areas on public and private properties.

G. Since that time, the State and County have seen a sharp increase in confirmed COVID-19 cases and hospitalizations, and the timing of these increases is in line with the reopening of “high risk” businesses where individuals may congregate with members who are not part of the same household and remove their face coverings to eat and drink. As a result, the County Health Officer issued a revised order on July 1, 2020 to backtrack on the County’s gradual reopening to prohibit indoor dining and order the immediate closure of bars, wineries and winery tasting rooms.

H. On July 13, 2020, the State Public Health Officer issued a state-wide order to require the immediate closure of: (1) *indoor and outdoor* operations of bars, pubs, brewpubs and breweries; and (2) *indoor* operation of restaurant dining, movie theaters, zoos, museums, cardrooms, wineries and tasting rooms. The order also imposed 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.

I. Effective August 31, 2020, Governor Newsom’s “Blueprint for a Safer Economy” replaced the County Data Monitoring List that had been used to regulate permitted activities at the county level. Under the new framework, every county is assigned to a tier based on its COVID-19 adjusted case rate and test positivity from the last two weeks. Counties can progress through four tiers, ranging from “widespread” (Purple Tier 1) to “minimal” (Yellow Tier 4) community disease transmission. As of October 13, 2020, Los Angeles County was assigned to Tier 1, which has the strictest limitations on activities. Tier 1 limits restaurants to outdoor dining with modifications.

J. In line with the County’s Tier 1 designation, the County Public Health Officer Order, has issued a protocol, last revised October 9, 2020, for restaurants that cannot offer indoor dining. The protocol requires these restaurants to enact measures to ensure physical distancing while customers are in queue or any other

1 area where customers may congregate. It also requires restaurants, where possible,
2 to implement technology solutions to reduce person-to-person interaction such as
mobile ordering and menu tablets.

3 K. The City of Hermosa Beach seeks to facilitate the phased reopening of restaurants
4 in the City, consistent with County and State orders, and to also promote social
5 distancing to the greatest extent possible. It is the City's intention to limit the
6 spread of COVID-19 by imposing measures that prevent customers dining on-site
from congregating while waiting to be seated.

7 L. This Resolution is adopted pursuant to the City's police powers and powers
8 afforded to the City in time of national, state, county and local emergency during an
9 unprecedented health pandemic, such powers being afforded by the State
10 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.

11 **SECTION 2.** The following emergency orders shall supersede any previous
12 inconsistent City Council resolutions and City Manager/Director of Emergency Services
13 Executive Orders and shall remain in effect until repealed or superseded:

14 A. No dine-in restaurant shall permit the congregating or lining up of customers in
15 any public right-of-way. A "dine-in restaurant" means a restaurant that
16 provides customers the option to dine on the site of the restaurant. The
17 congregating or lining up of customers outside a dine-in restaurant, in any
manner, on sidewalks or other public rights of way is prohibited.

18 B. Unless no table is available, a dine-in restaurant must immediately seat a
19 customer in its outdoor dining area if the customer is dining on-site. In the
20 event no table is available, the restaurant staff shall ask the customer to wait in
a vehicle or at a location away from the restaurant premises.

21 C. Dine-in restaurants shall implement a phone reservation or call-back system
22 that notifies customers via text, phone call, or other method once a table has
23 become available. No customer shall be permitted in the dining area until the
customer has been notified by the restaurant that he or she can be seated.

24 D. Restaurant staff shall be responsible for instructing customers not to form lines
25 or congregate in abutting public areas while waiting to be seated.

26 **SECTION 3.** Notice of the measures set forth in Section 2 shall be provided on the
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City's website and on the City's social media platforms.

SECTION 4. The City Clerk shall certify to the passage and adoption of this Resolution; shall cause the same to be entered among the original Resolutions of said City; and shall make minutes of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting in which the same is passed and adopted.

PASSED, APPROVED and ADOPTED this __ day of _____, 2020.

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

ATTEST:

APPROVED AS TO FORM:

Eduardo Sarmiento - City Clerk

Michael Jenkins - City Attorney