

From: [Aaron Osten](#)
To: [Eduardo Sarmiento](#)
Subject: Letter in Support of Emergency Ordinance No.20-1420U of City of Hermosa Beach
Date: Monday, November 23, 2020 12:33:07 PM
Attachments: [image011.png](#)
[image004.png](#)
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[image008.png](#)

Dear Hermosa City Council,

This letter is in support of Emergency Ordinance No.20-1420U, which will trigger the necessary protections for commercial tenants to continue their business during this devastating and stressful time while simultaneously preserving the landlord's rights to renovate the property and ultimately evict a tenant if they choose. While the current eviction moratorium has no doubt aided in protecting tenants who cannot pay their rent, tenants who can pay their rent (yet face severe financial hardship) have been left with little protections when they most need them. This Emergency Ordinance strikes the critical balance of rights between a commercial landlord and tenant which are critical to preserving during this time.

Importantly, this Emergency Ordinance will have real life and immediate implications for small local businesses which have given Hermosa Beach its unique and appealing character for decades. A perfect example is La Penita, the cash-only, family-owned Mexican restaurant that has been on the corner at 200 Longfellow Avenue for over 40 years. To say La Penita is a staple of Hermosa Beach is an understatement. I was born and raised in the South Bay and cannot even begin to count the times I spent with family and friends at La Penita. Whether celebrating a birthday (which I did there for nearly 10+ years) or meeting friends at the outdoor patio after a surf, La Penita has been a special place to so many, and given its location at the northernmost point of Hermosa, it has essentially welcomed people to our City for decades.

Unfortunately, La Penita received an eviction notice at the end of October, demanding they vacate the property by the end of December 2020. This was without warning and without any option to stay paying higher rent. The eviction did not come as a result of La Penita failing to pay its rent (if La Penita could not pay its rent, they would be protected from this eviction), or due to any fault of La Penita. Rather, the landlord wants to remodel and renovate the property, and move forward with a new business at the location. After 40+ years of serving Hermosa Beach, La Penita is suddenly faced with a grim reality of packing up its home and scrambling to find a different location, all in the middle of a pandemic. If they can't find a new location immediately, they will likely lose their few cooks and staff who will be forced to find work elsewhere, as they have relied on La Penita for their employment for decades. Starting up at a new location also requires significant capital. It goes without saying that the prejudice to La Penita is enormous when compared with the basic requirement that the landlord obtain all necessary permits prior to eviction. Essentially, this eviction could wipe La Penita entirely out of Hermosa Beach, and possibly from ever reopening, anywhere. They simply deserve better, and so does this City.

This Ordinance will simply put the brakes on this hasty derailment of a small local business by allowing La Penita to continue in operation, while giving them a reasonable time frame in which to

locate and secure a new location (hopefully in Hermosa Beach). Meanwhile, the landlord can still move forward with the required permitting process, while still collecting rent from La Penita, and we can all continue to frequent the establishment we have called home for decades. Indeed, we all know times have been changing in our small beach town for years, but the City has the opportunity to create of a best case scenario for all involved in this process by adopting this Ordinance.

While La Penita is just one example, this Emergency Ordinance will inevitably impact other similarly situated local businesses in the immediate future, and is necessary to protect and preserve our small businesses under these unprecedented times.

Thank you for considering this Emergency Ordinance, and I urge the Council to adopt it.

Sincerely,
Aaron Osten

In compliance with Governor Newsom's Safer at Home directive, our entire office is working from remote locations. Pursuant to Judicial Council Emergency Rule 12 to the California Rules of Court, all written materials must be sent to us electronically, rather than through physical mail and deliveries. Please bear with us during this time. Thank you, and stay well.

Aaron Osten | Attorney



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