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

EXECUTIVE ORDER NO. 2021-15

**EMERGENCY EXECUTIVE ORDER OF THE CITY
MANAGER/DIRECTOR OF EMERGENCY SERVICES OF
THE CITY OF HERMOSA BEACH, TO PROVIDE RELIEF TO
LOCAL BUSINESSES ASSOCIATED WITH THE PAYMENT
OF CITY BUSINESS TAXES**

SECTION 1. RECITALS

- A. All of the recitals in Hermosa Beach Director of Emergency Services Executive Order Nos. 2020-01, 2020-02, 2020-03, 2020-04, 2020-05, 2020-06, 2020-07, 2020-08, 2020-09, 2020-10, 2020-11, 2020-12, 2021-13 and 2021-14 remain in effect and incorporated herein by reference.
- B. On March 15, 2020, the City of Hermosa Beach (“City”) 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.
- C. 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.
- D. 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.
- E. 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. Since that time, the order was periodically updated 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.

- F. Guided by the County Health Officer’s Orders permitting the gradual reopening of establishments, the City adopted the following measures to assist in the economic recovery of local businesses: (1) Executive Order No. 2020-05 to establish a “Temporary Permit Program” to allow restaurants and food establishments to set up temporary outdoor dining areas on public and private properties; (2) Executive Order No. 2020-08 to permit bars, wineries, breweries wine tasting rooms, and food facilities to reopen subject to the County Health Department’s industry-specific re-opening protocols; (3) Urgency Ordinance No 20-1415U to temporarily suspend specified Hermosa Beach Municipal Code Sections regarding uses permitted within commercial zones, off-street parking requirements for commercial and business uses within commercial zones, to allow specified businesses to operate outdoors and to allow home occupations to continue to operate and pursue their livelihoods without maintaining a physical office location as required under the Zoning Code; (4) Executive Order No. 2020-11 to implement temporary lane closures on Hermosa Ave. to facilitate outdoor recreation and to allow for any commercial purpose that would require a temporary permit for outdoor dining/seating and outdoor retail display; and (5) Executive Order No. 2020-12 to temporarily defer payment of City business taxes for certain businesses.
- G. 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 May 4, 2021, the County is in Tier 4—Yellow, the least restrictive tier.
- H. Recent County public health data demonstrates that the rate of COVID-19 community transmission, hospitalizations and testing positivity rates have substantially declined. Additionally, there now exists several COVID-19 vaccines proven to help combat the disease and that are being made available to the public in phases. As a result, state and local health orders have loosened COVID-19 related restrictions to allow a growing number of establishments to resume operations.
- I. For example, on January 25, 2021, the California Department of Public Health ended the Regional Stay at Home Order, lifting the order for all regions statewide, including Southern California, which Hermosa Beach was a part of. This action allowed all counties to return to the Blueprint for a Safer Economy framework which uses color-coded tiers to indicate which activities and businesses can open

1 based on local case rates and test positivity. Under this order, specified businesses
2 are permitted to remain open to the public and conduct normal business
3 operations provided that it abide by the County's Social (Physical) Distancing
4 Protocol and County Health Department Protocol applicable for its business
sector, as these protocols may be amended from time to time. Other businesses
are permitted to open at limited capacity or with operating restrictions.

5 J. On March 12, 2021, the County Department of Public Health issued a revised
6 County Health Officer Order in light of increasing numbers of vaccinated
7 individuals and the County's move into the Red Tier, effective March 15, 2021.
8 On April 2, 2021, the County entered the even less restrictive Orange Tier of the
9 State's Blueprint for a Safer Economy framework. Under the County Public
10 Health Officer's revised order issued on this date, capacity limits for specified
11 establishments, including but not limited to restaurants, breweries and wineries,
12 fitness facilities, cardrooms and places of worship were increased subject to the
County's Social (Physical) Distancing Protocol and the County Health
Department Protocol applicable for its business sector. Additional activities and
businesses are anticipated to reopen in light of the County's recent move to Tier
4—Yellow.

13 K. This Order is necessary to mitigate the economic hardship local businesses have
14 endured as a result of the pandemic. Deferring the payment of City business taxes
15 and waiving all interest and penalties, and allowing for businesses to apply for a
16 tax credit or refund for periods of closure as a result of the COVID-19 pandemic,
would provide much needed financial relief to local businesses that meet the
requirements of this Order.

17 L. This Order is adopted pursuant to the City's police powers and powers afforded
18 to the City in time of national, state, county and local emergency during an
19 unprecedented health pandemic, such powers being afforded by the State
20 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.

21
22 **SECTION 2.** Pursuant to authority granted to the City Manager/Director of Emergency
23 Services under Section 2.56.060 of the Hermosa Beach Municipal Code
(HBMC), the following emergency orders are issued:

- 24 A. City Manager Executive Order. No. 2020-12 is hereby rescinded and superseded.
- 25 B. The provisions of HBMC Sections 5.04.190, 5.04.200 and 5.04.240 regarding
26 City business taxes are hereby temporarily suspended to the extent they conflict
27 with this Order, to allow for the implementation of the following:

- 1 1. The business tax due and payable on and after March 31, 2020 shall be
2 deferred and interest and penalties waived for any business that ceased all
3 business operations after March 16, 2020 and has been entirely closed and
4 remains closed as of the date of this Order due to the COVID-19 pandemic.
- 5 2. A business that paid business tax due on a business license with an expiration
6 date of March 31, 2020 or later, and that ceased all business operations after
7 March 16, 2020 due to the COVID-19 pandemic, and does not re-open, is
8 entitled to and may apply to the City for a pro rata refund of the tax for the
9 period during which the tax was paid and the business was closed.
- 10 3. A business that paid business tax due on a business license with an expiration
11 date of March 31, 2020, or later, and that ceased all business operations after
12 March 16, 2020 due to the COVID-19 pandemic, and resumes business
13 operations, is entitled to and may apply to the City for a business tax credit
14 that shall be prorated based on the number of months during which the tax
15 was paid and the business was closed as a result of the COVID-19 pandemic.
- 16 4. In order to be eligible for the refund or business tax credit pursuant to this
17 Order, the business owner must sign a statement under penalty of perjury that
18 provides dates of closure supported by documentation of the closure
19 satisfactory to the City. If the foregoing statement is found to be untrue, the
20 business shall not be entitled to a refund or business tax credit, and any past
21 due business tax including penalties and interest, shall become payable
22 immediately.

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

27 **SECTION 4.** Effective Date and Termination. This Order shall become effective immediately
28 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.

29 **SECTION 5.** Certification. The City Clerk is directed to certify the passage and adoption of
this Ordinance; cause it to be entered into the City of Hermosa Beach's book of
original ordinances; make a note of the passage and adoption in the records of
this meeting; and cause it to be published or posted in accordance with California
law.

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ORDERED by the City Manager/Director of Emergency Service this 7th day of May, 2021.

ATTEST:



Suja Lowenthal, City Manager and
Director of Emergency Services



Eduardo Sarmiento, City Clerk