



## Legislation Details (With Text)

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**Title:** REVIEW OF CITY'S RESTRICTIONS OF DOWNTOWN ASSETS  
AND OTHER EMERGENCY MEASURES IN ANTICIPATION  
OF THE FOURTH OF JULY HOLIDAY WEEKEND  
(City Manager Suja Lowenthal)

**Sponsors:**

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**Attachments:** 1. 1. Amended Health Officer Order Dated June 28 2020, 2. 2. Amended Health Officer Order Dated June 29 2020, 3. 3. Appendix I Protocols for Restaurants Opening for On-Site Dining, 4. 4. Resolution for temporary restrictions for Fourth of July, 5. 5. Executive Order 2020-08, 6. 6. Executive Order 2020-07, 7. 7. SUPPLEMENTAL Email from Anonymous (submitted 6-24-20 at 7:57 p.m.), 8. 8. SUPPLEMENTAL Email from Howard Longacre (submitted 6-30-20 at 5pm), 9. 9. SUPPLEMENTAL eComment from Andrea Giacoli (submitted 6-30-20 at 8:20 p.m.), 10. 10. SUPPLEMENTAL eComment from Katherine Didaly (submitted 6-30-20 at 9:32 p.m.), 11. 11. SUPPLEMENTAL eComment from Cameron Heed (submitted 7-1-20 at 5:08 a.m.), 12. 12. SUPPLEMENTAL Email from Raymond Dussault (submitted 7-1-20 at 9:57 a.m.), 13. 13. SUPPLEMENTAL Email from Justin Essman (submitted on 7-1-20 at 10:05 a.m.), 14. 14. SUPPLEMENTAL eComment from Andrew Change (submitted 7-1-20 at 10:10am), 15. 15. SUPPLEMENTAL Email from John Fox (submitted 7-1-20 at 10:33 a.m.), 16. 16. SUPPLEMENTAL Email from JD Ciasulli (submitted 7-1-20 at 11:02 a.m.), 17. 17. SUPPLEMENTAL eComment from Don Thomas (submitted 7-1-20 at 11:09 a.m.), 18. 18. SUPPLEMENTAL Email from Shawn Gruver (submitted 7-1-20 at 11:54 a.m.), 19. 19. SUPPLEMENTAL Email from Eyner Guerrero (submitted 7-1-20 at 11:58 a.m.), 20. 20. SUPPLEMENTAL Email from Will Norton (submitted 7-1-20 at 12 p.m.), 21. 21. SUPPLEMENTAL eComment from Gary Laconelli (submitted 7-1-20 at 12:37 p.m.), 22. 22. SUPPLEMENTAL eComment from John McNicholas (submitted 7-1-20 at 12:57 p.m.), 23. 23. SUPPLEMENTAL Letter from Marje Bennetts (submitted 7-1-20 at 1 p.m.), 24. 25. SUPPLEMENTAL Letter from Maurren Hunt (submitted 7-1-20 at 11 a.m.)

Date	Ver.	Action By	Action	Result
7/1/2020	1	City Council		

**Honorable Mayor and Members of the Hermosa Beach City Council  
Special Meeting of July 1, 2020**

**REVIEW OF CITY'S RESTRICTIONS OF DOWNTOWN ASSETS  
AND OTHER EMERGENCY MEASURES IN ANTICIPATION  
OF THE FOURTH OF JULY HOLIDAY WEEKEND  
(City Manager Suja Lowenthal)**

**Recommended Action:**

Staff recommends that the City Council discuss and provide direction pertaining to the following

recommendations in response to the Covid-19 pandemic and in anticipation of large crowds and gatherings during the Fourth of July holiday weekend, and to align with the amended Los Angeles County Health Officer Orders.

1. Require the closure of all dine-in restaurant operations by 10:00 p.m. and cessation of all sales of alcohol at off-sale alcohol establishments by 10:00 p.m. effective 12:01 a.m. July 3, 2020 through July 6, 2020 at 5:00 a.m.;
2. Prohibit queuing (standing in line) at any restaurant effective July 3, 2020 through the duration of the emergency;
3. Close Parking Lot A and reassign Lot B spaces for monthly permit holders effective July 3, 2020 through July 6, 2020 at 5:00 a.m.; and
4. Confirm Executive Order 2020-08, which took effect per amended Health Officer Order on Sunday, June 28, 2020, rescinding Executive Order 2020-07 requiring brewpubs, bars, brewery and winery tasting rooms, and craft distilleries to remain closed until allowed by the County Health Officer to resume modified or full operation.

### **Executive Summary**

In response to recent changes and to ensure compliance with the Los Angeles County amended Health Officer Order (**Appendix 1: Amended Health Officer Order Dated June 28, 2020, Appendix 2: Amended Health Officer Order Dated June 29, 2020 and Appendix 3: Amended Appendix I of Protocol for Restaurants Opening for On-going**) related to the Covid-19 pandemic-and in anticipation of large crowds and gatherings during the Fourth of July holiday weekend-staff recommends that the City Council consider modifications to the City's Executive Order and emergency resolution (**Appendix 4: Resolution pertaining to temporary restrictions for Fourth of July Weekend**). Staff recommends restrictions pertaining to Downtown parking lots, hours of operation for dine-in restaurants and off-site alcohol sales, and business patron line queuing. Staff affirms that the City of Hermosa Beach will comply with the amended health officer order released on Monday, June 29, 2020 requiring the temporary closure of public beaches, piers, beach bike paths (which includes the Strand), beach access points, and temporary prohibition of firework shows and events.

As seen through observations over the past few weeks at restaurants and in anticipation of large crowds congregating throughout the City over the upcoming holiday weekend, these emergency modifications are seen as important measures in order to help prevent further spread of the Covid-19 pandemic.

### **Background:**

Per recent changes to the Los Angeles County Health Order and in anticipation of the Fourth of July holiday weekend, staff recommends that Council consider modification of an Emergency Order and resolution in response to the Covid-19 pandemic, to become effective on July 3, 2020 through 5:00 a.m. July 6, 2020 or otherwise stated in the recommendation. Specifically, staff recommends the following actions:

- Closure of all dine-in restaurants by 10:00 p.m. and cessation of all sales of alcohol at off-sale alcohol establishments by 10:00 p.m.;
- Prohibition of queuing (standing in line) outside of any dine-in restaurant through the duration of the emergency;
- Closure of Parking Lot A and reassignment of Lot B spaces for monthly permit holders only; and
- Confirmation of Executive Order 2020-08 (**Appendix 5: Executive Order 2020-08**): Closures of all brewpubs, bars, brewery and winery tasting rooms, and craft distilleries and rescinds Executive Order 2020-07(**Appendix 6: Executive Order 2020-07**).

### **Discussion:**

According to the recently amended health officer order, “The Los Angeles County Department of Public Health has observed a sharp increase in new COVID-19 cases and hospitalizations. Los Angeles County, during the previous week, has averaged well-over 2,000 new COVID-19 cases per day. As of June 28, 2020, there are 1,717 people hospitalized with COVID-19, which is significantly higher than the previous steady rates of 1,350 to 1,450 daily hospitalizations during May and early June. Further, the cumulative COVID-19 testing positivity rate has increased in Los Angeles County from 8% to 9%, and the 7-day average of the daily positivity rate has increased during the previous two weeks from 5.8% to 8.7%. These unfortunate statistics show the reality of increased community transmission of COVID-19. The surge in these COVID-19 indicators requires actions to limit the level of person-to-person contacts, in order to avert overwhelming hospitals within the County.”

During her briefing on Monday, June 29, 2020, Dr. Ferrer stated that the reasons for the increases were attributed to the actions of the businesses with the common complaints of protocols not posted, face coverings not being worn, and no physical-distancing. During inspections, retail stores showed compliance levels of protocols at 65% of the time, with 83% compliance at restaurants. This past weekend, public health inspectors identified 49% of bars and 33% of restaurants are not adhering to physical-distancing protocols indoors. In addition, 54% of bars and 44% of restaurants found workers not wearing masks and face shields. Dr. Ferrer also acknowledged that there were individual actions that were contributing to the increase as well. They include a 14% decrease in those remaining at home except for essential activities, 36% increase of those who have had close contact with a person whom they do not live with, and 40% of the increase is among the 18-40-year-old range. It was also noted that over 500,000 people visited nightlife spots on June 20<sup>th</sup>, the first weekend of the reopening.

City staff has been monitoring and educating the various business sectors that have reopened over the past month. The City has determined the need to implement additional mandatory measures to ensure compliance with the health officer orders and accompanying reopening protocols. Therefore, staff recommends City Council consideration of the following restrictions:

**Closure of dine-in restaurants by 10:00 p.m., and cessation of all sales of alcohol at off-sale alcohol establishments by 10:00 p.m.**

- It has been observed that restaurants, particularly on Pier Plaza, have been attempting to accommodate a high number of patrons during the dinner hour. While most restaurants have demonstrated diligence towards achieving compliance of LA County Health protocols, some businesses continue having difficulties accommodating demand and demonstrating compliance of the health officer order. Further, it has been observed by the City's Police Department and Code Enforcement that late night alcohol sales have led to gatherings on the Plaza and in parking lots for the consumption of alcohol late into the night. Closure of dine-in restaurants and cessation of off-sale alcohol sales at 10:00 p.m. would help prevent the continued drinking and large group gatherings which have been observed. The closure would also ensure that businesses with bar areas operate exclusively as restaurants and do not open or tolerate improper use of spaces/activities not consistent with the current amended health officer order.

#### **Prohibition of queuing (standing in line) outside of any restaurant**

- County Health Officer Order Appendix I recommends dine-in restaurants to establish reservation systems in-lieu of lining up outside of restaurants, as well as the collection of contact information for the purpose of contact-tracing. The use of City sidewalks and the plaza outside of restaurants presents particular challenges in Hermosa Beach given the limited space, and the large number of patrons that are walking from home or a public parking area.
- Hermosa Beach Police Department and Code Enforcement staff have been working diligently with restaurant management to try and manage this problem with only limited success. Therefore, it is staff's position that the recommendation of Health Order reservation systems as a method to manage queuing be explicitly stated as a requirement in Hermosa Beach.

#### **Restrictions of Downtown Parking Assets**

Staff recommends the closure of Parking Lot A and the reassignment of parking spaces in Lot B for monthly permit holders between July 3 and July 6, 2020. The parking structure and remaining City lots should remain under current operations.

#### **Confirmation of Executive Order 2020-08: Closures of all brewpubs, bars, brewery and winery tasting rooms, and craft distilleries and rescinds Executive Order 2020-07.**

- Confirmation of Executive Order 2020-08 which took effect per Health Officer Order on Sunday, June 28, 2020 rescinding Executive Order 2020-07 requiring brewpubs, bars, brewery and winery tasting rooms, and craft distilleries to remain closed until allowed by the County Health Officer to resume modified or full operation. The amended health officer order states "Brewpubs, bars, brewery and winery tasting rooms, and craft distilleries to remain closed until allowed by the County Health Officer to resume modified or full operation. Restaurants that possess a moderate risk or high-risk restaurant public health permit may continue to offer sit-down, dine-in meals prepared on site as allowed by the Health Officer Order, and in compliance with this Protocol. Brewpubs, bars, brewery and winery tasting rooms, and craft distilleries are prohibited from contracting with a food vendor to resume operation. Bar counters in restaurants are required to close. Restaurant and other food

facilities should continue to offer and encourage takeout and delivery service to the extent possible. This protocol is not intended for concert, performance, or entertainment venues.”

As the City continues to adjust to the amended County health officer orders, staff will continue to evaluate the needs of residents, visitors, and businesses. Public health restrictions remain in place and include physical-distancing, washing hands, staying home when ill, wearing cloth face coverings in public spaces and staying home as much as possible. The County’s current plan calls for expanding activities in phases, with each phase lasting about six weeks. But the timing of each phase is expected to be based on how the public manages the current restrictions and the public health indicators including number of new COVID-19 cases and hospitalizations. Due to current trends, the county has begun to rescind the opening of business sectors with the approval of the State. Los Angeles County is a variance county which means the State has provided the County with attestations (guidelines and benchmarks) they must comply with in order to continue to open. If the County cannot comply, they will be required to close sections in the County. The goal is to prevent the County from entering Safer-at-Home requirements again. The actions presented within this staff report are therefore an effort to ensure compliance with the amended health officer order.

#### **General Plan Consistency:**

This report and associated recommendations have been evaluated for their consistency with the City’s General Plan. Relevant Policies are listed below:

#### *Governance*

**1.6 Long-term considerations.** Prioritize decisions that provide long-term community benefit and discourage decisions that provide short-term community benefit but reduce long-term opportunities.

**2.6 Responsive to community needs.** Continue to be responsive to community inquiries, providing public information and recording feedback from community interactions.

**4.3 Collaboration with adjacent jurisdictions.** Maintain strong collaborative relationships with adjacent jurisdictions and work together on projects of mutual interest and concern.

#### *Land Use*

**1.5 Balance resident and visitor needs.** Ensure land uses and businesses provide for the needs of residents as well as visitors.

#### *Mobility*

**2.2 Encourage traffic calming.** Encourage traffic calming policies and techniques to improve the safety and efficient movement of people and vehicles along residential areas and highly trafficked corridors.

**3.9 Access for emergency vehicles.** Ensure that emergency vehicles have secure and convenient access to the city’s street network.

**7.1 Safe public rights-of-way.** Encourage that all public rights-of-way are safe for all users at all times of day where users of all ages and ability feel comfortable participating in both motorized and non-motorized travel.

### *Parks and Open Space*

**4.2 Enhanced access points.** Increase and enhance access to parks and open space, particularly across major thoroughfares, as well as access points that promote physical activity such as pedestrian- and bike-oriented access points.

**6.5 Wayfinding and coastal access.** Maximize all forms of access and safety getting to and around the Coastal Zone through infrastructure and wayfinding improvements.

**7.1 Beach maintenance.** Maintain the beach and ocean as natural recreational resources, not only for the city but also for the Southern California region.

### *Public Safety*

**4.7 Communicate risks.** Regularly evaluate, identify, and communicate new hazard risks and incorporate into planning and programs.

**6.2 Coastal incidents.** Collaborate and maintain communication between the City, LA County Lifeguards, and the United States Coast Guard concerning incidents on or near the coast.

### **Fiscal Impact:**

Financial impacts would vary depending on Council direction, and therefore there is no fiscal impact to report at this time. Staff is currently working to establish cost estimates for signage, additional barricades, and changes to security and enforcement operations.

### **Attachments:**

1. Amended Health Officer Order Dated June 28, 2020
2. Amended Health Officer Order Dated June 29, 2020
3. Amended Appendix I of Protocol for Restaurants Opening for On-going
4. Resolution pertaining to temporary restrictions for Fourth of July Weekend
5. Executive Order 2020-08
6. Executive Order 2020-07

**Respectfully Submitted by:** Assistant to the City Manager, Nico De Anda-Scaia

**Concur:** Brandy Villanueva, Emergency Management Coordinator

**Concur:** Leeanne Singleton, Environmental Analyst

**Concur:** Paul LeBaron, Police Chief

**Concur:** Ken Robertson, Community Development Director

**Noted for Fiscal Impact:** Viki Copeland, Finance Director

**Legal Review:** Mike Jenkins, City Attorney

**Approved:** Suja Lowenthal, City Manager