



Staff Report

File #: REPORT 20-0558, Version: 1

Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of August 25, 2020

**ADOPTION OF 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; AND TO CONFIRM
CITY MANAGER/DIRECTOR OF EMERGENCY
SERVICES ORDER NO. 2020-10**

(City Attorney, Michael Jenkins)

Recommended Action:

Staff recommends that the City Council:

1. Confirm City Manager/Director of Emergency Services Executive Order No. 2020-10 (**Attachment 1**); and
2. Adopt Urgency Ordinance No. 1416U to Temporarily Permit Places of Worship to Operate Outdoors During the COVID-19 Pandemic and setting forth the facts constituting such urgency (**Attachment 2**).

The urgency Ordinance requires four-fifths vote of the City Council and if approved, will take effect immediately.

Executive Summary

The County Health Officer's, "Reopening Safer at Work and in the Community for Control of COVID-19, Moving the County of Los Angeles into Stage 3 of California's Pandemic Resilience Roadmap" Order was revised again on July 18, 2020 ("July 18th Order"), and permits Places of Worship to reopen, provided that the faith based services are held outdoors and they abide by the safety protocol most recently updated on July 17, 2020 and incorporated as Appendix F of the July 18th Order. Staff recommends an Urgency Ordinance to permit Places of Worship to operate outdoors in accordance with Appendix F of the County's Health Officer Order.

Background:

On March 15, 2020, the City Council of the City of Hermosa Beach ("City") declared a state of local emergency in response to the global pandemic caused by 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.

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. 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 is 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 physical distancing measures.

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, physical 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 physical distancing measures. 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 physical distancing requirements.

To assist in the economic recovery of local businesses and restaurants, on May 26, 2020, the City Manager issued Emergency Order No. 2020-05 to temporarily suspend City of Hermosa Beach Municipal Code Sections 17.26.050 (B), (C) and 17.44.030 regarding off-street parking requirements for commercial and business uses. Many surrounding cities, including Los Angeles, Pasadena, and Long Beach also implemented similar rules and regulations to assist in the economic recovery of these businesses during the COVID-19 crisis.

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 religious services and cultural ceremonies (referred to collectively as “Places of Worship”) to reopen and offer faith based-services subject to the safety measures established therein. This prompted the County Health Officer to issue a County-wide safety protocol for the reopening of Places of Worship in the County. As the situation 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.

To assist in the economic recovery of local businesses and restaurants, on May 26, 2020, the City Manager issued Emergency Order No. 2020-05 to temporarily suspend City of Hermosa Beach Municipal Code Sections 17.26.050 (B), (C) and 17.44.030 regarding off-street parking requirements for commercial and business uses. Many surrounding cities, including Los Angeles, Pasadena, and Long Beach also implemented similar rules and regulations to assist in the economic recovery of these businesses during the COVID-19 Pandemic.

On June 15, 2020, the City Manager issued Executive Order No. 2020-06 to reopen the following recreation areas and business subject to physical distancing measures: (1) City beaches for specified activities; (2) the City Pier; (3) specified businesses subject to their industry specific protocol established in the County's June 11, 2020 Order; (4) day camps provided that they obtain a City issued-permit; and (5) the outdoor operation of gyms and fitness facilities.

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. At the time of writing this report, there are 221,950 confirmed cases and 5,254 deaths in the County.

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.

On July 13, 2020, the State Public Health Officer issued a statewide 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 theatres, zoos, 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 facilities, places of worship, protests, offices for non-critical infrastructure sectors, personal care establishments, hair salons, barbershops, and malls.

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.

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 outdoors during the COVID-19 Pandemic. Urgency Ordinance No. 20-1415U was adopted on July 28th 2020 to : (1) reinforce Executive Order No. 2020-09; (2) require members of the public to wear a face covering; and (3) temporarily suspend

HBMC § 17.08.020 (D)(14) to allow home occupations to continue to operate without a commercial business location.

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

As the County moves through Stage 3 of the State's Resilience Roadmap, the City of Hermosa Beach desires to continue to implement emergency measures to assist additional services forced to close or limit their operation as a result of State and County stay-at-home orders. On August 13, 2020, the City Manager/Director of Emergency Services issued 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 Order to permit Places of Worship to operate outdoors in accordance with Appendix F of the County's July 18th Order.

This Ordinance is necessary to reinforce City Manager/Director of Emergency Services 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 amended from time to time.

Analysis:

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.

In light of the foregoing, the proposed Ordinance should be adopted on an urgency basis, to reinforce City Manager/Director of Emergency Services 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 amended from time to time by the County Health Officer, taking effect immediately pursuant to Government Code section 36937, for the preservation of the public peace, health, and safety of residents living within the City, based on the facts described herein and set forth in the Ordinance.

Fiscal Impact:

The City of Hermosa Beach initially incurs all costs related to the City's response to the COVID-19 Pandemic, but will submit requests for cost recovery to the California Office of Emergency Services (CalOES), either directly, or through the Los Angeles County Office of Emergency Management, (LACoOEM), the local reporting agent.

Attachments:

1. City Manager/Director of Emergency Services Executive Order No. 2020-10.
2. Urgency Ordinance No. 1416U to Temporarily Permit Places of Worship to Operate Outdoors
During the COVID-19 Pandemic and setting forth the facts constituting such urgency.

Respectfully Submitted by: Michael Jenkins, City Attorney

Legal Review: Michael Jenkins, City Attorney

Approved: Suja Lowenthal, City Manager