



Staff Report

File #: REPORT 20-0688, Version: 1

**Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of October 27, 2020**

**RECEIVE REPORT ON EMERGENCY
ENFORCEMENT MEASURES TO ENSURE
COMPLIANCE WITH PANDEMIC-RELATED HEALTH
ORDERS FROM BOTH THE CITY AND THE COUNTY
OF LOS ANGELES HEALTH DEPARTMENT**

(Police Chief Paul LeBaron, and
Community Development Director Ken Robertson)

Recommended Action:

Staff recommends that the City Council adopt the attached resolution establishing clear standards for dine-in restaurants to prevent customers from congregating or lining up on sidewalks or public plazas.

Executive Summary:

Staff provided verbal updates at the last several City Council meetings regarding enforcement measures to ensure compliance with Health Officer Orders for restaurants and alcohol-servicing establishments. The following report includes a proposed enhanced measure to prevent congregating and lining up outside dine-in restaurants to supplement recommendations contained in the Los Angeles County Health order.

Background:

The Police Department and Community Development Department, through field operations, continue to monitor activities of businesses in Hermosa Beach regarding compliance with City and County pandemic-related orders, in addition to monitoring compliance with all applicable laws. Officers continue to emphasize education and assistance to ensure compliance with new and changing orders, with written warning notices as the next step, and meet internally on a regular basis to discuss current challenges.

Analysis:

As restaurants have become more successful and popular with implementation of the temporary outdoor dining programs, Police Officers and Code Enforcement Officers have observed a trend where customers of dine-in restaurant are congregating and/or lining up outside the check-in stands or entry to outside dining areas in a manner inconsistent with physical distancing guidelines. This has

become especially concerning on Pier Plaza, which also creates a safety concern and creates congestion for other pedestrians passing through these public areas. Given that the City's temporary outdoor dining program has further reduced available area along Pier Plaza and public sidewalks for general pedestrian traffic, supplemental requirements are warranted to ensure compliance with physical distancing requirements of the LA County Health Officer order.

The most recent amended County health order recommends that restaurants use reservation and call-back systems to prevent patrons from congregating or lining up, but otherwise allows restaurants to set up a queueing system with 6-foot separations. While this may have been sufficient earlier in the pandemic, it has become apparent that the City's plazas and sidewalk areas are not always sufficient to accommodate these lines, and that other approaches are available to accomplish proper physical distancing that are preferable and not a burden on the restaurants.

Staff recommends requiring the following measures for all "dine-in" restaurants to supplement that guidance:

- A. No dine-in restaurant shall permit the congregating or lining up of customers in any public right-of-way. A "dine-in restaurant" means a restaurant that provides customers the option to dine on the site of the restaurant. The congregating or lining up of customers outside a dine-in restaurant, in any manner, on sidewalks or other public rights of way is prohibited.
- B. Unless no table is available, a dine-in restaurant must immediately seat a customer in its outdoor dining area if the customer is dining on-site. In the 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.
- C. Dine-in restaurants shall implement a phone reservation or call-back system that notifies customers via text, phone call, or other method once a table has 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.
- D. Restaurant staff shall be responsible for instructing customers not to form lines or congregate in abutting public areas while waiting to be seated.

General Plan Consistency

Monitoring and enforcement of pandemic related emergency measures aligns with the goals of the Public Safety Element. The City's monitoring efforts has shown that using communication technology to prevent congregating and congestion at dine-in restaurants when customers are waiting to be seated would further protect public safety. The recommendation is consistent with the following goals and policies of the Public Safety Element

Goal 1: Injuries and the loss of life are prevented, and property loss and damage are minimized.

Goal 5: High quality police and fire protection services provided to residents and visitors.

- **Policy 5.3 Use of technology.** Provide and use smart surveillance technology and communication systems to improve crime prevention and inform the community regarding actions to take in case of emergency
- **Policy 5.4 Physical Design Standards.** Reduce opportunities for criminal activity through physical design standards and Crime Prevention through Environmental Design principles

Fiscal Impact:

Staff does not anticipate additional enforcement costs associated with this new measure. Instead, it would place the responsibility on the restaurants to use more efficient systems to manage crowds and congestion outside their seating areas.

Attachments:

1. Hermosa Beach Table of COVID-19 Related Actions
2. Draft Resolution

Respectfully Submitted by: Paul LeBaron, Police Chief and
Ken Robertson, Community Development Director

Concur: Brandy Villanueva, Emergency Management Coordinator

Noted for Fiscal Impact: Viki Copeland, Finance Director

Legal Review: Mike Jenkins, City Attorney

Approved: Suja Lowenthal, City Manager