

**CITY OF MANHATTAN BEACH
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 11**

AMENDING EMERGENCY ORDER NO. 10 TO AUTHORIZE BUSINESSES AND RESTAURANTS TO USE, ON A TEMPORARY BASIS, THE PUBLIC RIGHT OF WAY TO ACCOMMODATE SOCIAL DISTANCING REQUIREMENTS REQUIRED BY STATE AND COUNTY PROTOCOLS TO LIMIT THE SPREAD OF COVID-19

EFFECTIVE June 10, 2020, at 6:00 p.m.

WHEREAS, on June 5, 2020, the Director of Emergency Services issued Emergency Order No. 10 to authorize businesses and restaurants to temporarily expand their existing footprints into the public right of way, public property, and private property to accommodate social distancing requirements required by state and county protocols to limit the spread of COVID-19;

WHEREAS, on June 9, 2020, the Manhattan Beach City Council directed the City Manager, as the Director of Emergency Services, to expand Emergency Order No. 10 to allow restaurants and businesses to expand existing footprints to conduct outdoor operations, on a temporary basis, in the public street and other public rights-of-way, with an encroachment permit.

WHEREAS, in the interest of the public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary for the Director to exercise his authority pursuant to Manhattan Beach Municipal Code Chapter 3.08, Manhattan Beach City Council Resolution No. 20-0039, and the California Emergency Services Act, Chapter 7 (commencing with Section 8550) of Title 2 of the Government Code, to issue this order.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

Section 1. The recitals set forth above and in Emergency Order No. 10 are true and correct and are incorporated into this Order by reference.

Section 2. Pursuant to Manhattan Beach Municipal Section 3.08.060.A.6.a, the City Manager as the Director of Emergency Services hereby amends Emergency Order No. 10 by adding the following section H to Section 2:

H. Notwithstanding any Municipal Code provision or use permit condition to the contrary, any existing, legally-permitted business or restaurant ("Outdoor Use Applicant") may apply to the City to expand its existing footprint to conduct outdoor operations, on a temporary basis, in in-roadway/parking space portions of the public property. Each Outdoor Use Applicant seeking to use in-roadway/parking space portions of the public property shall, no later than June 22, 2020, apply to the Manhattan Beach Community Development Department for an encroachment permit and must comply with all City requirements set forth in the Checklist and Guidelines referenced in Emergency Order No. 10. The authorization to use public property pursuant to this Section H shall expire September 30, 2020. Any improvements installed on public property shall be removed, and the public property shall be restored to its condition prior to such use, no later than 11:59 p.m. on September 30, 2020.

Section 3. Any violation of this Order may be determined to be a misdemeanor and punishable by a fine or imprisonment, or both, pursuant to Government Code Section 8665 and Chapters 1.04 and 1.06 of the Manhattan Beach Municipal Code, and any other state or city law as may be applicable.

Section 4. This Order shall take effect on June 10, 2020, at 6:00 p.m., subject to confirmation as soon as practicable by the City Council.

Executed on June 10, 2020.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services