

**CITY OF MANHATTAN BEACH  
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 15**

**AUTHORIZING THE TEMPORARY RELAXATION OF MUNICIPAL CODE  
REQUIREMENTS TO ALLOW CERTAIN PERSONAL CARE USES, FITNESS  
ESTABLISHMENTS, GYMS, HAIR SALONS, AND BARBERSHOPS TO OPERATE  
OUTDOORS TO ACCOMMODATE SOCIAL DISTANCING REQUIREMENTS REQUIRED BY  
STATE AND COUNTY PROTOCOLS TO LIMIT THE SPREAD OF COVID-19**

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19 (“COVID-19”);

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19;

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19;

WHEREAS, on March 13, 2020, the City Council adopted Resolution No. 20-0039, A Resolution of the City Council of the City of Manhattan Beach Proclaiming the Existence of a Local Emergency;

WHEREAS, the City Manager is the Director of Emergency Services in the City of Manhattan Beach (“City”). Pursuant to Manhattan Beach Municipal Code Section 3.08.060.A.6.a, the City Manager as the Director of Emergency Services is empowered during a local emergency to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency;

WHEREAS, on March 16, 2020, the Los Angeles County Department of Public Health issued the Safer at Home Order for Control of COVID-19, which was subsequently amended and revised (the “County COVID-19 Order”);

WHEREAS, on March 25 and March 27, 2020, the City Council adopted Ordinance Nos. 20-0014-U and 20-0015-U which require all persons and businesses to comply with social distancing requirements and other health and safety measures required by the County COVID-19 Order and other state or county orders or guidelines related to COVID-19;

WHEREAS, the State of California and Los Angeles County have issued health orders limiting the following uses to outdoor operations, provided these uses comply with the applicable protocols and guidelines issued by the State of California and the County of Los Angeles to limit the spread of COVID-19:

1. Fitness establishments and gyms (“Fitness Establishments”), as provided in Los Angeles County’s Reopening Protocol for Gyms and Fitness Establishments and applicable state guidelines and regulations;
2. Hair salons and barbershops (“Hair Salons”), as provided in Los Angeles County’s Reopening Protocol for Hair Salons and Barbershops and applicable state guidelines and regulations; and
3. Nail salons, esthetics, skin care and cosmetology services, and massage therapy in non-healthcare settings (“Authorized Personal Care Uses”), as provided in Los Angeles County’s Reopening Protocol for Personal Care Establishments and applicable state guidelines and regulations.

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 to exercise my authority pursuant to Chapter 3.08 of the Manhattan Beach Municipal Code, 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 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 orders the following:

- A. Notwithstanding any Municipal Code provision or use permit condition to the contrary, any existing, legally-permitted Fitness Establishment, Hair Salon, or Authorized Personal Care Use with a valid City business license may apply to the City to conduct outdoor operations, on a temporary basis, on private property or public property.
- B. Each Applicant seeking to use a City park shall apply to the Parks and Recreation Director for a permit and must comply with all City requirements set forth in Manhattan Beach Municipal Code Section 12.48.070, the protocols established by the State of California and the County of Los Angeles, and the City protocol established by the City’s Parks and Recreation Director.
- C. Each Applicant seeking to use the public right of way shall apply to the Community Development Department for an encroachment permit and must comply with all City requirements set forth in Manhattan Beach Municipal Code Chapter 7.36, the protocols established by the State of California and the County of Los Angeles, and the City protocol established by the City’s Community Development Director.
- D. Each Applicant seeking to use private property or Metlox Courtyard shall apply to the Community Development Department for a permit and must comply with all City requirements, the protocols established by the State of California, the County of Los Angeles, and the City protocol established by the City’s Community Development Director.

- E. An Applicant who obtains a City-issued approval for outdoor use shall be afforded a temporary relaxation of use permit conditions or Code requirement pertaining to floor plan areas and configuration, provided they abide by all other applicable State, County, and local regulations and any encroachment permit conditions, where applicable.
- F. The City reserves its authority to terminate any rights or privileges afforded pursuant to this Order. In such event, the City shall provide three-day written notice.

Section 3. Pursuant to Government Code Section 8665 and Manhattan Beach Municipal Code Section 3.08.100, it is a misdemeanor for any person who refuses or willfully neglects to obey orders issued by the Director of Emergency Services during an emergency. In the exercise of prosecutorial discretion, the City may, at its sole discretion, issue an administrative citation for each violation in lieu of prosecuting a violation as a misdemeanor pursuant to Manhattan Beach Municipal Code Chapter 1.06.

Section 4. This Order shall take effect on July 24, 2020, at 7:30 a.m.

Executed on July 22, 2020.

/s/ Bruce Moe  
City Manager Bruce Moe  
Director of Emergency Services