

**CITY OF MANHATTAN BEACH
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 21**

EXTENDING THE USE OF PUBLIC PROPERTY BY BUSINESSES AND RESTAURANTS UNTIL 90 DAYS AFTER LOS ANGELES COUNTY ALLOWS INDOOR DINING, AMENDING EMERGENCY SERVICES ORDER NO. 16 TO DECREASE THE HOURS OF OPERATION OF RESTAURANTS, BREWERIES, AND WINERIES, AND CLOSING CERTAIN PUBLIC PARKING LOTS AND A PORTION OF MANHATTAN AVENUE, TO ACCOMMODATE SOCIAL DISTANCING REQUIREMENTS REQUIRED BY STATE AND COUNTY PROTOCOLS TO LIMIT THE SPREAD OF COVID-19

EFFECTIVE NOVEMBER 20, 2020

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 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. Pursuant to Manhattan Beach Municipal 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 Safer at Home 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 a state or county order or guidelines related to COVID-19;

WHEREAS, pursuant to Manhattan Beach Municipal Section 3.08.060.A.6.a, the Director of Emergency Services issued Emergency Order No. 2 closing certain public facilities, including certain public parking lots;

WHEREAS, the Director of Emergency Services issued Emergency Order Nos. 10, 11, 16 and 19 to allow the use of public property by businesses and restaurants, subject to conditions and guidelines;

WHEREAS, Los Angeles County has periodically relaxed and modified closures, allowing restaurants to operate outdoors;

WHEREAS, on November 19, 2020, Los Angeles County issued a revised order “to account for the recent surge of COVID-19 cases and increases in hospitalizations and testing positivity rates in the County”; and

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 the 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 extending the privilege of the use of public property until January 15, 2021.

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. The time period in which businesses, restaurants, breweries, and wineries may use public property pursuant to Emergency Order Nos. 10, 11, 16, and 19 is hereby extended until 90 days after Los Angeles County allows indoor dining.
- B. Section 2.A of Emergency Order No. 16 is hereby amended to decrease the hours of operation of restaurants, to read as follows:

“A. Notwithstanding Municipal Code Section 7.36.160.I or any other provision to the contrary, no restaurant, brewery, or winery shall conduct outdoor dining on public property, including rights-of-way and sidewalks, between the hours of 10:00 p.m. and 6:00 a.m. the following day, provided, however, that such outdoor dining hours may be modified to the extent authorized by the County Safer at Home Order or any related protocols or regulations issued by the County Department of Public Health. No restaurant, brewery, or winery shall seat customers after 9:15 p.m. No restaurant, brewery, or winery shall operate without all necessary approvals required by the City, including those required by Emergency Order Nos. 10 and 11.”

- C. Manhattan Avenue is hereby closed to all vehicle traffic between Manhattan Beach Boulevard and 12th Street, to the greatest extent possible under applicable law.

- D. The Upper Pier parking lots at the Manhattan Beach Pier shall be closed to vehicle traffic until the earlier of: 1) 90 days after the County allows any indoor dining; 2) Sunday, May 16, 2021; or 3) the end of the local emergency. Such lots are more specifically described as State Pier Lots (APNs: 4179019905, 4179022900).
- E. No business shall be open between for between the hours of 10:00 p.m. and 6:00 a.m. the following day for indoor retail operations, provided, however, that such hours may be modified to the extent authorized by the County Safer at Home Order or any related protocols or regulations issued by the County Department of Public Health.
- F. 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, Manhattan Beach Municipal Code Chapter 1.04, and any other state or city law as may be applicable. In lieu of prosecuting a violation as a misdemeanor, the City may, at its sole discretion under Manhattan Beach Municipal Code Chapter 1.06, issue an administrative citation for each violation and assess a fine of \$250 for the first violation, \$500 for the second violation, and \$1,000 for each subsequent violation. In addition, pursuant to Government Code Section 8634 and Manhattan Beach Municipal Code Chapters 1.06 and 3.08, the City shall require the restaurant to cease all operations for two days for a third violation and cease all operations for four days for a fourth violation. For a fifth violation, the City shall initiate revocation proceedings, and notify the California Department of Alcoholic Beverage Control that the violator has violated the terms and conditions of this Emergency Order, Emergency Order Nos. 10, 11, or 16, or any applicable entitlement or agreement.

Section 3. Except as modified hereinabove, the provisions of Emergency Order Nos. 10, 11, 16, and 19 shall have full force and effect.

Executed on November 20, 2020.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services