

**Martha Alvarez**

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**From:** Moti Ifergan <miferganhh@gmail.com>  
**Sent:** Tuesday, December 21, 2021 4:52 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Supporting the extension of restaurants' outdoor sitting

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Needless to say with covid surge it would be the right thing to do - extend their outdoor permits.

No brainer.

Thanks

Moti

## Martha Alvarez

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**From:** Bobby Eskowitz <bobbyeskwitz@aol.com>  
**Sent:** Tuesday, December 21, 2021 5:16 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Manhattan Pizzeria

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Manhattan Pizzeria has been feeding the young members of our community for 23 years, and nobody seems to care? without the pizzeria down there, our smart, well mannered, local youth and our teenagers will have no place to go to hang out, meet friends in a safe environment and get them off the streets..

We have decimated our savings account, borrowed money from relatives were drowning in debt. Those decks were our saving grace to get out of the hole that Covid put us in.., its only 2 spaces more if you take our deck away...?

I guess the city's profits are more important the a 25 year local business owner, who never says no to a charity requests from the City of mb, or its local schools which we've been giving for 25 years already, that was important to me, because i knew i wanted to raise my kids in the Southbay. I love my city..

i wish my City Loved me...

You used to walk around a talk to the citizens and businesses owners..

I haven't met anyone from city council in over 10 years...

Thanks for reading my rant, its just so disappointing...

Sent from my iPhone

## Martha Alvarez

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**From:** Jill Lamkin <jill@downtownmanhattanbeach.com>  
**Sent:** Tuesday, December 21, 2021 4:42 PM  
**To:** List - City Council  
**Cc:** Bruce Moe; Kevin Barry; Greg Cicchino; Kristin Coia; Kris D'Errico; Linda McLoughlin Figel; Lori Ford; Sylvie Gabriele; Molly Hobin; Maureen McBride; Jenna Record; Chandra Shaw; Mike Simms; Vanessa Zippo; Mike Zislis  
**Subject:** [EXTERNAL] Link to Map of Outdoor Dining Supporters

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I wanted all of you to have the most updated information regarding the addresses of residents who registered in support of continuing outdoor dining past January. 3, 2022. This is not a random survey, each of these individuals had to choose to participate by selecting a box, provide their address, and offer to share this information with City Council.

As of 4:30pm today, there are 3,249 supporters. You can see their [addresses on the map here](#).

I heard some comments that this campaign was misleading because it indicated City Council voted to end all outdoor dining. That is not the case, as you can see from the first sentence on the home page of the website: <https://www.supportoutdoordiningmb.com>

Manhattan Beach City Council voted to remove the outdoor dining decks on January 3, 2022 with no plan for permanent replacements.

Aside from the safety benefits during this ongoing pandemic, outdoor dining has become a blissful way to enjoy our local restaurants.

We need you to voice your support and help us save outdoor dining!

The DBPA is looking forward to continuing this important community discussion regarding a permanent plan, but in the meantime, hope that Council will support tying the end of outdoor dining decks in the public right away to the State of CA Emergency Order, which currently extends through March. 31, 2022.

Thank you for your time and consideration! See you tonight!



**Jill Lamkin**

Executive Director, Downtown Manhattan Beach Business + Professional Association

PHONE 310-379-9901 | CELL 310-261-5555 | [jill@downtownmanhattanbeach.com](mailto:jill@downtownmanhattanbeach.com)

[www.downtownmanhattanbeach.com](http://www.downtownmanhattanbeach.com)



## Martha Alvarez

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**From:** Neil Leventhal <nl@lma-web.com>  
**Sent:** Tuesday, December 21, 2021 4:29 PM  
**To:** List - City Council; Bruce Moe; Carrie Tai, AICP; Erik Zandvliet; Quinn Barrow  
**Subject:** [EXTERNAL] City Council Agenda - Item 3 - COVID Outdoor Dining Encroachments

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Mayor, Council and Staff,

As outlined in detail in the Coastal Defender document, the sidewalk encroachments are clearly a violation of ADA in spirit and law, and a remarkable step by city staff to undertake without specific council action.

As I'm sure you know, the restaurant lobby has implemented an ambitious, offensive and manipulative campaign online, in social media, and including posters that falsely state there is "No Plan," when in fact the city has initiated a work plan to fully address the complex issues address in potential permanent outdoor dining encroachments. It simply appears that the only plan that will satisfy is one that immediately capitulates to their demand for prime outdoor dining space – most with ocean views, on public land, in the street, at pennies on the dollar.

The poster states; "...outdoor dining has become a blissful way to enjoy our local restaurants. "Blissful..?" – maybe for you, but certainly not for people with strollers, or wheelchairs, or walking their dogs, - and MOST IMPORTANTLY, entirely different from the intent of this program, and the misrepresented rationalizations the restaurateurs chorused about helping to "survive" the pandemic financially.

The objective of this program was to address the emergency – not to create opportunity for the restaurants.

Prominent restaurateurs have criticized council for not starting the process earlier – evidencing what has been clear almost from the outset, that this was not about a short term response to the pandemic, but a unmitigated land grab – and not acknowledging the extraordinary extent to which council has bent over backwards to implement, extend, and reduce costs – not to mention the hundreds of thousands of dollars in lost revenue and staff time...

The fact that outdoor dining may be pleasant does not make acceptable the opportunistic leveraging of a public health and financial emergency to try and create a permanent self-enrichment utilizing the public right-of-way – let alone undermining the unique, small town character and balance of the downtown.

All of this ignores or misrepresents:

- that this was based on an emergency state order that expires 3/31/21.
- the reality, as staff has indicated repeatedly, that an Environmental Impact Report is required to address encroachments beyond the emergency– which means the decks must be removed to get a baseline, and the requisite time for study analysis plan and implementation will likely approach 3 years or more
- ignores coastal plan requirements, particularly in the appealable coastal zone

- ignores violations of current requirements that overall capacity – indoor and out – not exceed baseline occupancy permits
- ignores repeated requests to substantiate the claims of lost revenue under current circumstances.
- ignores ADA requirements and responsibilities

Before one can legitimately measure support permanent outdoor dining encroachments, people should be fully informed, starting with dispelling fallacies like the “importance” of restaurant contributions to city sales tax revenue (overall downtown sales tax is de minimis, led by Vons, not restaurants, and costs far more to support than it generates), or the misconception that the city can unilaterally and immediately revise the coastal plan in pursuit of blissful dining.

Even if 100% of the city’s residents are in favor of some permanent outdoor dining plan, we still must have a plan, and must respect other’s rights, laws – and pay appropriate value for the use of the most desirable commercial real estate in the city.

Coupled with the street slurry plan and the need to maintain the sewer system – not to mention the increased COVID risk engendered by encouraging more visitors – it is difficult to understand how any of this makeshift food court – or the “Save Outdoor Dining” campaign – responsibly and fairly serves this community as a whole.

Please stay the course and remove the encroachments from both the street *and the sidewalks* on January 3.

Thank you.

Neil Leventhal

128 13th St.  
Manhattan Beach, CA 90266

## Martha Alvarez

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**From:** Andy Milder <andymilder@me.com>  
**Sent:** Tuesday, December 21, 2021 4:25 PM  
**To:** List - City Council; Steve Napolitano  
**Subject:** [EXTERNAL] Your reply to outdoor dining in Manhattan Beach

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

I'm writing as a resident and property owner here in Manhattan Beach. As I watch the news, it becomes more and more clear that the pandemic is not over. Consequently, the decks remain a viable measure for the health of the citizens of the city. If nothing else, please do not end their use until more information on the Covid threat shows a substantial lowering of risk, not an increased threat. FYI my brother-in-law, also a Manhattan Beach resident, is an E.R. doctor at Cedars. He had a slow night two days ago because the hospital is full. This is not hyperbole. They had to reroute patients because the Covid surge has the hospital so full, they're unable to accommodate more people.

On a separate note, Mr. Napolitano replied to a friend who also wishes to continue outdoor dining and said the following:

And yes, the city has lost significant funding over the last two years by the loss of parking meter rates, which goes to support the services the city provides to everyone. The restaurants have not offered to cover those losses. The city imposed a token \$1 a sq foot charge per month about a month ago, well below market rates and certainly doesn't cover the lost parking revenue (a loss of \$750k over the course of a year). Basically, we've done a wink and a nod so far on what is an illegal gift of public funds. **We've yet to have any offer from the restaurants to pay for the additional costs incurred by the City.** As for the cost of the decks, some cost more than others, but everyone knew it was a choice-- some chose to build them, others didn't and there's an equity issue with that, as the moderately priced places that charge \$10 for a burger can't necessarily afford the cost of a deck that a place that charges \$60 for an ala carte steak can. And no, the city is not seeing extra revenue because of the decks because the occupancy remains the same.

Earlier today I received a letter from the city telling me that the 3-unit building I own will be inspected by the Fire Marshall and that I "will be billed for the inspection."

If I can be billed by the city for an inspection to my property (which may or may not be necessary), it is political sleight-of-hand to suggest that the city somehow cannot charge a fair rate to businesses to have decks. You expect them to *offer* additional payments? Are you serious? That's a tremendously disingenuous statement from a politician I otherwise rather like.

Finally, I would like the outdoor decks to become a permanent addition to the Manhattan Beach landscape. Certainly those decks need to be inspected, billed, and properly maintained, but I do believe the vast majority of the city's residents are in favor of keeping them.

Sincerely,

Andy Milder

## Martha Alvarez

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**From:** Martha Alvarez  
**Sent:** Tuesday, December 21, 2021 4:49 PM  
**To:** Martha Alvarez  
**Subject:** FW: [EXTERNAL] Premises 100% Over-Occupied; No Impact from Patron Loss  
**Attachments:** Ex1-211221-OccupancyViolations-Compiled-min.pdf

**From:** dmcphersonla@gmail.com  
**Sent:** Tuesday, December 21, 2021 4:26 PM  
**To:** Hildy Stern ; Joe Franklin ; List - City Council ; Richard Montgomery ; Steve Napolitano ; Suzanne Hadley  
**Cc:** Bruce Moe ; Liza Tamura ; Martha Alvarez ; Erik Zandvliet ; Carrie Tai, AICP  
**Subject:** [EXTERNAL] Premises 100% Over-Occupied; No Impact from Patron Loss

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

21 December 2021

Hildy Stern, Mayor  
City of Manhattan Beach

Via Email: [citycouncil@citymb.info](mailto:citycouncil@citymb.info)

Subject: Premises 100% Over-Occupied; No Impact from Patron Loss

Mayor Stern and Councilmembers,

This evening, December 21, for no valid reason, the city council considers extending the eat & drink encroachments in the public right of way.

Even if a valid reason exists, not the case, any reduction in patrons will simply reduce violations by premises owners of their occupancy limits in use and encroachment permits. The attached photos of Simmzy's, Brewco, Rock'N Fish and Rockefeller provide substantial evidence that owners operate at full capacity, both indoors and outdoors, with patrons encroached on sidewalks while waiting for seating.

A stroll through the Downtown reveals that the premises operate at roughly 100% over permitted occupancy, creating public safety hazards and blocking coastal access, by parking unavailability and traffic. Mayor Stern has stated as much to the media. This evidence presented at the December 7 hearing. Have other councilmembers inspected the situation?

Emergency Order No. 10, which on 5 June 2020 established the temporary encroachments, states, "*In no event shall the overall dining capacity for a restaurant exceed 100% of its approved capacity.*" Community Development claims the encroachment permits include the same condition, but in response to a public act request, they refuse to make the permits public so it not possible to fact check them.

These occupancy-limit conditions null and void, however, because the city cannot enforce them, a legal requirement for land-use permits. Except for public safety, city officials may not enter private property without prior notice or a warrant. Consequently, it impossible to count noses inside the premises to determine if indoor and outdoor occupancy complies with the permits.

The premises owners know this, so do not and will not limit how many patrons they can squeeze into their encroachments. Presumably, they comply with interior occupancies, which if not, would violate the fire code.

If premises owners had any sense of responsibility, they would comply with their permit occupancies, but they do not.

No reason exists to extend the temporary encroachments on decks and sidewalks. It would take a 50% reduction in patrons to bring the owners into compliance with their permits. A 50% reduction may happen in areas of other ethnicities, but not in Manhattan Beach.

The council can force a little bit of compliance with occupancy limits by not extending the encroachments past January 3<sup>rd</sup>. If premises owners complied with occupancy limits, which they do not, then an extension to the March 31 expiry of the state emergency would make sense.

Thanks for your consideration of my late submittal,

Donald McPherson, President

Coastal Defender

[coastaldefendermb@gmail.com](mailto:coastaldefendermb@gmail.com)



**MARTHA ALVAREZ**

ASSISTANT CITY CLERK

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# EXHIBIT 1. SIMMZYS VIOLATES ENCROACHMENT-PERMIT OCCUPANCY LIMIT

Total occupancy limited to use-permit condition

Thursday 16 December 2021



**Interior Full**



**Deck Full**

**7 Patrons Waiting on Sidewalk**

# EXHIBIT 1. SIMMZY'S VIOLATES ENCROACHMENT-PERMIT OCCUPANCY LIMIT

Total occupancy limited to use-permit condition  
Sunday 28 November 2021



**Interior Full**



**Deck Full**

**Patrons Waiting on Sidewalk**

# EXHIBIT 1. BREWCO & ROCK'N FISH VIOLATE ENCROACHMENT-PERMIT OCCUPANCY LIMITS

Total occupancy limited to use-permit condition



**Brewco Nearly Full Occupancy**



**Rock'N Fish Nearly Full Occupancy**



**Brewco and Rock'N Fish Eat & Drink Encroachments at Full Occupancy. Waiting Patrons Seated on Sidewalk Encroachments**

# EXHIBIT 1. ROCKEFELLER VIOLATES ENCROACHMENT-PERMIT OCCUPANCY LIMIT

Total occupancy limited to use-permit condition



**Interior**

**Sidewalk Encroachment**



**Deck Encroachment**



**Long Frontage With Patrons Coming & Going  
Makes Occupancy Head-Count Impossible**

## Martha Alvarez

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**From:** Todd Morgan <latodd9@yahoo.com>  
**Sent:** Sunday, December 19, 2021 5:49 PM  
**To:** Hildy Stern; Steve Napolitano; Richard Montgomery; Joe Franklin; Suzanne Hadley  
**Cc:** List - City Council  
**Subject:** [EXTERNAL] Draft Ordinance No. 21-0008 does not fully rescind MB Eviction Moratorium, Urgency Order No 20-0012-U

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Mayor Stern and Council Members,  
I appreciate the work you are doing to rescind the MB Eviction Moratorium. However, Draft Ordinance No. 21-0008 does not include any reference to Section 2, # 3 & 4 from No. 20-0012-U. Thus, a tenant can still claim that "no-fault evictions" are not allowed in Manhattan Beach. I strongly believe that a homeowner should be able to evict a tenant/renter if the homeowner wants to reclaim their entire home for their personal use. Let me know your thoughts.

Thank you,  
Todd Morgan  
310-722-0489

On Tuesday, December 7, 2021, 11:18:00 AM PST, Todd Morgan <latodd9@yahoo.com> wrote:

Dear Mayor Stern and Council Members,  
As a friendly reminder, I am resending my original email request for the repeal of the MB Eviction Moratorium. I appreciate the 3 supporting votes it received at the Nov 16th meeting and I urge further support at your meeting tonight. It is time to move forward.  
Thank you,  
Todd Morgan  
310-722-0489

----- Forwarded Message -----

**From:** Todd Morgan <latodd9@yahoo.com>  
**To:** hstern@manhattanbeach.gov <hstern@manhattanbeach.gov>; snapolitano@manhattanbeach.gov <snapolitano@manhattanbeach.gov>; rmontgomery@manhattanbeach.gov <rmontgomery@manhattanbeach.gov>; jfranklin@manhattanbeach.gov <jfranklin@manhattanbeach.gov>; shadley@manhattanbeach.gov <shadley@manhattanbeach.gov>  
**Cc:** CityCouncil@manhattanbeach.gov <citycouncil@manhattanbeach.gov>  
**Sent:** Sunday, November 14, 2021, 05:19:25 PM PST  
**Subject:** Please repeal MB Eviction Moratorium, Urgency Order No 20-0012-U

Dear Mayor Stern and Council Members,  
I am pleased to learn that the MB Eviction Moratorium is returning to the Council's agenda on Nov 16th. In support of Council Members, Suzanne Hadley and Richard Montgomery, I urge additional Council members to vote to repeal the Eviction Moratorium, Urgency Order No 20-0012-U.  
I am a Manhattan Beach homeowner (since 1994) and earlier this year I moved back to my MB home. Prior to my return, I cordially requested both tenants move out. One tenant respectfully moved out. The other tenant whose month-to-month agreement began on Sept 1st, 2020, refused to leave citing the MB Eviction Moratorium. The tenant continues to pay her rent but remains in my home. This is an unintended consequence of the Ordinance since her refusal to vacate is not COVID-related. My lawyer advised me that I can not move forward with eviction proceedings until the MB ordinance is repealed.  
I urge repeal of the Ordinance so I can start the proceedings of taking full possession of my MB home for my personal use.  
Thank you,  
Todd Morgan  
312 15th Place  
310-722-0489

## Martha Alvarez

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**From:** Erin Shipley <erin@cafe-wild.com>  
**Sent:** Tuesday, December 21, 2021 3:42 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] Save outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council Members and Manhattan Beach Residents,

The decision to take away outdoor dining in January is extremely poorly timed and short-sighted. Despite one council member's statement at the last meeting that we are out of a pandemic and now in an endemic state, we are very clearly still in the midst of a global pandemic.

The new variant is running rampant and Europe is enacting new lockdowns and tighter restrictions daily. I know from my father in law, who is a large business owner and a member of the council in England, that the UK will be announcing a new lock down just after Christmas.

To stop outdoor dining in the middle of a new wave and variant, particularly in the winter, which is the most difficult time for business in our beach city, is a terrible decision. One of the main objections to the outdoor dining is less parking, but winter is the time with the fewest cars so parking is prevalent right now!

Additionally, between the vaccine mandates and genuine fear of the new variant, the majority of our customers are choosing to eat outdoors. Thankfully we have the weather that will allow residents and visitors to eat outside in the winter.

Please reconsider your decision for the sake of our businesses and our customers' health.

Sincerely,

Erin Shipley  
Co-owner, Cafe Wild

Sent from my iPhone

## Martha Alvarez

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**From:** Jim Burton <jburton@ecokai.com>  
**Sent:** Tuesday, December 21, 2021 2:47 PM  
**To:** List - City Council  
**Cc:** Bruce Moe; Carrie Tai, AICP; Erick Lee; Erik Zandvliet  
**Subject:** [EXTERNAL] Outdoor Dining Decks -  
**Attachments:** Dining Decks - 12.21.pdf

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Mayor Stern and Members of Council –

I am hopeful this will all come to an end tonight. Please keep your word, stay the course, and do what is in the best interest of the city – not what is in the best financial interest of a few restaurant owners who do not represent all DT stakeholders.

If there is concern about COVID, downsize the dining program – let's stay home during the holiday surge.

Please read my attached thoughts – apologize for the late afternoon submittal.

Respectfully,

Jim Burton

**Let's Remember...**

In March 2020 – we were in lockdown. Beaches were closed, the ocean was off limits; people were issued fines for trying to surf or even simply walking through pollywog park. Restaurants were closed, gyms were closed, as were shoe repair, surf shops, hair salons, nail salons, etc. We were being told to stay inside. It was the beginning of a global pandemic that brought a complete unknown health threat and we were without tools to combat a rapidly spreading virus.

As outdoor venues began to open – indoor activities remained on lock down. In an effort to help struggling restaurants, the city allowed the use of public right of way and the construction of dining decks in a gesture of overwhelming support that included generous staff time to help these struggling businesses. However, this was not without debate. Many people on multiple occasions expressed concerned about giving away free use of public right of way, loss of parking for local DT residents, additional trash and noise from outdoor activities, and lack of ADA access. In addition, there was much regarding a very specific concern - if temporary dining decks were to be allowed in public right of way (i.e., the street) it would turn into a permanent situation without the benefit of any environmental evaluation and or regulatory approval. To this end – Council **stated emphatically** and on multiple occasions that these were temporary measures only and that any consideration of anything permanent would be a separate discussion. Comm Dev Director Tai agreed that permanent outdoor dining would need an EIR. Even DBPA President Lamkin stated that any permanent solution would involve environmental, traffic, and the California coastal commission.

The message from Council has been consistent – temporary and permanent would be addressed separately AND temporary dining decks would be removed when indoor dining was allowed without restriction. Thus, on August 24<sup>th</sup> (four months ago) Council voted to allow temporary outdoor dining decks up until Jan 3<sup>rd</sup>, 2022 with a point of re-evaluation in early December. Council also instructed staff to begin the process of looking at a long-term permanent solution and develop a draft work plan item for council consideration. The city has kept their commitment and has shown tremendous support to restaurants throughout this process.

Unfortunately, the recent massive misinformation campaign is now attempting to keep temporary outdoor dining until a plan for permanent dining is in place. Their messaging seems to fault council for an alleged recent vote to remove outdoor dining decks without any permanent plan in place. Remember Council voted in August to remove the dining decks on Jan 3<sup>rd</sup> – this was not recent. They cite the desire for the continued blissful experience of outdoor dining as one aspect of the rationale on why it should continue. This is a complete mischaracterization of



how this process has unfolded and is simply soliciting emotional input from people who may not have been closely following councils' decisions.

What is further disheartening – is that now DBPA leadership is trying to blame the need for an extension of the Jan 3<sup>rd</sup> deadline on COVID. The outdoor dining deck program allowance was intended to get us through an early difficult time – until indoor dining was allowed. It was not an “everyone likes it so let’s continue it” or an “I don’t feel comfortable eating indoors”, or even the “only blissful dining experience I have is outdoors” program. This is not a program that exists in a vacuum without direct impacts to other city stakeholders and enough is enough.

If anything, now is the time for the restaurants and DBPA leadership to return the city’s support by allowing city infrastructure projects to begin again, allow public works to get into stormdrain manholes that have been covered by the dining decks and allow the streets of downtown to be repaved and allow parking Lot 3 to be refurbished as is planned for Jan to April 2022. Allow residents to have their parking back.

The Superbowl is coming to LA in early Feb 2022 and the last thing this town needs are non-vaccinated people coming from all over the country or world utilizing our outdoor dining facilities and walking around town. If we are really concerned about the variant lets remove the temporary dining decks and begin checking vaccine cards or for all indoor diners. Let’s scale down – not scale up – our dining program.

Unfortunately, although any downsizing of dining or reduction in visitors might be best for the city relative to COVID - it is not in a restaurant’s best financial interest – the real issue at stake.

Fortunately – Council has the authority to make a decision that is in the best interest of the city by not allowing the continuation of outdoor dining after January 3<sup>rd</sup>.

Indoor dining is now allowed at 100% and we are in a much different time today than we were almost two years ago. We understand the virus better, we have tools and resources to combat the original and the variants – let’s do this without outdoor dining decks.

Respectfully,

Jim Burton  
328 11<sup>th</sup> Street

## Martha Alvarez

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**From:** Jan Franklin <JFRANKLIN@lfcu.com>  
**Sent:** Tuesday, December 21, 2021 2:40 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

Please reconsider your plans to shut down outdoor dining in Manhattan Beach, as a life long resident of the South Bay, it has been great for both restaurant owners and diners to have the option to eat outside. With the Covid Variants escalating daily, the timing seems really off to dismantle the outdoor areas at this time—It has been a hard 2 years for everyone, please reconsider—

Thank you,

Jan

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Jan Franklin ▪ SVP/Brokerage and Insurance  
Logix Federal Credit Union  
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## Martha Alvarez

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**From:** shauneipper@gmail.com  
**Sent:** Tuesday, December 21, 2021 1:54 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] KEEP OUTDOOR DINING OPEN

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Don't be fools

Sent from my iPhone

## Martha Alvarez

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**From:** SUZANNE LERNER <slernerla@aol.com>  
**Sent:** Tuesday, December 21, 2021 1:31 PM  
**To:** List - City Council; Quinn Barrow; Bruce Moe; Carrie Tai, AICP; Erik Zandvliet  
**Subject:** [EXTERNAL] City Council Agenda - December 21, 2021 - Item 3 - COVID 19

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Happy Holidays! City Council and City Staff:

As a member of the downtown residents group, we were happy to be on board with the city creating TEMPORARY outdoor dining spaces for restaurants who applied to help during COVID. We all wanted our restaurants to survive.

Two weeks ago you approved the study to look into permanent outdoor dining after requests from the restaurant owners.

You instructed the staff to start the process.

So i cannot believe i am seeing posters around town stating that the council had NO PLAN regarding outdoor dining.

Why would these owners do this? Trying to get residents upset with city council? Creating a new “Big Lie”?

We were involved with the Downtown Specific Plan a few year back.

This took millions of taxpayer dollars, lengthy studies - mapping, reports, input from residents and businesses... This took well over 2 years.

In the end, the Coastal Commission turned it down.

In order for the staff to do their job to investigate the possibility of permanent outdoor dining, here are some of the topics that need to be addressed:

Environmental Impact Study (must be done from the baseline which is empty space)

Coastal Commission Review and approval

Input from Businesses

Input from Residents

Input from Downtown residents specifically

Density, Traffic (pedestrian/car/bike) studies

Design - Various designs to choose from which take months

Review and decisions which take more months

Plus Who decides in the end who “gets” this public space?

Does it remain public property or is it grandfathered into the ownership of the building

How much is it valued at? Who pays it?

Who gets the benefit of these spaces and who “loses” out?

The poster also states “blissful” outdoor dining.

I am Reminding everyone that before COVID we were all “blissful” eating indoors at our restaurants.

Walking out of Manhattan Meats, turning right with bags of groceries, and being harassed, bullied and threatened by bar patrons just by me saying “excuse me” so i can get by is not a “blissful” experience.

Locals are avoiding shopping downtown altogether

We are not ADA (American Disabilities Act) compliant.

And that's okay because its the way it has been?? And the city turns their heads and does nothing about it.

This "ableism" is unbecoming to our town.

Especially with the longterm support by Skechers Foundation which specifically supports children with special needs and their families. How ironic!

The restaurant owners need to just calm down.

Everyone needs to understand this is a long term process.

This is how democracy works.

Thank you.

**Suzanne Lerner**

124 Tenth Street

Manhattan Beach, CA. 90266

C. 310-422-1661

Suzannelerner.com

Suzanne Lerner

12955 Chadron Av.

Hawthorne, CA. 90250

(310) 422-1661

## Martha Alvarez

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**From:** Mark Nelson (Home Gmail) <menelson@gmail.com>  
**Sent:** Friday, December 17, 2021 12:46 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] Public Comment - Mr Thompson and Mr. Weiner must be disqualified from all interactions with and decisions regarding BCHD

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Mayor, Council and City Attorney:

Richard Thompson and Ken Weiner both currently sit on a BCHD committee that influences the development of BCHD Staples Center sized commercial development proposal. They must be barred from any action regarding BCHD during the pendency of the BCHD proceeding, as they are conflicted. I am concerned regarding them and other government officials and appointees that are insiders at BCHD during this time when BCHD is pursuing a 103-foot tall, 793,000 sqft, \$400M commercial development that services 80-95% non-residents of the 3 beach cities.

Mark Nelson  
Redondo Beach

## Martha Alvarez

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**From:** Gary Senser <gary@botellosenser.com>  
**Sent:** Tuesday, December 21, 2021 1:28 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining platforms

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Why are you even considering removing these? The Covid pandemic is picking up steam again. You all should talk to your restaurant and bar constituents. I think you will find that outdoor dining it's critical to their survival.



**Gary Senser - Realtor® DRE 01903493**  
at BOTELLO & SENSER TEAM - RE/MAX Estate Properties



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**Mobile** [310.383.2779](tel:310.383.2779) **Email** [Gary@BotelloSenser.com](mailto:Gary@BotelloSenser.com)  
**Website** [BotelloSenser.com](http://BotelloSenser.com)

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## Martha Alvarez

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**From:** Jim Burton <jburton@ecokai.com>  
**Sent:** Tuesday, December 21, 2021 1:24 PM  
**To:** Carrie Tai, AICP  
**Cc:** List - City Council  
**Subject:** [EXTERNAL] Sidewalk Encroachments - Sale and Consumption of Alcohol

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Director Tai –

Can you clarify if in fact the sidewalk encroachment permits recently issued to Slay and Uncorked allowing the sale of alcohol on the public right of way are in fact permanent encroachment permits that are not subject to the current outdoor dining restrictions and not subject to the Governor's emergency order set to expire March 31, 2022. In other words, did city staff issue permanent permits for the sale and consumption of alcohol on public sidewalks? I am assuming this is not the case – but would like clarification directly from you.

Jim Burton



## Martha Alvarez

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**From:** simons120@verizon.net  
**Sent:** Tuesday, December 21, 2021 1:07 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

David and Lucinda Simon  
120 31st Street  
Manhattan Beach, CA 90266

December 21, 2021

Dear Mayor Stern and Councilmembers:

Please revisit your position on outdoor dining.

Covid-19 is not in the rear view yet. We ask that you protect us, the public health, economic health and future of our city. With other cities continuing to allow outdoor dining areas, Manhattan Beach will suffer economically and long-standing prestige.

**As requested, please allow outdoor dining to continue.**

Sincerely,

David and Lucinda Simon

## Martha Alvarez

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**From:** Alexander Piper <larepip@yahoo.com>  
**Sent:** Tuesday, December 21, 2021 12:49 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Just saw the overwhelming support outdoor dining has from their webpage.

My family and I think the outdoor dining has been the one normal and rational thing government at any level has done.

I'm not a politician, but I do know none of you would have been elected if you didn't listen to your constituents.

Don't be morons. Keep outdoor dining.

Sent from my iPhone

## Martha Alvarez

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**From:** PAUL NEVANS <pnevans@aol.com>  
**Sent:** Tuesday, December 21, 2021 12:47 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I am strongly in favor of maintaining outdoor dining after 01/03/2022. The trade off of parking places for additional dining opportunities is positive for the community, the restaurants and the city.

Sent from my iPhone

## Martha Alvarez

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**From:** The Bag Ladies <info@bag-ladies.com>  
**Sent:** Tuesday, December 21, 2021 10:34 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] OUTDOOR DINING

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

It is incomprehensible how you can close down outdoor dining in Manhattan. Not only will it hurt businesses they need all the dining patrons they can get. With the shortage of workers and all the other supply chain problems.... restaurants are having a tough time surviving as it is. Also we are also having another surge in covid cases right now with the new variant and many dining customers are more comfortable eating outdoors.

This makes no sense whatsoever and will deal unnecessary hardship to both business owners and patrons as well. It will also make it harder to get a reservation on the inside tables which will have to be packed so close together so they can optimize the small amount of space they do have left. Since people do not wear masks when eating the chances of covid spread between tightly packed tables will increase.

I don't understand why you are doing this and perhaps this will force people to go to Hermosa Beach and other locations instead of Manhattan Beach for a meal.

It is so anti business and nonsensical.

Kindly yours,

Sheryl Goldie  
The Bag Ladies  
800-359-2247 (BAGS)  
[www.Bag-Ladies.com](http://www.Bag-Ladies.com)

## Martha Alvarez

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**From:** Laurie Mccarthy <rgngrl1@aol.com>  
**Sent:** Tuesday, December 21, 2021 10:17 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council:

As a 35 year resident of MB, I am expressing my support for maintaining outdoor dining. I feel it has transformed the ambience of this town for the better, with a feeling of community, more foot traffic, and a true beach town feel-- particularly during the summer. It is also wonderful to see restaurants thriving with additional space to accommodate both people from out of town and locally.

I am in support of maintaining it, particularly for spring, summer and fall.

Thank you for the work you are doing to meet the needs of the community.

Best  
Laurie McCarthy

Sent from my iPhone

## Martha Alvarez

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**From:** Tina Melton Testa <tmtesta@yahoo.com>  
**Sent:** Tuesday, December 21, 2021 10:04 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining In Manhattan Beach

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

I write in very strong favor of keeping the outdoor dining in Manhattan Beach. It is a special and welcome addition for our neighborhood, as well as for those visiting our charming town. Now, more than ever, with the Omicron Covid variant surging, many guests are reluctant to sit inside. With no end in sight for this variant, removing outdoor dining would be detrimental to the local restaurants and their employees. Providing outdoor dining is reassuring to diners and restauranteurs alike. Continuing with outdoor dining helps with additional revenue that many restaurants are still trying to recoup after a year of enormous lost revenue, and eating outside removes the worry of Covid from dining guests. Furthermore, having outdoor dining allows the restaurants to employ a significant number of people, many of whom are locals.

Outdoor dining is beautiful, fun, and adds an extra special ambiance to our picturesque downtown. The beauty of our town is the small, community-type feel and now more than ever, our downtown restaurants and businesses need our support. Outdoor dining should have always been here and certainly now should be a fixture in our town. Most enchanting cities across the world offer outdoor dining and we must continue to do so, as well. Without this, we will lose the charm and the local restaurants won't be able to afford to stay here. Additionally, our neighboring cities of Hermosa Beach and Redondo Beach offer outdoor dining. It's time Manhattan Beach do the right thing and keep this vital element intact for our local restaurants and guests, alike.

Thank you for supporting this important cause. Please keep outdoor dining in Manhattan Beach.

Sincerely yours,

Tina Testa  
22 year resident/homeowner in Manhattan Beach

## Martha Alvarez

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**From:** Hill, Barry <Barry.Hill@nmrk.com>  
**Sent:** Tuesday, December 21, 2021 10:00 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Team- if it made sense create outdoor dining over the past 12 months, it makes zero sense to remove it now. Let that sink in... 😊

Thank You-  
Barry Hill (26 year resident)

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NOTICE: This e-mail message and any attachments are intended solely for the use of the intended recipient, and may contain information that is confidential, privileged and exempt from disclosure under applicable law. If you are not the intended recipient, you are not permitted to read, disclose, reproduce, distribute, use or take any action in reliance upon this message and any attachments, and we request that you promptly notify the sender and immediately delete this message and any attachments as well as any copies thereof. Delivery of this message to an unintended recipient is not intended to waive any right or privilege. Newmark is neither qualified nor authorized to give legal or tax advice, and any such advice should be obtained from an appropriate, qualified professional advisor of your own choosing.

## Martha Alvarez

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**From:** Mark Seume <markseume@hotmail.com>  
**Sent:** Tuesday, December 21, 2021 9:55 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please reconsider eliminating outdoor dining...it has been one of the few bright spots throughout this pandemic. I haven't heard one person say they'd like to get rid of it. And for the shop owners that would like a few parking spots back, doesn't more diners mean more foot traffic around their shops?

Sent from my iPhone



## Martha Alvarez

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**From:** Marnell Moore <marnell473@aol.com>  
**Sent:** Tuesday, December 21, 2021 8:42 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Save the outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Traffic and parking concerns aren't a big deal this time of year.  
Keeping the outdoor dining a bit longer helps the struggling restaurants and let's us enjoy them longer.  
Thank you  
Sent from my iPhone

## Martha Alvarez

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**From:** Sandra Elsky <luvettes@roadrunner.com>  
**Sent:** Tuesday, December 21, 2021 7:38 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Restaurant Outdoor dining areas

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I am not able to go to the city council meeting tonight but want to voice my opinion. I love these outdoor spaces. I think it's a win win. I think it's good for Manhattan Beach and good for the restaurants. The owners have spent a lot of money building them plus space heaters. Many people we know still are not comfortable eating inside. If you get rid of these spaces they will go to hermosa or Redondo and that will be a loss in city revenue as well as a major blow to the restaurant business. This is a huge mistake.

Please reconsider.

Thank you

Lewis Thomashow and Sandy Elsky  
Residents Hill Section

Sent from my iPhone

## Martha Alvarez

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**From:** LORI KAMINSKY <lk280@aol.com>  
**Sent:** Tuesday, December 21, 2021 6:29 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Do not remove outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

The outdoor dining is how our restaurants will stay open!!! Many residents and tourists only feel comfortable staying outside, please consider leaving these structures that restaurants worked so hard to build beautifully!!!! We need to support our town, or we will have empty storefronts in the near future!!!!

Thank you Lori Kaminsky

## Martha Alvarez

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**From:** Monica Kumar <monica.kumar@gmail.com>  
**Sent:** Tuesday, December 21, 2021 3:27 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please do not stop outdoor dining yet.

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Outdoor dining is still needed. The cases are spiking again. As an emergency medicine doctor in Los Angeles, I am personally seeing the spike in cases. We need to maintain ventilation for the health of the South bay and businesses. Please do not prematurely end this for a few more parking spots.

Sent from my iPhone

## Martha Alvarez

---

**From:** juan ruiz <ruiz.nguyen@gmail.com>  
**Sent:** Tuesday, December 21, 2021 3:17 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] support for mb outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Members of the City Council,

We have spent the last two decades in Manhattan Beach and have enjoyed the unique dining experience here. During the pandemic, we can still enjoy the restaurants, thanks to outdoor dining. With Omicron on the rise and other variants to follow, Manhattan Beach can not do without the option of outdoor seatings. Health safety is crucial for everyone, especially for the elderly who are at a greater risk of infection.

In addition, the restaurant owners survived the last year with the help of outdoor dining. They barely survived. With the rise of Covid now and again in the future, it is vital for us to support these businesses.

Manhattan Beach residents and visitors need the dining experience in the safety of open spaces. It is our responsibility as a community to support our restaurants during these trying times.

Sincerely,

Juan Ruiz and Diep Nguyen

## Martha Alvarez

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**From:** DONNA SHALVOY <donnafoote@me.com>  
**Sent:** Monday, December 20, 2021 10:33 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To the city council members:

Please reverse your decision to ban outdoor dining on January 3. Outdoor dining has helped build and deepen a sense of community during these difficult days of pandemic and poisoned politics.

I understand that outdoor dining impacts street parking and access to retail shops. What I don't understand is how a city like Manhattan Beach has failed to come up with a creative solution to this problem. I urge you to maintain the status quo on outdoor dining until more thought and consideration has been given to finding a compromise acceptable to all concerned parties—especially the residents of Manhattan Beach who trust you to represent their interests. Thank you.

Sincerely,

Donna Shalvoy

## Martha Alvarez

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**From:** Joe Peterson <joepeterson@exceleration-pm.com>  
**Sent:** Monday, December 20, 2021 9:58 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

Please keep the outdoor dining as is for the foreseeable future.

More dining provides more taxes to the City. More so than other retail. Keep it the way it is until we have no other Covid restrictions and no more mask requirements!!!

Thanks,

Joe Peterson

**exceleration**  
project management

310-490-7734 cell  
310-397-5777 office  
310-861-5243 efax

<http://www.exceleration-pm.com/>

## Martha Alvarez

---

**From:** Terry Davis <terry@havoctv.com>  
**Sent:** Monday, December 20, 2021 8:36 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I'm am writing to voice my support of keeping the outdoor dining arrangements in place until COVID is a memory. Don't put unnecessary pressure on our beloved restaurants.

Sincerely  
Terry Davis  
20+ year resident

Sent from my iPad



## Martha Alvarez

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**From:** Mike Guterman <mike@highlandrc.com>  
**Sent:** Monday, December 20, 2021 6:50 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Restaurant Patios

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I am surprised to find out that CC wants to remove the restaurant patios while we are still dealing with COVID. Indoor dining is just that comfortable and the patios provide an alternative and also allow the business owners to survive. If you are looking to replace lost income, then some sort of rent should be paid.

The city benefits from this as we don't have outdoor dining options without it. Many of the business owners have spent significant capital to make an attractive environment. I believe you are way off base on your decision and I am guessing the community response to this will be overwhelming. Thanks for listening.

Mike Guterman  
Highland Realty Capital  
310-607-9242 (o)  
310-600-9667 (c)  
Mike@highlandrc.com

Sent from my iPhone

## Martha Alvarez

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**From:** Kristen Lukas <kristenleelukas@gmail.com>  
**Sent:** Monday, December 20, 2021 6:07 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please keep outdoor dining during Covid uptick

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Mayor Stern and MB City Council:

Please reconsider extending the outdoor dining spaces. MB tripled Covid case numbers this week alone. We're on track for a repeat of last winter's covid surge, this time with a new highly contagious variant. This isn't the time to remove outdoor dining, in fact, it's the very worst time to do so.

Many residents won't eat indoors, due to it being too risky. Businesses will definitely suffer, and employees will lose jobs when those outdoor tables go....right after the holidays. :( We're entering the slowest time of the year, therefore parking and traffic won't be impacted with beach goers or holiday shopping.

Hermosa extended outdoor dining until May, which is so smart and safe. I don't think we realized we'd have this surge sneak up on us, but now that it's here, and only just begun, I really hope MB can keep the dining decks, at least for another extension. Covid is crushing us, yet again, unfortunately.

Thank you for considering.

Sincerely,

Kristen Lukas, MB Resident

*Sent from my iPhone, please excuse any typos.*

## Martha Alvarez

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**From:** Saba Candari <sabacandari@gmail.com>  
**Sent:** Monday, December 20, 2021 5:50 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor seating

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please keep the outdoor seating it has made a huge difference to the vibe of MB everyone loves it. COVID is not done with us, this is a mistake.

Saba Candari  
3109994719  
MB resident

Sent from my iPhone

## Martha Alvarez

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**From:** ROBERT BISSELL <rbw1955@aol.com>  
**Sent:** Monday, December 20, 2021 3:53 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

We have been supporting the restaurants all through the pandemic. We eat Downtown everyday and only because they have outdoor seating. When I door was closed we did take out every day. But they can't do that now. Please please keep the outdoor at least through the flu season. Otherwise we are going to lose our outstanding restaurants for the sake of a few stores that keep changing regardless of the economy.

Roberta Bissell

Sent from my iPhone

## Martha Alvarez

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**From:** Tabula Rasa Essentials <tabularasamb@gmail.com>  
**Sent:** Monday, December 20, 2021 3:51 PM  
**To:** List - City Council  
**Cc:** Jill Lamkin; David Archer; Mike Simms; Michael Zislis; Jill Dunn; Bruce Moe  
**Subject:** [EXTERNAL] Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Good afternoon Mayor Stern and Council Members:

I may not be able to attend tomorrow night's meeting due to the final push for holiday sales, so I wish to share with you some thoughts.

I own Tabula Rasa Essentials in DTMB for over 20 years, live in MB for almost 24, serve on the MBCC Board and I'm an Executive Board Member of the DBPA. Given all of this, I have vast and experienced knowledge of our downtown. As an executive board member, I also have an essential responsibility to understand and balance the needs of all three primary business segments - Dining, Retail and Service in our downtown. This letter is not meant to represent my position on the board, but my personal thoughts with a focus on downtown because that is where most of my experience both professionally and privately resides.

We live in paradise. Our community is blessed with the ability to live a very outward lifestyle because of our weather, our desire for healthy living and the accessibility of most everything we need within walking or a short driving distance away. In southern California, if we can be outside, we are outside. We are immersed in sunshine and fresh air. Manhattan Beach is a supremely special place.

Through COVID, among all it's challenges, and there were and are still many, a few unexpected opportunities surfaced. The most impactful on our downtown community is outdoor dining. As a council, you acted swiftly to support our restaurateurs who were in a dire situation with the closure of indoor eating. The owner's intelligence, agility and survival kicked in and with the support of the city, business community, and community at large, they pivoted to outdoor dining. It was absolutely the right move. What we learned through this process, and of no surprise to most, is our locals and visitors love eating outside. Why wouldn't we? We live in paradise.

Throughout the past 22 months, our retailers and service businesses have also suffered, with the personal care industry likely being the hardest hit because of all the mandates and the long periods of closure. Thankfully, council bravely voted to lift ordinances to allow retailers to reopen. Unfortunately, our retail and service industries do not benefit from a robust national association like the dining sector does - but they are warriors too - pivoting to web based business, offering curbside pick up, outdoor classes, local delivery, etc. All our small business owners work so hard to overcome the obstacles of county mandates, consumer reluctance and fear, lack of parking, supply shortages, and more. Despite the hardships and the loss of over 70 street parking spaces, support for restaurants able to manage outdoor dining remained.

It is impossible to reconcile the losses and gains for businesses due to outdoor dining decks. From a consumer standpoint, the response is undeniably positive. Our restaurants are beloved destinations and their survival is imperative. Our surrounding businesses are equally as important and beloved,

but what is the revenue effect on non restaurant businesses? Finance knows the cost of a single parking space, and the revenues from meter collections. Can finance surmise the revenue lost by the inability of a consumer to park? Speculation leads me to believe with the elimination of 70 plus parking spaces, the revenues missed equates to millions in consumer spending downtown. Considering how many times an individual parking space turns over in a day, multiplied by how much the consumers are spending downtown in any business segment while they are parked, multiplied by a year - the number is quite substantial and far reaching. So there's a delicate balance...occupied dining deck vs. dining decks only open in the evening hours, vs. revolving consumer parking every 15 minutes to two hours all day and night vs. impact to all businesses. Complicated!

We are now in the throes of another spike in an unpredictable pandemic. Outdoor dining is due to expire on January 3rd. I respectfully ask council to extend outdoor dining for restaurants currently permitted for a period of time so consumers and employees who are unable to or will not dine or work indoors have the option to be outside. I also request that sidewalk dining and outdoor build-outs such as Metlox Plaza which has no affect on street parking remain. Given the past 2 years and a very strong appetite for outdoor dining by consumers, a fast tracked permanent solution should be prioritized in the New Year. We have almost 2 years of data. We no longer need to guess the success, or impact to businesses, residents, safety, cleanliness, traffic, et al. I encourage you to find an equitable solution for all so we continue to thrive as a community both in business and as residents.

Thank you for your time.  
Maureen



**Tabula Rasa Essentials**  
310-318-3385 | [tabularasaessentials.com](http://tabularasaessentials.com)  
919 A Manhattan Ave. Manhattan Beach CA  
90266 |  
[hello@tabularasaessentials.com](mailto:hello@tabularasaessentials.com) |



## Martha Alvarez

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**From:** Darrin Sennott <Darrin.Sennott@scorpion.co>  
**Sent:** Monday, December 20, 2021 3:27 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining should continue

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I wanted to reach out and let you know that I am disappointed by your decision to remove outdoor dining permanently on January 3rd. This has been a difficult year for businesses and patrons alike. Many businesses did not make it through this pandemic. In an effort stay afloat, many restaurants made significant investments in their outdoor spaces. This helped to capture lost revenue when they were shut down, increase revenue through higher capacity, and provided a lovely al fresco experience even as the weather has turned colder. More importantly it allows people that still feel unsafe to eat indoors an opportunity to support local restaurants as a new surge of the virus is sweeping the country. The city has cited increased trash, noise, parking and traffic congestion as the reasons for this. I promise you that you can eliminate all of these problems if you put undue pressure on businesses and allow them to fail, but there will be a cost. You might have plenty of parking...but there will be nowhere to go when you do park. We are not through this crisis. I urge you to change your mind on this policy for the well being of businesses and patrons alike.

### Darrin Sennott

Senior Vice President of Regional Sales



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27750 Entertainment Drive, Valencia, CA 91355

661.568.7718 • Scorpion.co



## Martha Alvarez

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**From:** Susan Bales <susanb@frameworksinstitute.org>  
**Sent:** Monday, December 20, 2021 2:58 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

*3012 The Strand  
Manhattan Beach, CA 90266*

December 20, 2021

Dear Mayor Stern and Councilmembers:

I write again to ask you to protect the public health, economic health and future viability of our city. You can accomplish all of this by helping the small business community – both its outdoor dining and its retail shops – to stay open and competitive and to adapt to the daily changes in public health requirements that allow us all to continue to enjoy this unique environment.

All of us must continue to find innovative ways to function within this changing pandemic situation. Holding to outmoded ways of thinking, schedules overtaken by events and rigid protocols will leave few businesses standing at the end of the crisis. We need leadership and innovation to make sure our city holds its competitive advantage as a place where people come to “dine, shop and play.” Please step up to the challenge that this pandemic presents by finding new ways to keep our downtown alive and thriving.

You have the good fortune of having new resources to allow you to be creative in meeting this challenge. The \$8.4 M COVID relief funds acquired by the City should be directed to achieving the “equity” that you have spoken about with passion. You have the ability to offset losses that one sector may bear in order to support others. You can make sure that diners are safe outdoors for the duration of the crisis. You can even offset your own municipal losses, as you have discussed doing. However, the public needs to see the balance sheet to fully understand what actions you have taken to steer our businesses and our common resources through these times. We respectfully request that the full impact of profit and loss from downtown businesses during the pandemic be shared fully – and that the Council’s proposals for allocating the COVID relief funds be fully transparent to the public.

In August of this year, I asked that you extend outdoor dining through Spring of 2022 given the predictions from our nation’s leading epidemiologists (see below). You voted to reject that motion. At the time, you said, the evidence was too contested to allow for decision-making. The evidence is no longer contested. You have another wave of this public health crisis at our doorsteps. Please act now to keep our city safe from harm, both physically and economically. Act



now to extend outdoor dining into Spring 2022 – and monitor the situation in cooperation with our local restaurants to determine when people feel comfortable returning indoors and we can resume business as usual. Until that time, business as usual is the riskiest proposition you could take for our city.

Sincerely,



Susan Nall Bales

### **Oral Testimony, August 23, 2021 to the Manhattan Beach City Council**

Good evening. I am Susan Bales, my family has lived in MB since 1954 and I am also a downtown MB commercial property owner.

There are two things our downtown restaurants require from you tonight: stability and a chance to recover.

No business can survive without predictability. Our restaurants need to plan for a certain level of staff, to be confident that their physical infrastructure is stable, that they can forecast revenues based on that configuration. A stop-start decisionmaking process has a whiplash effect. They get a bit of a respite but then they don't know what the City will do in a few weeks or months. Right now, you have all the **evidence you need** to give our downtown restaurants the **stability they need**. The nation's top epidemiologist has said that spring 2022 is the soonest that we can expect to achieve normality in our restaurants and theatres – and that's **if everything goes right**. Can we look to the City Council to honor the evidence? Will you take a stand and help these businesses get out of the whiplash effect that incremental decision-making creates? I urge you to set a spring 2022 date, not an incremental kick it down the road January date, for reconsideration of outdoor dining. Give these restaurants a solid foundation from which they can rebuild their businesses. Give them stability.

**Stability and a chance to recover.** In a report we submitted to you in July of this year, we documented that the 31 restaurants with outdoor spaces are carrying \$13.5M - \$15.5M of debt. Most said they will not recoup losses for 12-24 months, as anywhere from a quarter to half of their customers still refuse to eat indoors. This situation is unlikely to improve any time soon, given what the nation's top scientists are telling us.

Please do not put your finger on the scale and make it harder for them to recover. I urge you to give our downtown restaurants time to get back on their feet. You have ample means to do that, given the \$8.4 M COVID relief funds acquired by the City. What could be more important than shoring up the economic infrastructure of our city, its downtown small businesses?

Thank you.

Susan Nall Bales  
3012 The Strand  
Manhattan Beach CA 90266  
[susanb@frameworksinstitute.org](mailto:susanb@frameworksinstitute.org)

## Martha Alvarez

---

**From:** Mary Chieffe <mary.chieffe@gmail.com>  
**Sent:** Monday, December 20, 2021 2:00 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

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Hello Councilmembers,

I'm writing to share my view on the outdoor dining structures in Manhattan Beach. Now that the weather has turned cooler, it makes sense to remove the structures to open up more parking for all area businesses. Next spring or summer, outdoor dining may become popular again and could return.

Thank you for listening to various perspectives from the community and acting upon the wishes of the people.

Sincerely,

Mary Chieffe  
116 N Ardmore Avenue

Sent from my iPhone

## Martha Alvarez

---

**From:** Patrick Kilroy <pkilr88@gmail.com>  
**Sent:** Monday, December 20, 2021 1:09 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining MB

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To whom it may concern: I wish to keep outdoor dining available in the city of Manhattan Beach. Due to covid 19 dining outdoors at restaurants is the safest option according to any source I've seen. I would hate to see these fine establishments have to close their doors again. I understand that decreased parking has hurt some businesses. I heard, at one point, there was a consideration to allow restaurants to keep the outdoor dining which was directly in front of the restaurant. I believe this would be a fair compromise. We all understand there is a cost to the city and local businesses besides restaurants, but as we face the potential of another lockdown it could be devastating for the local restaurants to lose their outside dining.

Sincerely,  
Patrick Kilroy

## Martha Alvarez

---

**From:** dmcphersonla@gmail.com  
**Sent:** Monday, December 20, 2021 1:03 PM  
**To:** Hildy Stern; Joe Franklin; List - City Council; Richard Montgomery; Steve Napolitano; Suzanne Hadley  
**Cc:** Bruce Moe; Liza Tamura; Martha Alvarez; Carrie Tai, AICP; Erik Zandvliet  
**Subject:** [EXTERNAL] Eat & Drink Sidewalk Encroachment Violations  
**Attachments:** 211221-SidewalkEncroachments-Violations-Encroach-Final.pdf

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20 December 2021

Hildy Stern, Mayor  
City of Manhattan Beach

Via Email: [citycouncil@citymb.info](mailto:citycouncil@citymb.info)

Subject: Eat & Drink Encroachment Violations

Mayor Stern and Councilmembers.

This email shall serve to inform the city council that any implementation of sidewalk encroachments for eating and drinking use in the Downtown and North End will violate federal, state and city law, specifically, violations of the American Disability Act.

Most egregiously, at the end of the December 7 encroachment hearing, Community Development usurped the city-council authority, by declaring that sidewalk encroachments may remain and be expanded. This only minutes after the council had directed all encroachments removed.

At the forthcoming Tuesday December 21 hearing on eat & drink encroachments, the council must nullify Community Development's unlawful act to retain and expand sidewalk encroachments for eat& drink use.

The attached report provides substantial evidence to support the above arguments. The report itself encompasses less than three pages, with lots of white space. If short on time in the holiday season, please peruse the half-page conclusions on page 3.

Thanks for your consideration of my request,

Don McPherson, President

Coastal Defender

1014 1<sup>st</sup> St, Manhattan Beach CA 90266

Cell: 310 487 0383

[coastaldefendermb@gmail.com](mailto:coastaldefendermb@gmail.com)

**EAT & DRINK SIDEWALK ENCROACHMENTS  
VIOLATE AMERICAN DISABILITIES ACT**

21 December 2021

Prepared by:

Coastal Defender

An IRS 501(c)(4) Nonprofit Corporation

California No. C3370804

[coastaldefendermb@gmail.com](mailto:coastaldefendermb@gmail.com)

# EAT & DRINK SIDEWALK ENCROACHMENTS VIOLATE AMERICAN DISABILITIES ACT

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## **EAT & DRINK SIDEWALK ENCROACHMENTS VIOLATE AMERICAN DISABILITIES ACT**

### **EXECUTIVE SUMMARY.**

At their December 7 meeting, the City Council “*directed staff to maintain the January 3, 2022, expiration date regarding the temporary encroachment permits for outdoor dining*”<sup>1</sup>

After Director Tie responded affirmatively to the direction, Mayor Stern began moving on to the next agenda item. Councilmember Franklin interrupted, to address eat and drink encroachments on the pier parking lots. He queried traffic engineer Zandvliet regarding ownership of the lots.

Mr. Zandvliet answered that the county owns the upper and the state the lower. Then, he launched into the following, appearing to read from a prepared statement:

*“I just wanted to, to let you know that most restaurants still have the ability and capability to ask for and obtain sidewalk dining permits. Um, and so some of the ones that are ex-, in existence now, we have 26 restaurants that are using sidewalk dining, and they’ll continue to be able to use that.”* [Exhibit 1. Transcript, p. 21; l. 24; Exhibit 2]

Councilmember Hadley clapped in support. [ibid., fourth photograph]

This testimony terminated the agenda item. Prior to council deliberation, neither the staff report nor staff testimony disclosed that Community Development had ministerially authorized retention and expansion of sidewalk encroachments, thereby, usurping the authority of the city council. [Exhibit 3. Zandvliet Dec 8 email]

### **All Encroachments will Expire with Emergency Order 27 on January 3<sup>rd</sup>.**

On January 3<sup>rd</sup>, Emergency Order [“EO”] No. 27 expires. [Exhibit 4, p. 63] This will render all temporary encroachments unlawful, because they violate city, state and federal law.

The California executive orders for the pandemic do not enable violations of law by local governments. The state of emergency, however, does permit local governments to issue orders tailored to their specific needs, such as the City’s 27 decrees. [Ibid.]

Review of EO Nos. 10, 11, 19, 26 and 27 discloses that the orders apply only to ‘*public property*’ and to ‘*private property*.’ They do not differentiate between sidewalks and decks, so the two encroachment types remain inseparable and will expire on January 3<sup>rd</sup>, with EO No. 27.

### **ADA, CBC, Penal Code , CEQA, and Coastal Act Violations.**

The next section summarizes these violations. Two ADA violations standout. MB Blvd. from Strand House to Culture Brewing has a slope that greatly exceeds the maximum standard for wheelchair use of 1-foot rise per 48-foot run. As result, all MB Blvd sidewalk encroachments violate the ADA slope standard. Additionally, all encroachments violate the width requirement that a wheelchair must have a five-foot diameter circle in which to maneuver for seating at and departing from a table, as well as a 32-inch wide corridor to reach the tables.

### **Summary.**

At the December 21 Covid agenda item, councilmembers should nullify Community Development’s unauthorized retention and expansion of sidewalk encroachments. Failure to do so can result in fines and jail-time for councilmembers, city staff and permittees, as result of violating the American Disabilities Act, the California Building Code and Penal Code § 370.

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<sup>1</sup> Agenda Item L-16, Meeting Minutes, City Council, City of Manhattan Beach, 7 December 2021.



## **EAT & DRINK SIDEWALK ENCROACHMENTS VIOLATE AMERICAN DISABILITIES ACT**

### **ADA, CBC, PENAL CODE, CEQA and COASTAL ACT VIOLATIONS SUMMARY.**

Even if the lapse of EO No. 27 does not prohibit the sidewalk encroachments, which it does, then violations of law will prohibit them, as summarized below.

#### **American Disabilities Act [“ADA”] and California Building Code [“CBC”] Violations.**

These violations result from violation of ADA standards for wheelchair access to sidewalk encroachments for eat & drink use. Exhibit 5 illustrates that the slope along MB Blvd. between Strand House and Culture Brewing substantially exceeds the wheelchair standard of a maximum one-foot rise per 48-foot run. [CBC § 1113A.1.3.2] These data obtained from Google Earth, which provides elevations

As result, **no premises on MB Blvd. qualify for sidewalk eat & drink use.**

Exhibit 6 illustrates that the clear width of the sidewalks cannot provide the necessary width to accommodate the 60-inch diameter of wheelchair maneuvering area, plus the required 48-inch width of the adjoining sidewalk. [CBC C 1138A.1.3 & § 1113A.1.1]

Exhibit 7 lists the above ADA violations for the current 30 permit-holders, showing that none qualify for a sidewalk encroachment.

This results from the requirement by the Department of Alcoholic Beverage Control that requires a railing between the sidewalk eat & drink encroachments and the adjoining 48-inch public right of way. In that case, per Exhibit 8, a clear width of 115-inches required to accommodate the mutually exclusive encroachments and the sidewalk. None of the 30 premises in Exhibit 7 adjoin such a wide sidewalk.

#### **CEQA and Coastal Act Violations.**

None of the 30 premises in Exhibit 7 have surplus parking onsite. The Local Coastal Program [“LCP”] states, however, *“Businesses may lease up to two spaces in the oversubscription program to meet City parking requirements.”* [LCP § A.64.060(1)]

In principle, the 30 premises in Exhibit 7 could have a maximum of two outdoor spaces each, if the sidewalk encroachments were legal, which per ADA they are not.

The city program for sidewalk eat & drink use will create a 60-space deficiency, which would trigger the environmental cumulative impact provision, CEQA Guidelines § 15064(h)(1).

Staff has stated that an Environmental Impact Report required for encroachments. Because parking critical to coastal access, once EO-27 expires, all these issues require approval by the Coastal Commission, **before any encroachments permitted, temporary or permanent.**

#### **California Building Code and Penal Code § 370 Violations.**

If eat & drink use implemented on sidewalk encroachments, that could result in fines and jail time for councilmembers, staff and permittees. The city municipal code Title 9 Building Regulations adopts the California Building Code [Exhibit 9. p.2], and for every day, makes a violation a count [Ibid; p. 3, ¶ 2] .

The CA Building Code levies penalties at CBC § 114.4 [Ibid. p. 5], according to the CA Health and Safety Code, HSC 17995 [Ibid. p. 7]. Fines may not exceed \$1,000 and jail time no more than six months per count, totaling \$365,000 and 183 years per year. Because the violations block the public right of way, Penal Code § 370 doubles the penalties. [Ibid. p. 9]

## **EAT & DRINK SIDEWALK ENCROACHMENTS VIOLATE AMERICAN DISABILITIES ACT**

### **CONCLUSIONS: EAT & DRINK SIDEWALK ENCROACHMENTS.**

- At the December 7 encroachment hearing, Community Development usurped the city council authority, by declaring sidewalk encroachments may remain and be expanded;
- When Emergency Order No. 27 expires January 3, all encroachments will variously violate the American Disabilities Act, the CA Building Code, Penal Code § 370, CEQA and the Coastal Act;
- The MB Blvd. slope exceeds the ADA standard of one-foot rise per 48 feet run, so no premises on that street qualify for sidewalk encroachments;
- Downtown sidewalks too narrow to accommodate both wheelchairs on encroachments and a separate four-foot sidewalk, so new eat & drink use violates ADA at all premises;
- Sidewalk encroachments may have only two parking spaces per premises, which relates to no more than two tables. This will result in a cumulative 60 parking-space deficiency, which violates CEQA and the Coastal Act; and,
- If sidewalk encroachments implemented, councilmembers, staff and permittees could incur fines and jail time, per the CA Building Code and Penal Code § 370.

### **Bottom Line.**

At the December 21 hearing on extending encroachments, the city council should nullify Community Development's unlawful act to retain and expand sidewalk encroachments for eat & drink use.

# EXHIBIT 1. TRANSCRIPT, ENCROACHMENT HEARING, 7 DEC 2021

This transcript was exported on Dec 18, 2021 - view latest version [here](#).

1 Mayor Hildy Stern (00:00):

2 Correct?

3 Speaker 2 (00:02):

4 Yes.

5 Mayor Hildy Stern (00:02):

6 Okay. Okay, so that was item 14. We have completed the consent calendar. We are now moving on to  
7 general business, and item 16 is a discussion of the January 3rd, 2022 expiration date for temporary  
8 encroachment permits issued under the COVID19 emergency orders. And I believe we have community  
9 development director Tai to give us that report.

10 Director Tai (00:35):

11 Yes. Good evening, Mayor Stern and members of the city council. Um, tonight's staff report will be given  
12 by Erik Zandvliet, and so I think Erik will be hopping on in a moment. Thank you.

13 Erik Zandvliet (00:45):

14 Thank you very much, uh, Director Tai. Good evening, Mayor and m- members of the city council. Uh, w-  
15 , this will be a discussion to consider the January 3rd, 2022 extension, or expiration date, uh, for these,  
16 uh, dining decks in our, in our city. Uh, a lotta things to consider, but the, I have very few slides.

17 Erik Zandvliet (01:16):

18 Um, let me give you a current status of where we are. Our current program is now, uh, limited to  
19 January 3rd of 2022. We have 26 outdoor dining encroachment areas on the street, 62 public parking  
20 spaces are being used for that. Uh, also, um, if you wanna look at it from a standpoint of, uh, area, uh,  
21 we have about 10,700 square feet of public right of way area being used by those dining deck, by the  
22 dining decks. Um, we do allow up to 100% of the seating, both indoors and outdoors combined. So, um,  
23 no, w-, th- the seating indoors and outdoors cannot exceed 100% of their pre-COVID, uh, dining  
24 occupancy for their restaurant.

25 Joe Franklin (02:04):

26 Not supposed to.

27 Erik Zandvliet (02:05):

28 Not supposed to. Thank you. A lotta things to consider with regard to whether or not to extend the  
29 expiration date beyond January 3rd. Firstly, uh, we're, take a look at the temporary nature of our  
30 construction. The construction of the dining decks themselves were generally, uh, made with, uh, um,  
31 wood platforms, and then on the sloped streets they are essentially staging decks, or stages, uh, that are  
32 on raised, um, uh, legs and then held in place with, uh, water barriers and concrete to keep them from  
33 sliding down the, the street. Uh, they do require, and they are going to be requiring more ongoing  
34 maintenance the longer they si-, that they stay in the street. Uh, we do see some, um, maintenance  
35 issues arising now, uh, with regard to just the general, uh, upkeep of the, uh, the decks themselves, as  
36 well as accumulations of dirt and gr-, and things that are underneath the decks themselves.

37 Erik Zandvliet (03:10):

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1 Also, we need to take a look at the public health requirements at this time. Um, right now the county  
2 does not require vaccinations for outdoor seating; they highly recommend vaccinations, uh, for indoor  
3 seating, but th-, it's not a requirement [inaudible 00:03:27]. Uh, it is recommended that they've masked  
4 all, everyone that's in th-, inside, whether they're employees or customers or diners, they be masked,  
5 and vaccinations are highly recommended, and that they reserve the indoor spaces as much as possible  
6 for those that are vaccinated.

7 Erik Zandvliet ([03:46](#)):

8 We n-, also need to take a look at the ongoing impact to, uh, the public welfare. Generally, in the city  
9 downtown, um, as I mentioned, we do have a reduced public parking supply that does impact both  
10 residents and businesses. Uh, we did get some relief on November 1st, when the city council directed us  
11 to reduce the number of outdoor dining decks, uh, in downtown, uh, that were in front of retail spaces  
12 or, or service, uh, providers. So, uh, that, uh, gained us about 15 extra parking spaces, uh, by doing that.  
13 Though our parking structures are not completely full at this time, there still is a reduced parking  
14 demand, generally speaking, but that's not to, uh, say that it won't be increasing as the summer comes  
15 up next, uh, as spring and summer comes up next year. The extra activity from the outdoor dining decks  
16 does create extra ambient noise, because the, uh, the diners are outside. Uh, th-, it does, uh, attract  
17 additional traffic, either for people trying to find a parking spar-, space nearby, or just be, um, the, the  
18 general traffic circulation flow. And also, there's additional pedestrian activity in the, all, all on the  
19 sidewalks, and then also into the neighborhoods where people are, you know, parking for, for business,  
20 as well.

21 Erik Zandvliet ([05:09](#)):

22 And then fourth, um, we do have some upcoming construction projects that we do need to be aware of  
23 and will be, uh, affected by the dining decks if they were to be extended beyond January 3rd. Um, we  
24 have a slurry seal project that's coming up, and that will be slurring many of the downtown streets. Uh,  
25 they're in need of, uh, uh, of a protective coat of slurry so that we can preserve and protect our asphalt  
26 and extend the life, lifetime of those, of that. Uh, it's a very cost-efficient way, rather than letting those  
27 streets deteriorate. That project will be going on between February and May of next year, and, um, it  
28 will take about two weeks for each street to be, from start to, start to finish.

29 Erik Zandvliet ([05:55](#)):

30 Um, what happens is that the striping has to be scraped off or ground off so that it doesn't bleed  
31 through the, the slurry seal, um, the surface gets prepared and cracks sealed and, and, uh, extra work is  
32 done on the side of the road in case there was any maintenance that was required. Then the slurry seal  
33 comes through. It needs to dry for seven days before you can put striping back on it again, and then the  
34 new striping gets laid out, uh, and, and re-striped. Uh, the new striping is in thermal plastic, so it does  
35 last longer. Uh, it doesn't have to be replaced as often as, as painted stripes.

36 Erik Zandvliet ([06:31](#)):

37 And then lastly, um, parking lot three, which is our three level parking structure, uh, along 12th Street  
38 and Morningside, uh, is scheduled for refurbishment. There was some emergency repairs that were  
39 done late last year, um, but then, um, uh, more extensive repairs are needed and are scheduled  
40 between January and April of next year, as well. Um, that will impact somewhere between 20 and 30  
41 parking spaces at any one given time while they work on certain levels of the parking structure, or above

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1 or below, um, certain parking areas. Uh, that will put a- additional, um, demand, or addi- additional  
2 impact on our street parking and in our other parking structures.

3 Erik Zandvliet ([07:20](#)):

4 Uh, we did take a look at some of the special events that are scheduled for this, the springtime, um,  
5 whether it's the, uh, Ridgedale and Peer to Peer, uh, or the, you know, baseball little league, uh, parade,  
6 those aren't a- anticipated to impact our, uh, uh, the, the dining deck areas or, or the use of those, uh,  
7 for those particular events. So, um, at, at this time. Now next summer, that's a different story. Um, of  
8 course we will have our major summertime events, and that will, again, uh, impact, uh, our streets and  
9 the, the, the ability to provide sa-, a safe, uh, event if we continue to have the, the dining decks in place.  
10 Um, I will draw your attention to some of the pieces of correspondence that you received this evening,  
11 or today, uh, from, uh, residents and from the businesse-, uh, associations, and from the businesses  
12 themselves. Um, a mixed set of, uh, of those that are in favor of and opposed to extending the, the  
13 dates.

14 Erik Zandvliet ([08:31](#)):

15 So I'd be happy to answer any questions that you might have at this time, um, and then we'll go forward  
16 with the discussion.

17 Mayor Hildy Stern ([08:38](#)):

18 Thank you, um, Erik. Do we have anyone, d-, would anybody like to ask a question of Erik? Uh, Council  
19 Member Hadley?

20 Hadley ([08:51](#)):

21 Yes, thank you. Thank you for [inaudible 00:08:53]. I believe on page three, I'm not trying to be a  
22 grammar maven, but for the official record, um, for the archives of the city, perhaps you wanna change  
23 the slurry seal project to be February to May of 2022, correct? These are future projects, not past  
24 projects.

25 Erik Zandvliet ([09:11](#)):

26 Yes, I'm still stuck in 2021.

27 Hadley ([09:13](#)):

28 And parking lot three, uh, 2022 as well. So I hope the public knows that these are upcoming projects  
29 that will affect our ability to get to the streets, not old projects that we were able to work out. Um, I  
30 know you're words said that, but people that only read PowerPoint, might be good to update it. Thank  
31 you.

32 Erik Zandvliet ([09:34](#)):

33 Thank you. It is correct in the staff report.

34 Mayor Hildy Stern ([09:37](#)):

35 Okay. Council Member Franklin, did you have a question?

36 Joe Franklin ([09:39](#)):

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1 Yes. Uh, thank you. And, and thank you, Erik. Appreciate it. Uh, c- can you, um, just update, uh, I  
2 remember... I can't remember if it was the last council meeting or the one before, we did talk about a sl-  
3 , the slurry project, but it was gonna be happening sooner, and I believe, uh, there has been a, um, delay  
4 of that, uh, because of, uh, contract issues. Can you just review that? A- and, and d- [crosstalk 00:10:06],  
5 and do the dates you give, does that reflect that? Assuming that we go out to bid again.

6 Erik Zandvliet ([10:10](#)):

7 Thank you very much, uh, Council Member Franklin. Uh, with regard to the schedule for the slurry seal,  
8 it will still fit in that timeframe of, uh, February through May, and, uh, there was a slight delay for the  
9 project, uh, negotiations. Um, but the, um, s-, the con- construction schedule will still fit in wi- within  
10 that schedule. There is some flexibility with regard to when the slurry seals for the downtown streets  
11 will occur. They could either occur early or late in that, within that, within that schedule.

12 Joe Franklin ([10:49](#)):

13 Great. Thank you.

14 Mayor Hildy Stern ([10:51](#)):

15 Any other questions? Okay, so I will op- this in, open this to public comment. Do we have anybody that  
16 would like to make a public comment at this time?

17 Speaker 14 ([11:02](#)):

18 Yes, we first have Don McPherson.

19 Don McPherson ([11:09](#)):

20 Good evening, um, good evening council. Don McPherson, representing Coastal Defender, 1014 1st  
21 Street. On November 10th, Governor Newsom signed executive order number 2121, which extends the  
22 timeframe for the COVID state of emergency from December 31 to March 31. As a result, the eat and  
23 drink, uh, encroachments will remain legal to that date, but will become, uh, unlawful thereafter. The  
24 council may extend the encroachments to March 31st, but no later. If the encroachments extended past  
25 March 31st, they would be, they would violate the following regulations: a 236 parking space deficiency  
26 would violate the local encroachment program under the jurisdiction of the Coastal Commission. The  
27 parking reduction would impact Coastal access, a Coastal Act violation. The encroachments would  
28 violate penal c- code number 370, an 1872 law that prohibits blocking public right of ways. Blocking  
29 sidewalks would also violate the American Disa- Disability Act. The encroachment, um, permit, permits  
30 limit occupancy to that in used permits, but many premises violate this condition, which the city cannot  
31 enforce. The encroachments would violate the California Environmental Quality Act, CEQA, regarding  
32 parking, traffic and noise. The city would violate CEQA by not conducting an environmental im-, uh,  
33 impact, uh, report, an EIR, which is required.

34 Don McPherson ([12:47](#)):

35 To avoid these violations of law, the council should limit the extension of the encroachments to March  
36 31st. I'm good with ending the encroachments, um, on January the 3rd. Thank you.

37 Mayor Hildy Stern ([13:01](#)):

38 Thank you, Don, for your public comments. Next public comment.

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1 Speaker 14 ([13:06](#)):

2 Next is Suzanne Learner.

3 Suzanne Learner ([13:17](#)):

4 Hi. Sorry, uh, you can't see me, as th- that'd be nice. Uh, hi everybody, um, happy holidays. Uh, dear  
5 Mayor Stern, Mayor Pro Tem Napolitano and council members Hadley, Franklin, Montgomery, and the  
6 city staff who've worked so hard in this project. Um, hope everyone is well. So I'm gonna just, I've lived  
7 in Manhattan Beach since 1987, in downtown, right on 10th Street. It's been wonderful, and I'm really  
8 very lucky to live in this slice of heaven. I think you will all agree th-, with me that the quality of life we  
9 all have here has been special, and should be preserved. The reason why our property values have  
10 soared and so many people are moving here attests to that fact.

11 Suzanne Learner ([13:53](#)):

12 However, since the temporary outdoor dining's been instituted, the town has changed detrimentally. Of  
13 course we've all supported whatever we could do to help out the restaurants during COVID. I mean, I  
14 ate more out than I ever had in my life. Um, but today is a different day; today we can eat inside  
15 comfortably. Most restaurants require vaccination. I've been all over West LA and Santa Monica, and  
16 every one of them asked me for a vaccination card. Um, which leads us now to the fact that these  
17 restaurants now have minimum double capacity, indoors plus outdoors, if not even more. I think some  
18 people have tripled the space. The city has specifically said in their latest staff report, and thank you,  
19 Erik, for repeating it, but quote, "Each business obtained a temporary encroachment permit to construct  
20 their dining area in the PRO- PROW. All of the encroachment permits state that restaurants are limited  
21 to 100% of their pre-pandemic seating occupancy, using combinations of indoor and outdoor seating  
22 areas." This has created a nightmare for our downtown, including but not limited to density, people,  
23 unbearable traffic, overload of cars, consistently utter lack of parking, um, let alone accidents from bikes  
24 that can't, that are not being seen.

25 Suzanne Learner ([14:58](#)):

26 We also have a ADA issue: we are blocking sidewalks. It is against the law; we will be sued. And I think  
27 this liability that's gonna be happening to us when there's an accident, like that happened in, outside  
28 Altamura two weeks ago, where there were car parks on Altamura's patio, and if somebody had been  
29 there we woulda been sued, and somebody coulda been killed. So, um, I think everybody else addressed  
30 it, but I think it's just time to take them down, so thank you so much.

31 Mayor Hildy Stern ([15:25](#)):

32 Thank you, Suzanne, for your comments. Next comment.

33 Speaker 14 ([15:28](#)):

34 Next is Michael Zisless.

35 Michael Zisless ([15:33](#)):

36 Mayor Stern, city council, this is Michael Zisless, downtown resident, downtown business owner. I just  
37 wanna remind everybody that, you know, again, thanks, council, staff, for all they've done to help the  
38 businesses down here survive. Just for, wanna remind everybody, we're still in the middle of a  
39 pandemic. I know, um, somebody mentioned it was now March 31st or whatever, but that date keeps

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1 slipping because the pandemic doesn't get under control, and now we have another variant. So, um I  
2 just wanna remind everybody, also, that the, the decks have been downsized through a mutually agreed  
3 upon, between the downtown retailers and the restaurants, and it was downsized in November. And  
4 we've seen it working very well over the last, uh, you know, 45 days, so very happy there.

5 Michael Zisless ([16:18](#)):

6 As far as mandates go, I do own restaurants where we're mandated for vaccinations inside dining, and  
7 non-vaccinated outdoor dining, and I think that's coming. If this, this, uh, variant does what, you know,  
8 the news is saying, we're gonna be in that situation here in LA, in all of LA County in the next few weeks.  
9 I just think it's the wrong time to, uh, take things away. And we do deal a little b-, you know, the  
10 restaurants just need a little bit of certainty, and that's why, you know, I mean, I, I heard Erik say that,  
11 that the decks need some paint and some repair, but if you're taking them down in three weeks, you're  
12 not gonna paint or repair. So once we get some certainty, I'm sure we can br-, you know, everybody will  
13 bring the decks up to look perfect and act perfectly.

14 Michael Zisless ([16:59](#)):

15 Um, the slurry project bid is a, I, from what I've heard, came in high, they didn't like the contract, and  
16 then the contractor couldn't guarantee to finish it by, you know, t- til the end of May, which would be  
17 the wrong time of year to do this. I think we should rebid it. Like, you know, if you're doing any capital  
18 improvements right now in your business, you're not gonna do it during the pandemic, when there's no  
19 labor. So I think it's just the wrong time to do that. And, uh, we need some certainty, and I just propose  
20 you keep it as is and postpone it, and I thank you for your consideration tonight.

21 Mayor Hildy Stern ([17:29](#)):

22 Thank you, Michael, for your comments. Next public comment.

23 Speaker 14 ([17:33](#)):

24 Next is Martha Andreanni.

25 Martha Andreanni ([17:39](#)):

26 Thank you. Good evening. Can you hear me?

27 Speaker 14 ([17:43](#)):

28 Yes, we can hear you.

29 Martha Andreanni ([17:44](#)):

30 Hello? Thank you. Um, as we all recall, the encroachment of the dining decks was permitted in the early  
31 days of the pandemic, as an effort to keep our restaurant businesses flourishing while they were  
32 prohibited or vastly scaled back from the serving indoors. It was hope that the restaurants would help  
33 keep our downtown flourishing, as well as the other re-, uh, businesses there. As restaurants have been  
34 able to open, and with the dining decks remaining in place, we have created additional problems.  
35 Occupancy levels of restaurants have exceeded their allowable maximums, more patrons have viewer,  
36 fewer parking options, sidewalk and street encroachment dining have created congestion, our sidewalks  
37 and streets. We aren't pedestrian friendly, as we should be.



# EXHIBIT 1. TRANSCRIPT, ENCROACHMENT HEARING, 7 DEC 2021

This transcript was exported on Dec 18, 2021 - view latest version [here](#).

1 Martha Andreanni ([18:34](#)):

2 There are health and safety issues we didn't have prior to the dining decks. Clutter and trash on  
3 sidewalks, reduced traffic lanes in an already narrow downtown streets, traffic accidents are on the rise.  
4 The dining decks have prevented, prevented adequate street cleaning. Trash has accumulated in trash  
5 receptacles and on downtown, uh, alleyways. With, there has been and continues to be additional  
6 spending for security, as we've seen for the upcoming fireworks show, an additional \$50,000 to be spent  
7 for security. Since we all would be forcing more people to the beach, most of the dining decks are used  
8 during the evening hours, yet they prevent public parking during the day, as well. All classed impacts are  
9 real for all of us. Please use your power and, (laughs) and, uh, benefit to the city to enforce the  
10 expiration date of January 3rd, 2022. Thank you for your service, and happy holidays to all.

11 Mayor Hildy Stern ([19:41](#)):

12 Thank you, Martha, for your comments. Next comment.

13 Speaker 14 ([19:44](#)):

14 Next is Mike Simms.

15 Mike Simms ([19:51](#)):

16 Hello, and... Hello, everyone. Thank you, Mayor Stern, council members and staff. Uh, Erik, once again,  
17 thank you for your presentation and dedication to this. Uh, we can... Well, I don't think you're, uh, we  
18 can never thank you enough. So, um, I, I do own a residence, uh, in North Manhattan Beach, uh, west of  
19 Highlands. Um, I do also own restaurants in downtown Manhattan Beach, uh, so I, I do, I am supportive  
20 of obviously keeping the downtown decks. Uh, we've had two events in the last, um, few months: uh,  
21 the car show, um, as well as the holiday open house that, um, did actually close down a, a, a lot of the  
22 streets. And magically, um, thousands of people showed up without the, with all that loss of parking. So  
23 the lesson is learned is that you create demand and you create something that's special that people  
24 wanna come to, and they'll just figure out how to get here.

25 Mike Simms ([20:46](#)):

26 Um, parking is, is obviously always gonna be an issue, uh, but as we can tell, uh, the more magical you  
27 make downtown Manhattan Beach, the more likely people are gonna come to it. Uh, we've, we've  
28 started a, um, just, you know, in talking to our neighbors, they all ask, "How can we help? What can we  
29 do? We wanna make sure this stays." So we cor-, we created a, a support downtown Manhattan Beach,  
30 uh, or the s- support downtown... I, it's too long. [Outdoordiningmanhattanbeach.com](#) or something.  
31 Um, and it, without even advertising it, we have over, you know, like, 400 supporters. It's, this is a vast...  
32 I mean, I'm shocked that... I'm looking at it, we have 63 people on this call, and there's hundreds that I  
33 know that support this. Um, I mean, I, you also have neighbors in downtown Manhattan Beach, I, I think  
34 some of them that spoke, that actually take advantage of, of public space. They have easements that,  
35 uh, they use to, uh, to, to modify their, their space and outdoor patios into public space.

36 Mike Simms ([21:44](#)):

37 Um, the California Coastal Commission is, is, was commissioned to protect the coast for present and  
38 future generations. Um, you know, by these two events creating outdoor spaces that people wanna  
39 come to, that's doing it. So thank you.

# EXHIBIT 1. TRANSCRIPT, ENCROACHMENT HEARING, 7 DEC 2021

This transcript was exported on Dec 18, 2021 - view latest version [here](#).

- 1 Mayor Hildy Stern ([21:58](#)):  
2 Thank you, Mike, for your public comments. Next comment.
- 3 Speaker 14 ([22:02](#)):  
4 Next is Jim Burton.
- 5 Jim Burton ([22:06](#)):  
6 Mayor and Mayor Pro Tem Napolitano and members of council, Jim Burton. Um, I don't, I don't know  
7 that I disagree with any of the previous speakers. I mean, I think there's truth in, in everything-
- 8 Steve Napolitano ([22:19](#)):  
9 Hard to hear you, Joe.
- 10 Jim Burton ([22:20](#)):  
11 Oh, can-
- 12 Steve Napolitano ([22:22](#)):  
13 You sound like you're on speaker phone, or far away.
- 14 Jim Burton ([22:25](#)):  
15 Uh, let me try to fix my audio, yeah.
- 16 Steve Napolitano ([22:46](#)):  
17 Jim. (laughs)
- 18 Steve Napolitano ([22:46](#)):  
19 I just thought maybe you could (laughs) sit closer to the, the microphone. I didn't mean for you to sign  
20 off. (laughs)
- 21 Mayor Hildy Stern ([22:51](#)):  
22 Do we wanna take the next public comment and let Jim dial-
- 23 Joe Franklin ([22:54](#)):  
24 Hey, hey Jim, just, just walk on down here.
- 25 Mayor Hildy Stern ([22:57](#)):  
26 You just-
- 27 Jim Burton ([22:58](#)):  
28 Yeah, you know what? I wish I could. I, I'm outta state. Can you hear me better right now?
- 29 Steve Napolitano ([23:02](#)):  
30 Yeah.

# EXHIBIT 1. TRANSCRIPT, ENCROACHMENT HEARING, 7 DEC 2021

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1 Mayor Hildy Stern ([23:02](#)):

2 You can go ahead.

3 Steve Napolitano ([23:02](#)):

4 It's a little be-

5 Hadley ([23:02](#)):

6 Yes.

7 Jim Burton ([23:07](#)):

8 Um, well, I'll ju-, I'll just make this quick. I, you know, you all received my letter. Um, I don't know that I  
9 disagree with anybody that's been, spoken, but enough is enough downtown. I mean, I get the parking  
10 issue has been a tremendous impact to those of us that live downtown. Many people don't have any  
11 parking at all, and, um, the relief that we got in November, I think that was fantastic, it provided a little  
12 bit. But essentially, the number, the number of things that the city is doing to jump through hoops to try  
13 to get, to keep these decks, in my mind, is costing us too much, and for, for a benefit that, in reality, if  
14 we want dining decks, we need to look at a longterm solution on what we need to do.

15 Jim Burton ([23:49](#)):

16 Um, I witnessed, I didn't see it happen, but I was out walking along the beach when a vehicle hit a  
17 parked sheriff vehicle in front of The Kettle, across from Altamura Café. And it literally took the front  
18 end of the vehicle, left it at the café, sprayed car parts everywhere, and the vehicle went all the way  
19 down past Manhattan Beach Boulevard. And my first thought when that happened was, "What if  
20 somebody was in that deck?" And I think a little bit would put, it's, uh, we knew... The decks need to  
21 come out, we need to look at a longterm so- solution for dining. I apologize for the audio, but I'm gonna  
22 end it there. You have my letter, you know my thoughts. Thank you.

23 Mayor Hildy Stern ([24:28](#)):

24 Thank you, Jim, for your comments. Next public comment.

25 Speaker 14 ([24:33](#)):

26 There's no additional public comments requests via Zoom, but we do have, uh, Jackie May in c- city  
27 council chambers.

28 Jackie May ([24:49](#)):

29 Good evening. Um, er-, uh, everyone... We had a meeting last night and there, they had so many great  
30 points. And I'm having trouble hearing, so I, I hope that they were touched on. I know that, that they  
31 wrote letters. Um, I just wanted to mention that we have a, a residents' group just downtown, just the  
32 small area around the businesses of, of 50 people, and they're all opposed to th-, it c-, it continuing, the,  
33 um, taking up all of our parking spots. Uh, as Mr. Simms said, yes, we do have encroachments, but we  
34 don't have a parking spot to have a visitor visit, so we don't use our encroachments very much. Just, you  
35 know, we, we, uh, it's just really sad. Um, I, I, I know there's, there's hundreds of residents who live in  
36 that small area. There's several apartment buildings, so n- nobody's very happy about... I mean, a- also, I  
37 wanted to mention that quite a few of the renters don't have access to garages, so, uh, their, their, uh,

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1 landlords don't give them garages. I know three of my neighbors next door, two of them don't have a  
2 garage access, and, and I know of others, but I can't give you a number.

3 Jackie May ([26:09](#)):

4 Um, now also, since, uh, COVID has I-, uh, let up a little bit, the Neptunian Club is now renting out their  
5 hall weekly, and they take up seven spots. They take up the entire 10th Street every time they have a  
6 meeting from 10:00 AM to 10:00 PM. They just got through taking up for three days from 10:00 AM to  
7 10:00 PM, so that's even more spaces that we don't have. Uh, uh, someone brought up, I, I don't  
8 remem-, I, I'm sorry I couldn't hear, but I don't know if they mentioned that when they removed the  
9 decks the last time, there were a lotta rats and weeds and, you know, choking the, uh, storm drains. So I  
10 think that, yeah, that's a consideration, too. Th- thank you very much.

11 Joe Franklin ([26:55](#)):

12 Um, um, m-

13 Mayor Hildy Stern ([26:56](#)):

14 Thank you, Jackie, for your comments.

15 Joe Franklin ([26:58](#)):

16 Madame Mayor, I have a question for Jackie-

17 Mayor Hildy Stern ([27:00](#)):

18 Sure-

19 Joe Franklin ([27:00](#)):

20 ... if I may.

21 Mayor Hildy Stern ([27:00](#)):

22 ... Council Member Franklin.

23 Joe Franklin ([27:02](#)):

24 Uh, yeah. Hi, Jackie.

25 Jackie May ([27:02](#)):

26 Hi.

27 Joe Franklin ([27:03](#)):

28 Hi. I, I, I just didn't catch... W- w- what happens on 10th Street from 10:00 AM to 10:00 PM?

29 Jackie May ([27:07](#)):

30 The Neptunian Club has meetings, and they don't have a, they don't have a parking lot of their own. So  
31 they're allowed to block off the entire street of public parking for themselves every time they have a  
32 meeting, and that's at least once a week.

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- 1 Joe Franklin ([27:21](#)):  
2 So, so that's from Highland down to Manhattan Avenue? That, that segment of 10th Street-
- 3 Jackie May ([27:24](#)):  
4 Highland to, uh, Crest-
- 5 Joe Franklin ([27:26](#)):  
6 Uh-huh.
- 7 Jackie May ([27:26](#)):  
8 ... and, and spots on Highland, itself. And they do that, uh, every time they rent out their hall, and they  
9 just got through doing it for three straight days. It's from 10:00 AM to 10:00 PM-
- 10 Joe Franklin ([27:37](#)):  
11 All right.
- 12 Jackie May ([27:38](#)):  
13 ... so typically, no one will park there the whole time. Oh, and you know, there was actually... Uh, if I can  
14 just mention one more thing, those decks sit empty all the time. On my drive over here, there were two  
15 people sitting on the decks. They, they take up 24/7-
- 16 Joe Franklin ([27:54](#)):  
17 Right.
- 18 Jackie May ([27:55](#)):  
19 ... and yet they're closed.
- 20 Joe Franklin ([27:56](#)):  
21 Mm-hmm (affirmative).
- 22 Mayor Hildy Stern ([27:56](#)):  
23 Thank you, Jackie.
- 24 Joe Franklin ([27:57](#)):  
25 Okay, thank you.
- 26 Mayor Hildy Stern ([27:58](#)):  
27 Thank you very much-
- 28 Joe Franklin ([27:58](#)):  
29 Appreciate it.
- 30 Mayor Hildy Stern ([28:06](#)):

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1 ... for your comments. Okay. We have no more requests for public comments, so now, council  
2 colleagues, do you have any comments to make about, uh, the January 3rd expiration date for the  
3 temporary encroachments? Anybody wanna start us off?

4 Joe Franklin ([28:28](#)):

5 S- s- s-

6 Mayor Hildy Stern ([28:28](#)):

7 Oh, Council Member Montgomery, is that a hand raised? What is that little-

8 Montgomery ([28:34](#)):

9 Not me.

10 Joe Franklin ([28:35](#)):

11 No, that's just a cursor.

12 Mayor Hildy Stern ([28:36](#)):

13 Oh, that's a cursor. Okay.

14 Joe Franklin ([28:37](#)):

15 If I may, Ma- Madame Mayor, c- can I just ask a question?

16 Mayor Hildy Stern ([28:40](#)):

17 Yes, Council Member Franklin.

18 Joe Franklin ([28:42](#)):

19 Um, are, are restaurants by, uh, the COVID orders, emergency orders, are they, uh, open to capacity? Is  
20 there any restrictions inside?

21 Mayor Hildy Stern ([28:50](#)):

22 Who is that question directed to?

23 Joe Franklin ([28:52](#)):

24 Hmm?

25 Mayor Hildy Stern ([28:52](#)):

26 Who are you asking that question of?

27 Joe Franklin ([28:53](#)):

28 I don't know. (laughs) [crosstalk 00:28:55]

29 Speaker 2 ([28:55](#)):

30 Carrie, Carrie can answer that.

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1 Mayor Hildy Stern ([28:57](#)):

2 Uh, Director Tai?

3 Director Tai ([28:58](#)):

4 Uh, sure, Council Member, yeah, Council Member Franklin. Thank you for your question. Uh, no.

5 Currently, restaurants do not have any indoor operating capacity, or limitations.

6 Joe Franklin ([29:08](#)):

7 Okay. Got it. Thank you.

8 Mayor Hildy Stern ([29:10](#)):

9 Mayor Pro Tem Napolitano?

10 Steve Napolitano ([29:13](#)):

11 Sure, I'll jump in. I think that I, um, you know, I, I was on the subcommittee that, that jumped on this,  
12 and, and, um, we got ahead of a lot of other cities in setting aside spaces for outdoor dining when the  
13 pandemic first started, came up with the loophole, some people would call it, for, uh, keeping our, our  
14 outdoor dining open. Um, when everyone else was, uh, shut down. Uh, we did shut down, I mean, Joe  
15 and me, I, we went out on a limb and I got beat up for it for, uh, closing down part of an av- avenue. Uh,  
16 Mr. Simms talks about, you know, whatever we could do to make it special, well, if we close down  
17 streets, that would make it special, but not enough people supported that as, uh, as, as special.

18 Steve Napolitano ([30:00](#)):

19 But a- at this point, you know, we made a number of commitments. And I, I don't wanna toss those  
20 aside as if they're nothing. And tha-, and we've done that a few times, right? We've extended the  
21 outdoor dining, uh, several times now to address the concerns of the pandemic and the operations of  
22 the restaurants, uh, during the pandemic. Um, you know, yes, we have this new variant, but no, there  
23 doesn't seem to be any movement afoot to do anything, uh, different about it at the moment. Uh, could  
24 that change? Yes, but so far the information we're getting doesn't show that the county's going to be  
25 ordering new shutdowns or anything like that. Um, uh, I think, too, the point's well taken on the need to  
26 make some improvements downtown: the slurry seal of the streets, the construction. It wasn't delayed  
27 because of some issue with, you know, it was the, the low bidder, uh, made a mistake, and so we had to  
28 drop the bid and we re- re-scoped it, um, and we're, that's already happening, and it would be within  
29 the timeframe.

30 Steve Napolitano ([31:11](#)):

31 And I think that it, that's needed down there. We need a refresh in a number of different ways. And the,  
32 um, the loss of parking that we're gonna have, uh, lot three is, is on top of that. And, but we did make a  
33 commitment that this was gonna be temporary, and a- as, as Mr. Zisless pointed out, yeah, no- no one's  
34 investing in them right now because they, they are known to be temporary. Um, but I think that we  
35 should keep, at this point, the January 3rd, uh, deadline to, uh, say enough, uh, with the temporary as it  
36 is, and really get going.

37 Steve Napolitano ([31:43](#)):

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1 And this is what I tried to impress upon last time, um, and really, during the, the fall, is when are we  
2 gonna get going on this discussion of permanent outdoor dining? If we're gonna consider that, we can  
3 get started sooner or later. We, with all, uh, due respect to our, our community develop director,  
4 Director Tai, uh, well, I see you smiling, uh, you know, we kinda rejected the, the long, drawn out  
5 consultant group and, um, planned to, to look at this. And I think we, we know what we want or don't  
6 want. Uh, I'd like to get to that discussion, and this would provide a, you know, ma-, taking away the  
7 temporary right now would, would, uh, uh, kickstart the, I think, put a, an impetus, an urgency to it to  
8 really get those discussions going and, and make them fruitful.

9 Steve Napolitano ([32:31](#)):

10 Um, but, you know, to take the suggestion from the Downtown Association that we should extend the  
11 temporary to, uh, 2023, defer the, the maintenance of our streets down there til 2023, would take what  
12 was temporary and make it defacto permanent, because the, the suggestion was also that we just tag on  
13 the permanent. We talk about the permanent at the same time that we have the temporary, and then  
14 just continue on, uh, basically turning the temporary into permanent without any gap in between. And  
15 that wasn't what the commitment was that we made to, uh, the folks downtown, um, who will be part,  
16 you know, should be part of the discussion of any permanent outdoor dining. Not saying it's a, a slam  
17 dunk or a guaranteed thing, but we all said we wanna get to that discussion. And in the meantime, I  
18 think we need time out from the, the outdoor dining as it is now. Uh, it's already shrunk; I think that was  
19 a bit unfair to some folks. I, I didn't hide my feelings about that at the time, uh, it, you know, uh, I think  
20 everyone who wanted it before, I didn't think we, we should be picking who gets it and who doesn't by  
21 endorsing certain plan by veto Downtown Association that pushed on their members to get rid of them.

22 Steve Napolitano ([33:46](#)):

23 But as far as I'm concerned, I think we need time out on them. Uh, keep the, the, uh, expiration date of  
24 January 3rd, and let's set some real discussions about permanent, uh, outdoor dining so we can get  
25 going on that. Uh, otherwise, there's really no, no reason to, to do that. So that's, that's, uh, where I am  
26 on that. Thank you.

27 Mayor Hildy Stern ([34:06](#)):

28 Thank you. Any other comments?

29 Joe Franklin ([34:12](#)):

30 Yes, your, your honor?

31 Mayor Hildy Stern ([34:13](#)):

32 Yes, Council Member Franklin?

33 Joe Franklin ([34:15](#)):

34 Yes, thank you. And, uh, y- you know, we, we owe a debt of gratitude to our restaurants and businesses.  
35 Um, I remember those dark days early on of the shutdown, and literally, downtown was a ghost town,  
36 and other parts of town were a ghost town. And we really, um, you know, worked hard, uh, d-, I, I m-,  
37 this is before I was on council, and then, you know, while I've been on council, but worked hard to, to  
38 help them. And, and actually, that was to help the city and to save the vitality of the city. It brings a, a,  
39 you know, a life and an enjoyment, uh, to our streets. Uh, and, and, and the restaurants and businesses



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1 are true entrepreneurs. They, they, uh, it, it takes a lot to open a restaurant and to run a small business,  
2 uh, and doubly so during, uh, the kinda pandemic. Uh, so we ne-, i- i-, so, so I applaud them, and I think  
3 a lotta people are, are happy with them about what they did.

4 Joe Franklin ([35:16](#)):

5 Um, the, um, the things that we have to pay attention to is, is just the, the physical realities of our  
6 downtown. We're a small beach town. Um, you know, throughout the whole, uh, you know, discussions  
7 about extending, we said, you know, um, people mention in Europe, they got these wonderful plazas  
8 that they can, uh, that they bring out the tables at night and they have dinner, and it's just so enjoyable  
9 and family friendly and convivial, and, um, just so much, uh, joy that it brings to people's lives. We, y-  
10 you know, we're, by nature, social animals, and we wanna, you know, and we wanna see each other and  
11 be outside, and especially here, because we're blessed with such weather. But the things we're not  
12 blessed with are a plaza like we see down in Hermosa Beach. Um, we're also not blessed with streets  
13 that lend themselves easily to closing down to, uh, uh, to accommodate dining like we see in Richmond  
14 Street in, uh, in El Segundo and in parts of, uh, Redondo Beach. You know, they just lend themselves,  
15 you can get around those areas easily.

16 Joe Franklin ([36:25](#)):

17 Um, I, um, I, I, I applaud my fellow council members, uh, Napolitano and Montgomery, uh, for being on  
18 the subcommittee and actually, you know, sticking their necks out for the closure of Manhattan Avenue.  
19 Uh, it, uh, you know, you know, w- w- we found out it didn't work, and that's fine. I mean, we, we were  
20 trying all sorts of different things. So those are the things that, um, that, that we're not blessed with. Uh,  
21 also, wide sidewalks. I mean, I was recently in Chicago, and, uh, (laughs) m-, I, I must annoy my wife so  
22 much, 'cause we're walking along and I, uh, and I'm measuring this, the width of the sidewalks, 'cause it,  
23 you know, they have a row of tables and then they have a little iron rail, and then there's enough  
24 sidewalk for people to walk by. We don't have eight foot sidewalks here; it just doesn't exist.

25 Joe Franklin ([37:16](#)):

26 So we did all these things in an emergency, um, everybody cooperated, um, tha-, i- i- i-, we, we owe a  
27 debt of gratitude to the residents of downtown Manhattan Beach, and also to the retailers that were  
28 impacted. I mean, they believed in this. The- the- they, they went forward and they, and, you know, with  
29 faith, you know, into, in- into what was really an unknown, and they provided their, you know, their  
30 support of what we did. But I think the time has come, uh, to where, that's why I asked the question  
31 about the, you know, 100% of the, uh, restaurants, if th-, you know, availability indoors. Um, that's, pre-  
32 COVID, what they were basing their business plan on, (laughs) was the inside dining. I think, what,  
33 before that time, we only had one little outside deck, you know, above the Strand House. And I  
34 remember that c- created quite a, you know, uh, you know, ups-, you know, on the second floor, and  
35 that created, you know, a, a, a, a bit of discussion.

36 Joe Franklin ([38:16](#)):

37 So for what w-, s- so for what we've done, I hope that the restaurants are, uh, you know, and they're still  
38 faced with challenges of staffing shortages and the like, but I hope they've done well. Uh, we know that  
39 there was federal assistance th- that, that everybody was able to apply for. So, um, I would, uh, I, I  
40 would also say, I- let's stick with the July 3rd... Uh, my only comment, and, and, and question to my  
41 fellow council members is, I was just looking at the calendar, assuming that they have, you know, a New

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1 Year's, uh, dinner and parties or whatever, if June, you know, th- that Monday is just a little bit too soon  
2 to have it all done. So, uh-

3 Steve Napolitano ([38:57](#)):

4 (laughs) Council Mem-

5 Joe Franklin ([38:58](#)):

6 Yeah?

7 Steve Napolitano ([38:58](#)):

8 ... Franklin, you've said June and July right now. Are you talking January?

9 Joe Franklin ([39:01](#)):

10 Oh! I'm sorry. Ja- January. Sorry.

11 Director Tai ([39:03](#)):

12 (laughs)

13 Joe Franklin ([39:04](#)):

14 I'm talking about January. (laughs)

15 Steve Napolitano ([39:04](#)):

16 Just to be clear.

17 Joe Franklin ([39:05](#)):

18 Yeah, yeah. Thank you s-

19 Hadley ([39:07](#)):

20 For the public record.

21 Joe Franklin ([39:08](#)):

22 Thank you so much. Let's clarify that. I'll speak slowly for the closed captioning. January (laughs) 3rd, is  
23 just maybe give them an, uh, you know, a- another couple of days, 'cause it's quite extensive work to  
24 take those down, so thank you.

25 Mayor Hildy Stern ([39:21](#)):

26 Thank you, Council Member Franklin. Any other comments? Council Member Montgomery?

27 Montgomery ([39:29](#)):

28 Thank you, your honor. Um, as all of you know, I had the, the, uh, good fortune or misfortune to be  
29 mayor when COVID started, when this all started, and what we did and what all of us, the team, staff,  
30 residents all did to help downtown, the North End, the East End, forget, we don't, we have an East End,  
31 here, people, too. Roads crammed, [inaudible 00:39:54], everyone survived we thought would be a

# EXHIBIT 1. TRANSCRIPT, ENCROACHMENT HEARING, 7 DEC 2021

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1 short term COVID experience. We didn't realize there'd be 21 months, and now tailing off, hopefully. Uh,  
2 I heard Mike Zisless talk earlier, I heard Mike Simms. Much respect to those two and what they did and  
3 what they went through, where they are today. Also the little guys: Bobby Eskowitz, Manhattan Pizzeria.  
4 We've all been to Manhattan Pizzeria at least twice in our lives. Um, Peter Kamitz, Loopy's. We've all  
5 been there.

6 Montgomery ([40:24](#)):

7 But I, I think you're hearing the right thing here. W- when, when the comments came out earlier about,  
8 "Why aren't decks being repaired," that certainty issue. We've done, probably, a disservice to everyone  
9 by moving the goalposts every few months, whether it was 'cause we thought COVID was still there in  
10 full speed, or the county required different paperwork or different this or different that, part of it's  
11 them, part of it's us. W- we're here. So I, I think we did the right thing. And, and as Mayor Pro Tem  
12 Napolitano talked about, keep our word, January 3rd, then have an honest to God discussion about  
13 permanent decks at a, at a future date, and have everybody look at it and see who would go for it, who  
14 wouldn't. But as far as this goes, keep January 3rd expiration date going, come back from there and  
15 thank everybody with their patience, let us get through all this, and hopefully get through it all  
16 completely, by this time next year, no issue. Uh, but keep the date January 3rd and we'll go from there.  
17 Thank you, your honor.

18 Mayor Hildy Stern ([41:24](#)):

19 Thank you, Council Member Montgomery. Council Member Hadley?

20 Hadley ([41:29](#)):

21 Yes, thank you, colleagues. I think some excellent, um, points have been made. And I, I hope that our  
22 restaurants feel and know how, um, this council really has scrambled to help our restaurants, and  
23 thereby, our retailers, as we have, um, really proven that virtuous circle of bringing people into our  
24 community to eat and then shop, or shop and then eat, and it's really symbiotic. And I think that our  
25 retailers, up until, uh, recently, have really appreciated that, as well. So I'm proud of how we pivoted,  
26 I'm proud of com dev, I'm proud of, um, city council, um, traffic manager Erik Zandvliet has been terrific  
27 about pivoting. I'm really just super impressed with what the city has done in these last couple years,  
28 um, during COVID in order to have this high class problem that we have now, which is when to, um, uh,  
29 close off the experiment.

30 Hadley ([42:33](#)):

31 I do agree with one of my colleagues, that it, it was considered, um, a short term, uh, solution. I've told  
32 every resident, if you live downtown, I know you've heard from me, if you've reached out to me, I hope  
33 that you've heard back from me. Every single one I said, uh, the temporary dining decks was one track  
34 and permanent was a second track. I was not, I was committed from day one to not bleed one into the  
35 other, and I am gonna fulfill that commitment tonight. I did make a commitment to pull up the  
36 temporary decks until we, um, take on the longterm discussion, which will involve the entire city. I thank  
37 my, uh, Mayor Pro Tem Steve Napolitano for bringing up com dev. I, you know, I urge community  
38 development to speed up the down-, the permanent discussion faster than 2023. I, you know, I sucked  
39 in my, my breath when I saw that in the last staff report. So I think the community does support outdoor  
40 dining. Our, our shoppers know it, our, our, uh, retailers know it, our downtown residents, our  
41 restaurants know it. So this is the future in some form, I believe. Um, so let's go boldly toward that, and,  
42 and quickly.

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1 Hadley ([43:49](#)):

2 I agree with one of the restaurateurs, if that they need clarity over agreement, um, so I do think if, you  
3 know, it, it sounds like we, we have the votes to end the temporary outdoor dining, um, probably  
4 tonight, and I think that that won't be welcome news, but at, at least it will be some clarity. Um, I do  
5 think Joe's right, um, I thank my colleague, Joe Franklin for saying that our restaurants, um, proved  
6 incredibly nimble, incredibly responsive, incredibly creative, um, especially the restaurants on the  
7 inclines to, you know, engineer these, um, you know, massive outdoor structures that were safe,  
8 unbelievably attractive, and I have to poke a little fun at Mayor Pro Tem Napolitano, because when we  
9 approved temporary outdoor dining, the first thing Steve said was, "These things are usually really ugly."  
10 And I hadn't really thought about that, the whole water barriers and everything.

11 Hadley ([44:49](#)):

12 And then gosh darn it, in Manhattan Beach, if our amazing restaurants didn't beautify those temporary  
13 decks, um, in unique and positive ways. It just never... I love to walk through downtown and just see the  
14 different personalities popping out on each of the decks, including in the downtown holiday open house  
15 where we voted, you know, and now their decorated for the holidays and they're spectacular. So I'm  
16 super proud of the temporary decks, I'm super proud of what we pulled off as a city. I'm sad, um, as a  
17 patron that they will be coming to an end, but I do owe a commitment to the downtown residents that  
18 I'm determined to follow through on. Um, I hope we'll keep the pedal, um, on the gas, uh, foot on the  
19 gas in order to begin to discuss permanent, and I know [inaudible 00:45:39] PA is chomping at the bit.

20 Hadley ([45:41](#)):

21 Um, but I, I would like to take a minute to applaud team CMB, um, you know, downtown residents,  
22 retailers, restaurants and council and staff, uh, for working together to, to, created something so special  
23 that I am sad to see it close down. I look forward to the next reincarnation. I know this will make it sad  
24 for some of the, uh, the restaurants to get bad news, um, but we are in an endemic now, we are no  
25 longer in a pandemic, and I think these signs of returning to normal will signal to residents, um, safety in  
26 eating inside. And I know my husband and I try to eat inside whenever we can, in order to signal that,  
27 um, you know, that it's safe to do so. So thank you. Uh, those are my views, and kudos to everyone for  
28 this wonderful, um, you know, what, perhaps the only silver lining to COVID I heard over and over from  
29 residents, and I agree. It's been a blessing, it's been fun, and now we move forward with things.

30 Mayor Hildy Stern ([46:40](#)):

31 Thank you, Council Member Hadley. So I'll just complete, um, this discussion with my comments. And I,  
32 and, and I echo that it's, it is almost sad, right? We know that the residents, by and large, in Manhattan  
33 Beach have really enjoyed the outdoor dining, um, and we've heard that over and over again. Um, and,  
34 and we appreciate that, as, as we all do, um, enjoy to sit outside. And when I was having these  
35 discussions and I was asking people how they would feel if the outdoor dining, we no longer had the  
36 outdoor dining, while they were very sorry to hear that, um, what I was reminded of is that this decision  
37 comes so difficult, in such a difficult way because all of these other factors that we've heard from, um,  
38 from, both from the residents in the areas or people that have, um, that are patronizing our business  
39 districts, congestion, ADA access, trash, maintenance, inequities, cost, parking, safety, noise, clutter,  
40 reduced driving lanes, street drainage, cleanliness, um, conflicts with events, uh, the costs, um, uh,  
41 impacts to pedestrians, uh, you know, it goes on and on. And those are important considerations that,  
42 that aren't obvious when you're sitting enjoying outdoor dining on a beautiful deck on a beautiful night  
43 and looking out over the ocean.

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1 Mayor Hildy Stern ([48:10](#)):

2 So I just want to underscore that this consideration comes with, i- it comes with many factors, and as  
3 the, the decision makers in the city, we can't just say, "Well, we really like it, so we want, so we'll keep  
4 it." What we can say, however, is, "We do have a vision that we w-, we want to continue to look at this  
5 as a longterm solution." Um, this isn't the end of this discussion. This is just a pause to recognize, as has  
6 been said over and over again, the temporary nature of the decks, so that we now can take all this  
7 information that we've learned, we can learn from so much that we have had in these last couple years  
8 to m-, to do this in a way that's much more, um, that m-, uh, that encompasses all of the, all of what we  
9 have learned in these last years.

10 Mayor Hildy Stern ([49:05](#)):

11 So yes, let's, um, let's continue to look at this as a way to support our community and support our  
12 businesses. It's been an amazing community effort, both from our city staff, and I, you know, w- we  
13 couldn't even imagine, and we hear, but I can't imagine, um, the amount of time and effort that our  
14 community development, um, staff has spent, uh, working on this, how much time our city management  
15 has spent working on this, even public works and all of our departments. Um, but also, it's been a  
16 wonderfully collaborative e-, um, community, uh, e- effort with the Downtown Business and  
17 Professional Association, with the North End, um, bid, with the Residents' Associations, with so many,  
18 um, that, so many people that have come together, and our chamber of commerce, to really work  
19 toward solutions. So we know that we have that in our pocket, and that we will continue to do that.

20 Mayor Hildy Stern ([50:11](#)):

21 And I just wanna assure, um, our community that we are committed to continuing to look at a solution.  
22 Um, but right now is the right time. I think I've heard from all of our council members that right now is  
23 the right time we, to, to have the certainty that we gave our restaurants, that January 3rd was the, um,  
24 the expiration of the temporary outdoor dining. Um, and so, to that, I think we all have the consensus,  
25 um, to, uh, to honor that date, um, and to honor the expiration on January 3rd.

26 Mayor Hildy Stern ([50:53](#)):

27 Um, and I'm going to see if there isn't, there isn't really direction that we need to give at this time. Uh,  
28 City Manager Moe, I think that we already have the expiration date in effect. Is there anything that you  
29 need more to hear from us on this?

30 Moe ([51:15](#)):

31 No. I believe we're just gonna continue with that original directive, unless there are other additional  
32 directions you wanna give us, but, uh, January 3rd is the date.

33 Steve Napolitano ([51:24](#)):

34 [crosstalk 00:51:24] Yeah, your Honor, i- i-, just to Council Member Franklin's point, January 3rd is the  
35 end date that they must stop using them; the breakdown starts after that.

36 Joe Franklin ([51:36](#)):

37 Okay, great.

38 Steve Napolitano ([51:38](#)):

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1 I see Director Tai shaking her head in agreement. I must have said something right-

2 Director Tai ([51:44](#)):

3 Yeah. Thank you. And-

4 Steve Napolitano ([51:44](#)):

5 ... for a change.

6 Director Tai ([51:46](#)):

7 (laughs) I, yes, and, and thank you, Mayor Pro Tem Napolitano. And just to clarify for the council, uh,  
8 yes, what we will do is, uh, send out a notice to the, uh, restaurants that the, the last day of operation is  
9 January 3rd, and we usually provide, uh, three business days or so prior, uh, yeah, definitely prior to the  
10 next weekend for removal. Um, and then in, in the case of where individual restaurants have particular  
11 challenges, if they have trouble lining up contractors, and we, we will work with people individually, as  
12 well. But there is a grace period for the breakdown and removal. Uh, there is a certain amount of  
13 logistics for street closures and coordination of traffic that has to happen. And so we do, we are involved  
14 in the removal process, as well. So thank you.

15 Mayor Hildy Stern ([52:29](#)):

16 And as, as you, as you do, Community Director Tai, you are extending yourself and offering to help in  
17 any way that you can, and I, um, ongoingly appreciate how willing you are to, um, to make this a smooth  
18 transition. So thank you for that. Um, so I think at this time, we can move on t-DM1

19 Joe Franklin ([52:51](#)):

20 Um-

21 Mayor Hildy Stern ([52:52](#)):

22 Yes, Council Member Franklin?

23 Joe Franklin ([52:53](#)):

24 Yeah, may, may I make a quick comment, please?

25 Mayor Hildy Stern ([52:56](#)):

26 Yes.

27 Joe Franklin ([52:57](#)):

28 Um, y- you know, we, we do appreciate that a lot of the residents love eating outdoors. Uh, that's the,  
29 as I mentioned, that is the one thing we're blessed with, is good weather. Um, I remember during the  
30 beginning, uh, that, uh, o- of the pandemic there was a discussion of maybe using one of the pier  
31 parking lots, uh, to sort of, um, you know, put out tables there, maybe put up some festival lights and,  
32 uh, um, you know, uh, residents could bring their, you know, c- could bring their take-out order and go  
33 down there and enjoy, you know, eating it, uh, and enjoying the outdoors. And I just wanted to see if  
34 there might be some way of exploring that. I, I know it's gonna be difficult, not to take up, uh, the  
35 parking lot completely, but maybe, like, one, one weekend a month or something, uh, where we could

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1 do that? Um, I, I, I was reminded, or heard on the news that this weekend was the Ciclavia or something  
2 event in, uh-

3 Mayor Hildy Stern (53:51):

4 Downtown.

5 Joe Franklin (53:51):

6 ... in downtown Los Angeles, where they close off the roads, and pedestrians and bicycles and  
7 skateboarders were allowed to use the streets, is, uh, something similar to that. I know it's not owned  
8 by the city, it's owned, um, [Erik, if you could help me, I always can't remember.]<sup>[DM2]</sup> Is it, is it the state  
9 or the county?

10 [Erik Zandvliet]<sup>[DM3]</sup> (54:09):

11 The state.

12 Joe Franklin (54:09):

13 The, the upper ones?

14 [Erik Zandvliet]<sup>[DM4]</sup> (54:11):

15 The county owns the I-, the land, uh, to the upper parking lots.

16 Steve Napolitano (54:16):

17 If I, if I could, I would only say too soon, and, and, uh, future agenda item.

18 Joe Franklin (54:21):

19 Oh, oh, oh yeah, yeah. I, I, I mean, I c-, I just wanted to sorta give the residents, you know, something to  
20 think about, and for us to think about, as well.

21 Mayor Hildy Stern (54:28):

22 Okay. [crosstalk 00:54:29]

23 [Erik Zandvliet]<sup>[DM5]</sup> (54:28):

24 Yeah, something that could be brought up in the future. I just wanted to, to let you know that most  
25 restaurants still have the ability and capability to ask for and obtain sidewalk dining permits. Um, and so  
26 some of the ones that are ex-, in existence now, we have 26 restaurants that are using sidewalk dining,  
27 and they'll continue to be able to use that. [And so that supplements their indoor/outdoor  
28 flexibility.]<sup>[DM6]</sup>

29 Mayor Hildy Stern (54:53):

30 Okay.

31 Mayor Hildy Stern (54:54):

32 Thank you.

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1 Mayor Hildy Stern ([54:54](#)):

2 Thank you.

3



**EXHIBIT 2.  
STAFF APPEARS TO READ PREPARED SIDEWALK-ENCROACHMENT STATEMENT;  
COUNCIL MEMBER CLAPS**



**Video Time, Date: 02:12:38, 7 December 2021**



**Video Time, Date: 02:12:50, 7 December 2021**



**Video Time, Date: 02:13:01, 7 December 2021**



**Video Time, Date: 02:12:58, 7 December 2021**

**EXHIBIT 3.**

**SIDEWALK ENCROACHMENT RETENTION AND EXPANSION ANNOUNCEMENT**

**From:** [Erik Zandvliet](#)  
**To:** [Erik Zandvliet](#)  
**Cc:** [Carrie Tai, AICP](#); [jill@downtownmanhattanbeach.com](mailto:jill@downtownmanhattanbeach.com); [Andrew Harrod](#); [Gilbert Quijada](#); [Jason Sandoval](#); [Scott Combs](#); [David Archer \(david@manhattanbeachchamber.com\)](mailto:david@manhattanbeachchamber.com); [Felicia Villarreal](#); [Peter](#)  
**Subject:** Outdoor Street Dining to End January 3  
**Date:** Wednesday, 8 December, 2021 17:23:23

---

Restaurants and stakeholders,  
As you may have heard, last night the City Council decided to end the outdoor street dining program on January 3, 2022, as previously approved back on August 26. All outdoor dining operation within the street encroachment areas shall cease on January 3, 2022 pursuant to your Encroachment Permits and Agreement. All existing street encroachment areas must be removed and the streets restored to their previous condition by January 7.

Please note that restaurants with current sidewalk dining permits are allowed to continue operation within their sidewalk encroachment areas. At the meeting, the Council also emphasized an urgency to develop a plan for permanent outdoor dining areas. City Council recently approved a Work Plan item to develop a long-term Dining/business use plan within the public right-of-way.

Feel free to contact me if you have any questions regarding the removal of the street encroachment areas.  
Erik



**ERIK ZANDVLIET**  
TRAFFIC ENGINEER

(310) 802-5522  
[ezandvliet@manhattanbeach.gov](mailto:ezandvliet@manhattanbeach.gov)

The City of Manhattan Beach continues to care about your health and safety. The [Citizen Self Service \(CSS\) Online Portal](#) is available for City permit and planning applications and inspections. Most Community Development services are available [online](#) and various divisions can be reached at (310) 802-5500 or [Email](#) during normal City business hours.

CITY OF MANHATTAN BEACH 1400 Highland Avenue Manhattan Beach, CA 90266  
**Office Hours:** M-Th 8:00 AM-5:00 PM | Fridays 8:00 AM-4:00 PM | Not Applicable to Public Safety  
[Reach Manhattan Beach](#) Here for you 24/7, use our click and fix it app  
Download the mobile app now



## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

### CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES ORDER NO. 1

#### REQUIRING COVID-19 MEASURES AT CONSTRUCTION SITES EFFECTIVE APRIL 4, 2020 AT 12:01 a.m.

**Date of Order: April 3, 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 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, on March 17, 2020, the City Council ratified Resolution No. 20-0039;

WHEREAS, on March 17, 2020, the City Council adopted Ordinance No. 20-0013-U and Advisory Resolution No. 20-0040 which, *inter alia*, adopted by reference the County Order, imposed regulations regarding social distancing, and recommended additional social distancing practices;

WHEREAS, on March 19, 2020, the Governor of the State of California issued Executive Order N-33-20, directing all residents of the State of California to heed directives issued by the State Health Officer on the same date instructing all Californians to stay home except as needed to maintain continuity of operations of the federal critical infrastructure sectors (the “State Stay at Home Order”);

WHEREAS, on March 19, 2020, the Los Angeles County Department of Public Health issued an enhanced Health Officer Order, the Safer at Home Order for Control of COVID-19, amending and superseding its March 16, 2020 Order, closing all nonessential businesses, and limiting gatherings to 9 people or less;

WHEREAS, on March 21, 2020, the Los Angeles County Department of Public Health issued an enhanced Health Officer Order, the Safer at Home Order for Control of COVID-19, amending and superseding its March 16, 2020, and March 19, 2020 Orders, closing all nonessential businesses and prohibiting gatherings of non-household members;

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

WHEREAS, both the State Stay at Home Order and the County Department of Public Health's Safer at Home Order identify construction, operation, inspection and maintenance of construction sites and construction projects (including housing construction) as an essential business that may continue to operate under these orders;

WHEREAS, on March 25, 2020, the City Council adopted Ordinance No. 20-0014-U which, *inter alia*, required essential businesses, including construction businesses, to comply with health and safety measures required by a state or county order related to COVID-19;

WHEREAS, on March 27, 2020, the City Council adopted Ordinance No. 20-0015-U which, *inter alia*, amended Ordinance No. 20-0014-U to clarify that essential businesses, including construction businesses, must also comply with health and safety measures required by state or county guidelines related to COVID-19;

WHEREAS, the County Department of Public Health's Safer at Home Order directs all essential businesses, including construction businesses, to comply with all of the following: (a) enforce social distancing measures, requiring that individuals maintain separation of at least six (6) feet to the extent feasible; (b) provide access to hand washing facilities with soap and water or to hand sanitizer that contains at least 60 percent alcohol; (c) post a sign in a conspicuous place at all public entries that instructs members of the public to not enter if they are experiencing symptoms of respiratory illness, including fever or cough; and (d) adhere to communicable disease control recommendations provided by the Los Angeles County Department of Public Health, including guidance for cleaning and disinfecting the site;

WHEREAS, as of April 3, 2020, the Los Angeles County of Public Health has confirmed 4,566 cases of COVID-19 in Los Angeles County and that number is expected to continue to rise;

WHEREAS, the act and process of construction may necessitate workers to work together or assist each other within distances of less than the recommended social distancing of 6 feet;

WHEREAS, to ensure that construction workers at construction sites and projects are provided with the means to comply, and comply, to the maximum extent possible, with the County Department of Public Health's Safer at Home Order, it is necessary to put in place additional measures at construction sites to ensure compliance;

WHEREAS, the City Manager is the Director 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", so long as such rules and regulations are "confirmed at the earliest practicable time" by the City Council; 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 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.

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

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. The property owner and contractor (collectively the "Contractor") at any property within the City of Manhattan Beach at which construction work is occurring ("Construction Site") shall develop a comprehensive COVID-19 exposure control plan, which includes control measures such as social distancing, symptom checking, hygiene, decontamination procedures, and training ("Exposure Control Plan" or "Plan"). The Exposure Control Plan shall contain at a minimum the measures detailed in this Order and such measures must be followed to prevent any onsite worker from contracting COVID-19. Upon the City's request, the contractor shall submit the Plan to the City. Failure to comply with this Order shall be deemed as creating unsafe conditions and may result in withheld inspections or the closure of the Construction Site until corrected.

Section 3. The Contractor shall institute the following measures which shall be included in the Exposure Control Plan.

A. The Contractor shall post at the Construction Site, in areas visible to all workers, required hygienic practices including: (i) not touching one's face with unwashed hands or with gloves; (ii) washing one's hands often with soap and water for at least 20 seconds or use of hand sanitizer with at least 60% alcohol; (iii) cleaning and disinfecting frequently touched objects and surfaces including shared tools and equipment; and (iv) covering one's mouth and nose when coughing or sneezing as well as other hygienic recommendations by the Centers for Disease Control ("CDC").

B. The Contractor shall install hand washing facilities with soap and water or hand sanitizer that contains at least 60 percent alcohol in multiple locations at the Construction Site (including at each entrance to the Construction Site) and shall ensure that the facilities remain adequately stocked during all times of construction activity.

C. The Contractor shall not permit sharing of tools or equipment.

D. The Contractor shall also establish a schedule for cleaning and disinfecting frequently touched objects and surfaces and maintain a log of the established cleaning schedule which shall be made available to the City upon request.

E. The Contractor shall instruct its workers and other members of the public at the Construction Site to maintain social distancing to the greatest extent possible by maintaining a minimum 6-foot distance from one another at all times, except as specified in Subsection (F) below. The Contractor shall post a sign in a conspicuous place at each pedestrian entrance to the Construction Site as well as throughout the site instructing workers and other members of the public of this requirement.

F. The Contractor or the owner, manager, or operator of any business that, as its primary operation, is engaged in construction work at the Construction Site shall ensure that its employees or independent contractors are provided personal protective equipment ("PPE")

## **EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS**

such as gloves, goggles, face shields and face masks to comply with the provisions of this Order and as is appropriate for the activity being performed at the Construction Site. Workers needing close contact (less than 6-feet) in order to perform their work duties shall be required to wear Personal Protective Equipment (PPE) such as face masks, eye protection, and gloves.

G. The Contractor shall instruct its workers and other members of the public at the Construction Site against gathering in groups of any size, including gathering on site for lunch and other breaks. The Contractor shall ensure that, anytime two or more people must meet, such persons maintain a distance of six feet from one another at all times.

H. The Contractor shall: (i) identify “choke points” and “high-risk areas” where workers are forced to stand together, such as hallways, hoists and elevators, break areas, and buses, and control them so that social distancing of six feet from one another is maintained; (ii) minimize interactions when picking up or delivering equipment or materials so that social distancing of six feet from one another is maintained; and (iii) stagger the trades as necessary to reduce density so that social distancing of six feet from one another is maintained.

I. For sites with more than 4 workers, the Contractor shall designate a person as the Construction Site COVID-19 Supervisor to enforce this Order. The designated COVID-19 Supervisor shall be present on the Construction Site at all times during construction activities. The COVID-19 Supervisor can be an on-site worker who is designated to carry this role.

J. The Contractor shall prohibit anyone entering the Construction Site if they are experiencing signs of illness, including respiratory illness, fever or cough or if the contractor knows or has reason to know such person has been in recent close contact with someone with laboratory confirmed COVID-19. The Contractor shall also require anyone working or visiting the Construction Site to return home if such person is experiencing signs of illness, including respiratory illness, fever or cough. The Contractor shall post a sign in a conspicuous place at each pedestrian entrance to the Construction Site instructing workers and other members of the public of these requirements.

K. The Contractor shall require anyone working at the Construction Site to stay home if they are sick, except to obtain medical care.

L. The Contractor shall require anyone working at the Construction Site to inform their supervisor if they have been exposed to COVID-19 or has a sick family member or other person at home with COVID-19.

M. The Contractor shall take all appropriate steps, if individuals are residing at the Construction Site, to ensure that workers minimize their contact with areas within the building but not within the actual construction project, including limiting workers’ path of travel in and out of the project site, and, for all such areas with which contact is unavoidable, regularly clean and sanitize those areas at least twice daily, including following completion of work each day, and maintain a log of the cleaning schedule to be made available to the City upon request.

N. The Contractor shall maintain a daily attendance log of all workers and visitors.

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

Section 4. The property owner of the Construction Site and their contractor(s) are legally responsible for compliance with this Order. Manhattan Beach staff will verify compliance with this Order during regular scheduled inspections for projects under construction as well as in response to complaints that may be submitted to the City by email to [code@citymb.info](mailto:code@citymb.info). This Order authorizes the City's building official or designee to issue a stop work order at a Construction Site at which workers are in violation of Sections 2 and 3 of this Order by giving notice in writing to the COVID-19 Supervisor, the Contractor or to persons engaged in the doing or causing such work to be done at the Construction Site. No person shall fail to comply with such a stop work order if issued by the City.

Section 5. 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 6. This Order is based on the CDC's Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19), OSHA's Guidance on Preparing Workplaces for COVID-19, and other publications. Please check <https://www.citymb.info/services/learn-about/coronavirus> for the latest updates.

Section 7. This Order shall take effect on April 4, 2020, at 12:01 a.m.

Executed on April 3, 2020.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services

## **EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS**

### **CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES ORDER NO. 2**

#### **ORDER RE CLOSURE OF THE PIER, THE STRAND, PARKS, AND DESIGNATED PARKING LOTS EFFECTIVE MARCH 27, 2020 AT 12:01 a.m.**

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, on March 17, 2020, the City Council ratified Resolution No. 20-0039;

WHEREAS, on March 17, 2020, the City Council adopted Ordinance No. 20-0013-U which, *inter alia*, adopted by reference the County Order, imposed regulations regarding social distancing, and recommended additional social distancing practices;

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 19, 2020, acting under the authority vested in me as the Director of Emergency Services, I ordered the closure of Manhattan Beach Pier and all City parks, fields, sports courts, exercise equipment, and other recreational facilities;

WHEREAS, on March 19, 2020, the Governor of the State of California issued Executive Order N-33-20, directing all residents of the State of California to heed directives issued by the State Health Officer on the same date instructing all Californians to stay home except as needed to maintain continuity of operations of the federal critical infrastructure sectors (the "State Stay at Home Order");



## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

WHEREAS, on March 19, 2020, the Los Angeles County Department of Public Health issued an enhanced Health Officer Order, the Safer at Home Order for Control of COVID-19, amending and superseding its March 16, 2020 Order, closing all nonessential businesses, and limiting gatherings to 9 people or less;

WHEREAS, on March 21, 2020, the Los Angeles County Department of Public Health issued an enhanced Health Officer Order, the Safer at Home Order for Control of COVID-19, amending and superseding its March 16, 2020, and March 19, 2020 Orders, closing all nonessential businesses and prohibiting gatherings of non-household members;

WHEREAS, on March 24, 2020, acting under the authority vested in me as the Director of Emergency Services, I ordered the closure of the parking lots located at El Porto, Bruce's Beach, and the Manhattan Beach Pier, except for City residents who possess valid and current residential parking permits for the relevant lots;

WHEREAS, on March 25, 2020, the City Council adopted Ordinance No. 20-0014-U which, *inter alia*, required all persons and businesses to comply with health and safety measures required by a state or county order related to COVID-19;

WHEREAS, on March 27, 2020, the Los Angeles County Department of Public Health issued a Health Officer Order closing, among other things, all County beaches;

WHEREAS, on March 27, 2020, the City Council adopted Ordinance No. 20-0015-U which, *inter alia*, amended Ordinance No. 20-0014-U to clarify that all persons and businesses must also comply with health and safety measures required by state or county guidelines related to COVID-19;

WHEREAS, on March 27, 2020, acting under the authority vested in me as the Director of Emergency Services, I ordered the closure of the beach walking path known as the Strand in conjunction with the County's closure of the adjacent County beaches;

WHEREAS, as of April 7, 2020, the Los Angeles County Department of Public Health has confirmed 6,910 cases of COVID-19 in Los Angeles County and that number is expected to continue to rise;

WHEREAS, the City's public spaces, parks, and facilities continue to attract groups of people who often fail to comply with health and safety measures required by state or county order or guidelines related to COVID-19;

WHEREAS, this Emergency Order No. 2 memorializes the closures of certain City spaces, parks, and facilities that I initially ordered on March 19, 2020, March 24, 2020, and March 27, 2020; 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 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.

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

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. The following City spaces, parks, and facilities are closed until further notice:

A. Manhattan Beach Pier.

B. All City parks, fields, sports courts, exercise equipment, and other recreational facilities.

C. The parking lots located at El Porto, Bruce's Beach, and the Manhattan Beach Pier, provided, however, that this closure shall not apply to City residents who possess valid and current residential parking permits for the relevant lots. Such lots are more specifically described as:

- El Porto Lot (APNs: 4137013906, 4137013907, 4137013908)
- County Lots at 26th Street Lot (APNs: 4177024900, 4177024902)
- State Pier Lots (APNs: 4179019905, 4179022900, 4179031903)

D. The beach walking path known as the Strand, as further defined in Manhattan Beach Municipal Code Section 12.12.010.

Section 3. Any violation of this Order is a misdemeanor and punishable by a fine of \$1000 or imprisonment, or both, pursuant to Government Code Section 8665 and Chapters 1.04 of the Manhattan Beach Municipal Code, and any other state or city law as may be applicable. In accordance with Municipal Code Chapter 1.06, the City, at its sole discretion, may prosecute any violation through the administrative process set forth therein.

Executed on April 8, 2020.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services

## **EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS**

### **CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES ORDER NO. 3**

#### **EXTENDING CLOSURE OF CITY HALL AND CITY FACILITIES TO MAY 15, 2020, CONSISTENT WITH THE LOS ANGELES COUNTY SAFER AT HOME ORDER, AS REVISED, SUBJECT TO FURTHER COUNTY REVISIONS, EXTENSIONS AND AMENDMENTS**

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. 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 13, 2020, acting under the authority vested in me as the Director of Emergency Services, I ordered the closure of the City governmental structures and facilities such as Manhattan Beach City Hall, Joslyn Community Center, Manhattan Heights Community Center, Scout House, and the City Public Works Yard (“Closed Governmental Structures and Facilities”), except for public safety facilities;

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”). The County Safer at Home Order was initially effective until March 31, 2020;

WHEREAS, on April 10, 2020, the Los Angeles County Department of Public Health extended the County Safer at Home Order until May 15, 2020;

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

WHEREAS, to be consistent with the County Safer at Home Order, I deem it appropriate to extend the closure of Closed Governmental Structures and Facilities until the later of May 15, 2020, or any subsequent applicable extensions, revisions, or amendments of the County Safer at Home Order; 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 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. The closure of Closed Governmental Structures and Facilities is extended until the later of May 15, 2020, or any subsequent applicable extensions, revisions, or amendments of the County Safer at Home Order.

Executed on April 17, 2020.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services

## **EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS**

### **CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES ORDER NO. 4**

#### **PARTIAL REOPENING OF POLLIWOG PARK ON A TRIAL BASIS, REQUIRING FACE COVERINGS, AND RESTATING THE CITY'S EXISTING SOCIAL DISTANCING REQUIREMENTS**

**EFFECTIVE APRIL 25, 2020, AT 6:30 A.M.**

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. 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"). The County Safer at Home Order was initially effective until March 31, 2020;

WHEREAS, on March 19, 2020, acting under the authority vested in me as the Director of Emergency Services, I ordered the closure of Manhattan Beach Pier and all City parks, fields, sports courts, exercise equipment, and other recreational facilities;

WHEREAS, on March 25 and March 27, 2020, the City Council adopted ordinances which required 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;

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

WHEREAS, on April 10, 2020, the Los Angeles County Department of Public Health extended the County Safer at Home Order until May 15, 2020;

WHEREAS, on April 22, 2020, after receiving considerable public input, the City Council had a robust discussion at its duly noticed City Council meeting regarding the gradual reopening of certain public facilities, including Polliwog Park, subject to restrictions;

WHEREAS, at the conclusion of its April 22, 2020 meeting, the City Council voted to direct me to reopen sections of Polliwog Park, require face coverings, and maintain the City's existing social distancing requirements; 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 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, effective April 25, 2020, at 6:30 a.m.:

- A. The park commonly known as Polliwog Park, located at 1601 Manhattan Beach Boulevard, is reopened on a trial basis, subject to the following limitations:
  1. Only the green spaces within Polliwog Park are reopened.
  2. All other sections of Polliwog Park – including but not limited to all restrooms, courts, sports fields, picnic pads, playground equipment, and dog runs – remain closed.
- B. Prior to entering Polliwog Park, all persons shall wear a face covering that covers the nose and mouth and wear such face covering at all times within the Park.
- C. The social distancing requirements set forth in Ordinance Nos. 20-0014-U and 20-0015-U are still valid.
- D. Please note that the County of Los Angeles has issued guidance for cloth face coverings at this link  
<http://publichealth.lacounty.gov/media/Coronavirus/GuidanceClothFaceCoverings.pdf>  
including the following guidance with respect to children:

"Children under the age of 2 (including infants) should not wear cloth face coverings. Those between the ages of 2 and 8 should use them but under adult

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

supervision to ensure that the child can breathe safely and avoid choking or suffocation. Children with breathing problems should not wear a face covering."

Executed on April 22, 2020.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services

## **EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS**

### **CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES ORDER NO. 5**

**PROHIBITING RESTAURANTS, BARS, NIGHTCLUBS, AND SIMILAR BUSINESSES FROM PROVIDING ANY ALCOHOL TO A CUSTOMER PRIOR TO PROVIDING THE MEAL PREPARED FOR DELIVERY, PICK-UP, AND DRIVE-THRU, AND REQUIRING SUCH ESTABLISHMENTS TO MONITOR CUSTOMERS WAITING FOR FOOD TO ENSURE THAT NO ONE IS CONSUMING ALCOHOL ON OR ADJACENT TO THE PREMISES**

**EFFECTIVE APRIL 25, 2020, AT 12:01 A.M.**

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. 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, Ordinance Nos. 20-0014-U and 20-0015-U also require all restaurants, bars, nightclubs, and similar businesses that serve food and alcohol to comply with the “Notice of Regulatory Relief” issued by the California Department of Alcoholic Beverage Control (the



## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

“ABC”), including the requirements that any alcoholic beverages sold by such establishments must be (1) sold in conjunction with the sale of food prepared for off-site consumption, and (2) “packaged in a container with a secure lid or cap and in a manner designed to prevent consumption without removal of the lid or cap (e.g., no lids with sipping holes or openings for straws).”;

WHEREAS, in addition, the ABC requires such establishments to prominently post the following warning in a manner that puts consumers on notice of limitations regarding open container laws: “Alcoholic beverages that are packaged by this establishment are open containers and may not be transported in a motor vehicle except in the vehicle’s trunk; or, if there is no trunk, the container may be kept in some other area of the vehicle that is not normally occupied by the driver or passengers (which does not include a utility compartment or glove compartment (Vehicle Code Section 23225)). Further, such beverages may not be consumed in public or in any other area where open containers are prohibited by law.”;

WHEREAS, the City has received reports that some restaurants, bars, nightclubs, and similar businesses which serve food and alcohol for off-site consumption are providing alcohol to customers while they are waiting for their meal to be ready, and that customers are – in violation of existing state and local laws prohibiting open containers of alcohol and consuming alcohol in public – opening the alcohol container and consuming the alcohol; 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 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 and consistent with City Council direction, the City Manager as the Director of Emergency Services hereby orders the following:

- A. All restaurants, bars, nightclubs, and similar businesses that serve food and alcohol via delivery, pick-up, or drive-thru shall not provide any alcohol to a customer prior to providing the meal prepared for delivery. All alcohol shall be provided to the customer concurrently with the delivery of food.
- B. All such establishments have a duty to monitor customers waiting for food to ensure that no one is consuming alcohol on or adjacent to the premises.

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.

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

Section 4. This Order shall take effect on April 25, 2020, at 12:01 a.m., subject to confirmation as soon as practicable by the City Council.

Executed on April 24, 2020.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

CITY OF MANHATTAN BEACH  
DIRECTOR OF EMERGENCY SERVICES EMERGENCY ORDER NO. 6 MODIFYING  
EMERGENCY ORDER NO. 4 TO LIFT FACE COVERINGS REQUIREMENT WHILE VISITING  
POLLIWOG PARK

EFFECTIVE APRIL 30, 2020, AT 12:01 A.M.

### RECITALS

- A. Pursuant to his authority as the Director of Emergency Services, the City Manager issued Emergency Order No. 4 on April 22, 2020, to partially reopen Polliwog Park on a trial basis, subject to the requirement that all park visitors must wear face coverings and practice social distancing.
- B. On April 29, 2020, the City Council directed the City Manager to remove the mandatory face covering requirement for visitors to Polliwog Park.

NOW THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

Section 1. Pursuant to Manhattan Beach Municipal Section 3.08.060.A.6.a and City Council direction, the City Manager as the Director of Emergency Services hereby amends Emergency Order No. 4 to lift the requirement that face coverings be worn while visiting Polliwog Park.

Section 2. Visitors to Polliwog Park shall practice social distancing requirements as previously required by the state, County of Los Angeles, and City of Manhattan Beach, including that persons must be at least six feet apart from other persons who do not reside in the same dwelling unit. The City still strongly encourages people to wear face coverings in Polliwog Park and other public places. Additionally, pursuant to the County of Los Angeles Public Health Order, face coverings shall be worn while visiting essential businesses and by employees of essential businesses who interact with the public or each other.

Section 4. This Order shall take effect on April 30, 2020, at 12:01 a.m.

Executed on April 29, 2020.

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

# EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

## CITY OF MANHATTAN BEACH

### DIRECTOR OF EMERGENCY SERVICES EMERGENCY ORDER NO. 7 MODIFYING EMERGENCY ORDER NO. 2 TO PARTIALLY REOPEN LIVE OAK PARK AND SAND DUNE PARK

EFFECTIVE MAY 8, 2020

A. Pursuant to his authority as the Director of Emergency Services, the City Manager issued Emergency Order No. 2 on April 8, 2020, closing City spaces, park, and facilities.

B. On May 5, 2020, the City Council directed the City Manager to partially reopen Live Oak Park and Sand Dune Park.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

Section 1. Pursuant to Manhattan Beach Municipal Section 3.08.060.A.6.a and City Council direction, the City Manager as the Director of Emergency Services hereby amends Emergency Order No. 2 to partially reopen the parks commonly known as Live Oak Park and Sand Dune Park as follows:

- A. Only the green spaces and walkways within the parks are reopened.
- B. All other sections of Live Oak Park and Sand Dune Park – including but not limited to all restrooms, courts, sports fields, picnic pads, playground equipment, and dog runs – remain closed. The sand dune and the adjacent stairway descending from the top of the hill at Sand Dune Park remain closed. Dorsey Field adjacent to Live Oak Park likewise remains closed.
- C. The social distancing requirements set forth in Ordinance Nos. 20-0014-U and 20-0015-U are still in effect.

Executed on May 8, 2020.

/s/ Bruce Moe

City Manager Bruce Moe  
Director of Emergency Services

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

### CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES EMERGENCY ORDER NO. 8 TO PARTIALLY REOPEN PARKS

EFFECTIVE MAY 13, 2020

A. Pursuant to his authority as the Director of Emergency Services, the City Manager has previously issued emergency orders closing City spaces, park, and facilities and modifying such orders.

B. On May 12, 2020, the City Council directed the City Manager to partially reopen all parks.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

Section 1. Pursuant to Manhattan Beach Municipal Section 3.08.060.A.6.a and City Council direction, the City Manager as the Director of Emergency Services hereby issues Emergency Order No. 8 to partially reopen the parks as follows:

- A. Only the green spaces and walkways within the parks are reopened.
- B. All other sections – including but not limited to all restrooms, playgrounds, community centers, picnic areas, basketball courts, dog runs, skate spot, fitness equipment, gazebos, and sports fields – remain closed.
- C. The social distancing requirements set forth in Ordinance Nos. 20-0014-U and 20-0015-U are still in effect.

Section 2. Any inconsistent provision in prior emergency orders is hereby repealed.

Executed on May 13, 2020.

/s/ Bruce Moe

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City Manager Bruce Moe  
Director of Emergency Services

# EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

## CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES EMERGENCY ORDER NO. 9 TO REOPEN THE STRAND

EFFECTIVE MAY 14, 2020

A. Pursuant to his authority as the Director of Emergency Services, the City Manager has previously issued emergency orders closing City spaces, park, and facilities and modifying such orders.

B. On May 14, 2020, the City Council directed the City Manager to reopen the Strand.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

Section 1. Pursuant to Manhattan Beach Municipal Section 3.08.060.A.6.a and City Council direction, the City Manager as the Director of Emergency Services hereby issues Emergency Order No. 9 as follows:

- A. The paved public right-of-way known as the Strand, located between the beach and the westerly property line of the properties nearest the Pacific Ocean, is hereby re-opened.
- B. The Pier and restrooms shall remain closed.
- C. The social distancing requirements set forth in Ordinance Nos. 20-0014-U and 20-0015-U are still in effect.

Section 2. Any inconsistent provision in prior emergency orders is hereby repealed.

Executed on May 14, 2020.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services

## **EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS**

### **CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES ORDER NO. 10**

#### **AUTHORIZING THE RELAXATION OF USE PERMIT CONDITIONS PERTAINING TO RESTAURANT FLOOR PLANS AREAS AND CONFIGURATION TO ALLOW OUTDOOR DINING AND SERVICE OF ALCOHOL IN APPROVED EXPANSION AREAS IN 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**

**EFFECTIVE June 5, 2020, at 6:00 p.m.**

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. 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, on May 22, 26, and 29, 2020, Los Angeles County began gradually relaxing the closures, allowing for non-essential retail businesses to fully open to customers, as well as

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

restaurants to re-open their dining rooms for on-site dining, along with operating protocols to limit the spread of COVID-19. These protocols include social distancing requirements (where customers must maintain space between themselves and other) and a 60% cap on restaurant dining room capacities;

WHEREAS, Section 4.48.030 of the Municipal Code prohibits drinking of any alcoholic beverage on most public areas (including boulevard, streets, avenues, court, or other public place), unless specifically permitted by the prior written approval of the City;

WHEREAS, California Department of Alcoholic Beverage Control (“ABC”) has suspended enforcement of certain legal prohibitions on a temporary basis, including the expansion of the licensed footprint;

WHEREAS, the Manhattan Beach Municipal Code requires a use permit for any restaurant to sell and serve alcoholic beverages;

WHEREAS, the Manhattan Beach Municipal Code regulates, *inter alia*, outdoor facilities and displays of merchandise on private property, the private use of the public right-of-way and public property, and sidewalk dining;

WHEREAS, to facilitate the recovery of businesses and restaurants, the Manhattan Beach City Council wants to enable businesses and restaurants to apply for permission to conduct temporary outdoor operations;

WHEREAS, to enable any business or restaurant to apply for permission to conduct temporary outdoor operations on private property adjacent to its use, the City recommends the temporary relaxation of any use permit condition or Code requirement, including provisions in Municipal Code Section 10.60.080, that would delay or hinder issuance of the temporary permit;

WHEREAS, to regulate outdoor dining uses in the sidewalk portion of the public right-of-way, the Manhattan Beach Community Development Department currently allows for application of Sidewalk Dining Permits in accordance with Municipal Code Section 7.36.160; and

WHEREAS, to regulate outdoor dining uses in the non-sidewalk portion of public right-of-way, the Manhattan Beach Community Development Department has developed an “Outdoor Dining and Business Use in the Right-of-Way Checklist” (“Checklist”) and “Outdoor Dining and Business Use in the Public Roadway Guidelines” (“Guidelines”); 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 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.



## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

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 business or restaurant (“Outdoor Use Applicant”) may apply to the City to expand its existing footprint to conduct outdoor operations, on a temporary basis, on private property or in the public right-of-way, adjacent to its site.
- B. Each Outdoor Use Applicant seeking to use portions of the sidewalk in 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 Section 7.36.160.
- C. Each Outdoor Use Applicant seeking to use private property, or the Metlox courtyard, shall apply to the Community Development Department pursuant to Municipal Code Section 10.60.080.
- D. As stated in the recitals, Los Angeles County has currently imposed a 60% capacity cap on on-site restaurant dining. Such cap may be increased or decreased by the County. In no event shall the overall dining capacity for a restaurant exceed 100% of its approved capacity.
- E. No business or restaurant shall conduct the outdoor uses authorized by this Order prior to receiving City-issued authorization to conduct such use.
- F. An Outdoor Use Applicant who obtains a City-issued approval for an expanded restaurant dining area 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 permit conditions of their encroachment.
- G. An Outdoor Use Applicant who obtains a City-issued approval for an expanded restaurant dining area may follow the temporary relief measures passed by the California ABC, including service of alcohol in an approved expanded area.

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 5, 2020, at 6:00 p.m., subject to confirmation as soon as practicable by the City Council.

Executed on June 5, 2020.

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

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

### 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.

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

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

## **EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS**

### **CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES ORDER NO. 12**

#### **EXTENDING THE TIME PERIOD FOR THE CITY TO HOLD AN ADMINISTRATIVE APPEAL REQUESTED UNDER MANHATTAN BEACH MUNICIPAL CODE CHAPTER 1.06**

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. 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, Manhattan Beach Municipal Code Section 1.06.030.A provides that whenever a City code enforcement officer determines that a violation of the Municipal Code has occurred, that officer may issue an administrative citation to each and any responsible party;

WHEREAS, Manhattan Beach Municipal Code Section 1.06.050 authorizes the appeal of an administrative citation within 20 days from the date of service;

WHEREAS, Manhattan Beach Municipal Code Section 1.06.060.A generally requires a requested administrative appeal to be heard before a hearing officer within 30 days of the City's receipt of the appeal;

WHEREAS, to minimize the risk of transmission of COVID-19 during the administrative appeal process, I deem it appropriate to extend the time period for the City to hold an administrative appeal to 90 days from the City's receipt of a timely, duly filed appeal; and

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

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. Notwithstanding any Manhattan Beach Municipal Code provision to the contrary, an administrative appeal requested under Municipal Code Chapter 1.06 shall be heard before a hearing officer within 90 days of the City's receipt of the appeal, unless both the City and party requesting the hearing agree to a later date.

Executed on July 6, 2020.

/s/ Bruce Moe

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City Manager Bruce Moe  
Director of Emergency Services

## **EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS**

### **CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES ORDER NO. 13**

#### **REITERATING THE FACE COVERING REQUIREMENT AND AUTHORIZING THE DEPUTATION OF ADDITIONAL PERSONS TO ENFORCE THIS REQUIREMENT**

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. 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, the County COVID-19 Order generally requires all persons to “wear a cloth face covering over both the nose and mouth whenever they leave their place of residence and are or can be in contact with or walking near or past others who are non-household members in both public and private places, whether indoors or outdoors” (the “Face Covering Requirement”);

WHEREAS, the County COVID-19 Order states that “[w]earing a cloth face covering over both the nose and mouth reduces the risk of [COVID-19] transmission to others from people who do not have symptoms and do not know they are infected”;

WHEREAS, the “Guidance for Cloth Face Coverings” issued by Los Angeles County Department of Public Health identifies several groups should not wear a face covering, including but not limited to children under the age of 2 and anyone instructed not to wear a cloth face covering by a medical provider;

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

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, including the Face Covering Requirement;

WHEREAS, despite the Face Covering Requirement, many persons are failing to wear a face covering, which increases the risk of COVID-19 transmission to others in the community;

WHEREAS, the City can increase compliance with the Face Covering Requirement, and therefore reduce the risk of COVID-19 transmission, by expanding its enforcement capacity beyond the code enforcement officers who typically issue administrative citations for violations of the Municipal Code; 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 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. All persons shall wear a cloth face covering over both the nose and mouth whenever they leave their place of residence, except for:

- A. Persons younger than two years old;
- B. Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering;
- C. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication; and
- D. Persons who are swimming or engaged in other water-based activities.

Persons who are seated at a restaurant or other establishment that offers food or beverage service shall wear a cloth face covering over both the nose and mouth, unless they are eating or drinking.

Section 3. Notwithstanding any Manhattan Beach Municipal Code provision to the contrary, the Director of Emergency Services, or his designee, is authorized to deputize additional persons to issue administrative citations pursuant to Chapter 1.06 of the Manhattan Beach Municipal Code for violations of this Order or the existing Face Covering Requirement under Ordinance Nos. 20-0014-U and 20-0015-U, as amended from time to time.

Section 4. The Director of Emergency Services, or his designee, is authorized to enter into any contracts related to the enforcement of this Order or the existing Face Covering Requirement under Ordinance Nos. 20-0014-U and 20-0015-U, as amended from time to time.

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

Section 5. Pursuant to Government Code Section 8665, any person who refuses or willfully neglects to obey this Order shall be guilty of a misdemeanor. In lieu of prosecuting a violation as a misdemeanor, the City may, at its sole discretion, issue an administrative citation for each violation and assess a fine of \$100 for the first violation, \$200 for the second violation, and \$350 for each subsequent violation.

Section 6. This Order shall take effect on July 15, 2020, at 8:00 p.m., subject to confirmation as soon as practicable by the City Council.

Executed on July 15, 2020.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services



## **EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS**

### **CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES ORDER NO. 14**

#### **AMENDING EMERGENCY ORDER NO. 13 TO SPECIFY THAT PERSONS VIOLATING FACE COVERING AND SOCIAL DISTANCING REQUIREMENTS SHALL BE SERVED WITH AN ADMINSTRATIVE CITATION**

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. 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, the County COVID-19 Order generally requires all persons to “wear a cloth face covering over both the nose and mouth whenever they leave their place of residence and are or can be in contact with or walking near or past others who are non-household members in both public and private places, whether indoors or outdoors” (the “Face Covering Requirement”);

WHEREAS, the County COVID-19 Order states that “[w]earing a cloth face covering over both the nose and mouth reduces the risk of [COVID-19] transmission to others from people who do not have symptoms and do not know they are infected”;

WHEREAS, the “Guidance for Cloth Face Coverings” issued by Los Angeles County Department of Public Health provides that the following groups should not wear a face covering: (1) children under the age of 2, including infants; (2) anyone who is unconscious; (3) anyone who

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

has trouble breathing or is unable to remove the face covering without assistance; and (4) anyone instructed not to wear a cloth face covering by a medical provider;

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, including the Face Covering Requirement;

WHEREAS, on July 15, 2020, the Director of Emergency Services issued Emergency Order No. 13 to reiterate the City's face covering requirements;

WHEREAS, 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;

WHEREAS, in the exercise of prosecutorial discretion, the City will issue an administrative citation for each violation in lieu of prosecuting a violation as a misdemeanor; 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 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. Section 5 of Emergency Order No. 13 is hereby amended to read as follows:

“Section 5. City shall issue an administrative citation for each violation and assess a fine of \$100 for the first violation, \$200 for the second violation, and \$350 for each subsequent violation.”

Section 3. All other provisions of Emergency Order No. 13 shall have full force and effect.

Section 4. This Order shall take effect on July 23, 2020, at 8:00 a.m.

Executed on July 22, 2020.

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

## **EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS**

### **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:

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

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.

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

- 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

## **EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS**

### **CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES ORDER NO. 16**

**AUTHORIZING THE EXPANSION OF HOURS OF OUTDOOR DINING IN APPROVED EXPANSION AREAS ON PUBLIC PROPERTY, INCLUDING RIGHTS-OF-WAYS AND SIDEWALKS, TO 11:00 P.M. TO ACCOMMODATE SOCIAL DISTANCING REQUIREMENTS REQUIRED BY STATE AND COUNTY PROTOCOLS TO LIMIT THE SPREAD OF COVID-19**

**EFFECTIVE August 7, 2020, at 5:00 p.m.**

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. 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, Los Angeles County has begun gradually relaxing and modifying the closures, allowing restaurants to operate outdoors;

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

WHEREAS, on June 5, 2020, the Director of Emergency Services issued Emergency Order No. 10 to allow existing, legally-permitted restaurants to expand their existing footprint to conduct outdoor dining, on a temporary basis, on private property or in the public right-of-way, adjacent to its site, subject to conditions and guidelines, including a checklist;

WHEREAS, on June 10, 2020, the Director of Emergency Services issued Emergency Order No. 11 to amend Emergency Order No. 10 by adding sub-section 2.H;

WHEREAS, pursuant to Emergency Order Nos. 10 and 11, a number of restaurants have received the necessary approvals to have outdoor dining on a temporary basis on public property, including rights-of-way and sidewalks;

WHEREAS, Municipal Code Section 7.36.160 regulates outdoor dining uses in the sidewalk portion of the public right-of-way;

WHEREAS, Municipal Code Section 7.36.160.I provides, *inter alia*, that all dining activities on sidewalks must conclude by 10:00 p.m.; 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.

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 Municipal Code Section 7.36.160.I or any other provision to the contrary, a restaurant may conduct outdoor dining on public property, including rights-of-way and sidewalks, up to 11:00 p.m., provided the restaurant has received all necessary approvals required by the City, including those required by Emergency Order Nos. 10 and 11.
- B. Any violation of this Order or Emergency Order Nos. 10 or 11 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

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

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 or 11, or any applicable entitlement or agreement.

- C. Except as modified hereinabove, the provisions of Emergency Order Nos. 10 and 11 shall have full force and effect.

Section 4. This Order shall take effect on August 7, 2020, at 5:00 p.m.

Executed on August 7, 2020.

/s/ Bruce Moe \_\_\_\_\_

City Manager Bruce Moe

Director of Emergency Services



## **EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS**

### **CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES ORDER NO. 17**

#### **AMENDING EMERGENCY ORDER NO. 12 TO FURTHER EXTEND THE TIME PERIOD FOR THE CITY TO HOLD AN ADMINISTRATIVE APPEAL REQUESTED UNDER MANHATTAN BEACH MUNICIPAL CODE CHAPTER 1.06**

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. 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, Manhattan Beach Municipal Code Section 1.06.030.A provides that whenever a City code enforcement officer determines that a violation of the Municipal Code has occurred, that officer may issue an administrative citation to each and any responsible party;

WHEREAS, Manhattan Beach Municipal Code Section 1.06.050 authorizes the appeal of an administrative citation within 20 days from the date of service;

WHEREAS, Manhattan Beach Municipal Code Section 1.06.060.A generally requires a requested administrative appeal to be heard before a hearing officer within 30 days of the City's receipt of the appeal;

WHEREAS, on July 6, 2020, the City Manager as the Director of Emergency Services issued Emergency Order No. 12 to extend the time period for the City to hold an administrative appeal to 90 days from the City's receipt of a timely, duly filed appeal;

WHEREAS, to minimize the risk of transmission of COVID-19 during the administrative

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

appeal process, it is appropriate to extend the time period for the City to hold an administrative appeal to 90 days from the City Council's termination of the local emergency proclaimed in response to the spread of COVID-19; 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.

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. Section 2 of Emergency Order No. 12 is hereby amended to read as follows:

“Section 2. Notwithstanding any Manhattan Beach Municipal Code provision to the contrary, an administrative appeal requested under Municipal Code Chapter 1.06 shall be heard before a hearing officer within 90 days of the City Council's termination of the local emergency proclaimed in response to the spread of COVID-19, unless both the City and party requesting the hearing agree to a later date.”

Section 3. This Order shall take effect on August 20, 2020, at 5:00 p.m.

Executed on August 20, 2020.

/s/ Bruce Moe

City Manager Bruce Moe  
Director of Emergency Services

## **EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS**

### **CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES ORDER NO. 18 (AMENDED)**

#### **AMENDING EMERGENCY ORDER NO. 13 TO SPECIFY THAT PERSONS PLAYING TENNIS AND PICKLEBALL ARE NOT REQUIRED TO WEAR A FACE COVERING WHILE PLAYING**

EFFECTIVE SEPTEMBER 2, 2020; AMENDMENT EFFECTIVE SEPTEMBER 10, 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 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, the County COVID-19 Order generally requires all persons to “wear a cloth face covering over both the nose and mouth whenever they leave their place of residence and are or can be in contact with or walking near or past others who are non-household members in both public and private places, whether indoors or outdoors” (the “Face Covering Requirement”);

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, including the Face Covering Requirement;

WHEREAS, on July 15, 2020, the Director of Emergency Services issued Emergency Order No. 13 to reiterate the City’s face covering requirements;

WHEREAS, on September 1, 2020, the Manhattan Beach City Council directed the City Manager, as the Director of Emergency Services, to amend Emergency Order No. 13 to exclude

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

individuals engaged in tennis and pickleball from wearing a face covering so long as they otherwise comply with all social distancing and County Health Officer Order protocols;

WHEREAS, on September 9, 2020, the Los Angeles County Department of Public Health revised its Health Order to allow for doubles tennis. As a result, it has become necessary to revise this Emergency Order No. 18 to exclude individuals engaged in tennis and pickleball from wearing a face covering so long as they otherwise comply with all social distancing and County Health Officer Order protocols; 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 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, as amended.

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 Code Section 3.08.060.A.6.a, the City Manager as the Director of Emergency Services hereby amends Emergency Order No. 13 by adding the following paragraph to the end of Section 2:

“Notwithstanding any provision of Emergency Order No. 13 or any other City provision, participants in tennis and pickleball do not have to wear a face covering while playing either tennis or pickleball. Such persons must continue to comply with all City and Los Angeles County Health Officer social distancing requirements, including wearing a cloth face covering over both the nose and mouth, at all other times.”

Section 3. All other provisions of Emergency Order No. 13 shall have full force and effect.

Section 4. This Order, as amended, shall take effect on September 9, 2020, at 8:00 a.m.

Executed on September 10, 2020.

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

## **EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS**

### **CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES ORDER NO. 19**

#### **EXTENDING THE USE OF PUBLIC PROPERTY BY BUSINESSES AND RESTAURANTS UNTIL JANUARY 15, 2021, TO ACCOMMODATE SOCIAL DISTANCING REQUIREMENTS REQUIRED BY STATE AND COUNTY PROTOCOLS TO LIMIT THE SPREAD OF COVID-19**

**EFFECTIVE SEPTEMBER 2, 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, Los Angeles County has periodically relaxed and modified closures, allowing restaurants to operate outdoors;

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

WHEREAS, Emergency Order No. 11 amended Emergency Order No. 10 by adding subsection 2.H, which provides:

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

“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.”; 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 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 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 and restaurants may use public property pursuant to Emergency Order Nos. 10, 11 and 16 is hereby extended to January 15, 2021, subject to the terms and conditions of the applicable temporary encroachment agreement. The deadline to apply for outdoor use set forth in prior Emergency Orders is hereby rescinded.
- B. Any violation of this Order or Emergency Order No. 10, as amended herein and by Emergency Order Nos. 11 and 16, 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

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

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 and 16 shall have full force and effect.

Executed on September 10, 2020.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services

## **EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS**

### **CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES ORDER NO. 20**

#### **AMENDING EMERGENCY ORDER NO. 13 TO SPECIFY THAT PERSONS ENGAGED IN STATIONARY OUTDOOR EXERCISE ARE NOT REQUIRED TO WEAR A FACE COVERING WHILE MAINTAINING DISTANCE FROM OTHERS**

EFFECTIVE OCTOBER 9, 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 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, the County COVID-19 Order generally requires all persons to “wear a cloth face covering over both the nose and mouth whenever they leave their place of residence and are or can be in contact with or walking near or past others who are non-household members in both public and private places, whether indoors or outdoors” (the “Face Covering Requirement”);

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, including the Face Covering Requirement;

WHEREAS, on July 15, 2020, the Director of Emergency Services issued Emergency Order No. 13 to reiterate the City’s face covering requirements;



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WHEREAS, on October 6, 2020, the Manhattan Beach City Council directed the City Manager, as the Director of Emergency Services, to amend Emergency Order No. 13 to exclude individuals engaged in stationary outdoor exercise, such as pilates or yoga, when they are able to maintain a distance of at least eight feet from others; 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 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, as amended.

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 Code Section 3.08.060.A.6.a, the City Manager as the Director of Emergency Services hereby amends Section 2 of Emergency Order No. 13 by adding Subsection E thereto. Section 2 as amended, shall read as follows:

“Section 2. All persons shall wear a cloth face covering over both the nose and mouth whenever they leave their place of residence, except for:

- A. Persons younger than two years old;
- B. Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering;
- C. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication;
- D. Persons who are swimming or engaged in other water-based activities.
- E. Persons who are engaged in stationary outdoor exercise, such as pilates or yoga, during classes conducted by businesses with valid City permits for such outdoor activities, when they are able to maintain a distance of at least eight feet from others.

Persons who are seated at a restaurant or other establishment that offers food or beverage service shall wear a cloth face covering over both the nose and mouth, unless they are eating or drinking.

Notwithstanding any provision of Emergency Order No. 13 or any other City provision, participants in tennis and pickleball do not have to wear a face covering while playing either tennis or pickleball. Such persons must continue to comply with all City and Los Angeles County Health Officer social distancing requirements, including wearing a cloth face covering over both the nose and mouth, at all other times.”

Section 3. All other provisions of Emergency Order No. 13, as amended by Emergency Order Nos. 14 and 18, shall have full force and effect.

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

Section 4. This Order shall take effect on October 9, 2020, at 5:00 p.m.

Executed on October 9, 2020.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services

# **EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS**

## **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;

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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.

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

- 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

# EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

## CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES ORDER NO. 22

### CLOSING CERTAIN PUBLIC SEATING AREAS UNTIL FURTHER NOTICE

EFFECTIVE JANUARY 2, 2021

WHEREAS, the Los Angeles County Department of Public Health recently issued a revised Safer at Home Order for Control of COVID-19 in “response to the sustained and substantial rise in COVID-19 cases, hospitalizations and deaths”, which order required the closure of, among other things, indoor and outdoor in-person onsite restaurant dining and outdoor seating; and

WHEREAS, the City has received complaints that people are consuming food and violating social distancing protocols at certain public seating areas, including those located on Manhattan Avenue, Highland Avenue, Manhattan Beach Boulevard, Ocean Drive, and at Metlox Plaza (the “Public Seating Areas”); 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.

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 orders the following:

- A. The Public Seating Areas are hereby closed.
- B. No person – including restaurant owners, operators, employees, and patrons – shall use the Public Seating Areas.
- C. Any portions of Emergency Order Nos. 10, 11, 16, 19, and 21 inconsistent with subsections 2.A and 2.B of this Emergency Order are stayed until further notice.

Section 3. Any use of the Public Seating Areas 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.

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Section 4. Pursuant to Government Code Section 8634 and Manhattan Beach Municipal Code Chapters 1.06 and 3.08, the City shall require any restaurant, brewery, and winery that uses the Public Seating Areas 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 of this Emergency Order, 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 Order.

Executed on January 2, 2021.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

### CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES ORDER NO. 23

#### RESCINDING EMERGENCY ORDER NO. 22 REGARDING PUBLIC SEATING AREAS AND AMENDING EMERGENCY ORDER NO. 21 TO ALLOW THE OUTDOOR DINING AREAS OF RESTAURANTS TO STAY OPEN UNTIL 11:00 P.M.

**EFFECTIVE JANUARY 29, 2021**

WHEREAS, the State of California lifted the Regional Stay Home Order on January 25, 2021, as projected ICU availability over 4 weeks in all regions rose to over 15% and ordered that counties resume the “Blueprint for a Safer Economy” tiers and rules for counties;

WHEREAS, the State of California’s “Blueprint for a Safer Economy” indicates that Los Angeles County is in Tier One (Purple), with "widespread" risk and permits outdoor dining for restaurants;

WHEREAS, the Los Angeles County Department of Public Health revised their Health Officer Order on January 29, 2021, aligning with the State of California’s restrictions allowing outdoor dining for restaurants; 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.

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:

A. Emergency Order No. 22 is rescinded.

B. Section 2.B of Emergency Order No. 21 is amended to read as follows:

“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 11:00 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 Los Angeles 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 operate without all necessary approvals required by the City, including those required by Manhattan Beach Emergency Order Nos. 10 and 11.”



## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

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, 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: (a) the restaurant shall cease all operations; (b) City will initiate revocation proceedings; and (c) the City will 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, 16, or 21, or any applicable entitlement or agreement.

Executed on January 29, 2021.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services

## **EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS**

### **CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES ORDER NO. 24**

#### **SPECIFYING THAT ACTIVE PARTICIPANTS IN YOUTH AND ADULT SPORTS COMPETITIONS ARE NOT REQUIRED TO WEAR A FACE COVERING**

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 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, the County COVID-19 Order generally requires all persons to wear a face covering “whenever an individual leaves their home or place of residence, and when an individual is or can be in contact with or walking by or past others who are non-household members in both public and private places, whether indoors or outdoors” (the “Face Covering Requirement”);

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, including the Face Covering Requirement;

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:**

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

Section 1. RECITALS INCORPORATED BY REFERENCE. The recitals set forth above are true and correct and are incorporated into this Order by reference.

Section 2. CITY ORDER. Pursuant to Manhattan Beach Municipal Code Section 3.08.060.A 6.a, the City Manager as the Director of Emergency Services hereby orders that, notwithstanding any other City provision in any prior Emergency Order, **wearing a face covering while actively participating (e.g. not on the sidelines) in outdoor sports competitions is not required.**

Section 3. ADDITIONAL GUIDANCE FROM LOS ANGELES COUNTY. Please note that Los Angeles County “highly recommends” face coverings while persons are actively participating in sports competition provided it is safe and tolerated. For more information from the County regarding face coverings, please visit:

<http://publichealth.lacounty.gov/acd/ncorona2019/masks/>.

In addition, the County’s “Adult and Youth Sports League Reopening Protocols,” states: “Participants should take a break from exercise and remove their face mask if any difficulty breathing is noted and should change their mask or mask if it becomes wet and sticks to the participant’s face and obstructs breathing. Participants must remain physically distanced from others at any time their face mask is temporarily removed.”

Section 4. This Order shall take effect on April 23, 2021, at 3:00 p.m.

Executed on April 23, 2021.

/s/ Bruce Moe

City Manager Bruce Moe  
Director of Emergency Services

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

### CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES ORDER NO. 25

#### RESCINDING EMERGENCY ORDERS NO. 13, 14, 18, 20, AND 24 REGARDING FACE COVERING REQUIREMENTS

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 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 April 29, 2021, the Los Angeles County Department of Public Health revised the Reopening Safer at Work and in the Community for Control of COVID-19 (the “County COVID-19 Order”), to align with federal Centers for Disease Control and Prevention’s April 27, 2021, Interim Public Health Recommendations for Fully Vaccinated People;

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. RECITALS INCORPORATED BY REFERENCE. The recitals set forth above are true and correct and are incorporated into this Order by reference.

Section 2. CITY ORDER. Pursuant to Manhattan Beach Municipal Code Section 3.08.060.A 6.a, the City Manager as the Director of Emergency Services hereby orders that Emergency Order Nos. 13, 14, 18, 20, and 24 are rescinded.

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

Section 3.     GUIDANCE FROM LOS ANGELES COUNTY. Please note that Los Angeles County on April 29, 2021, revised its County COVID-19 Order regarding face coverings and social distancing to align with federal Centers for Disease Control and Prevention's April 27, 2021, Interim Public Health Recommendations for Fully Vaccinated People. More guidance from Los Angeles County Department of Public Health regarding face covering protocols can be found here:

[http://publichealth.lacounty.gov/media/Coronavirus/docs/HOO/HOO\\_SaferatHomeCommunity.pdf](http://publichealth.lacounty.gov/media/Coronavirus/docs/HOO/HOO_SaferatHomeCommunity.pdf)

Section 4.     This Order shall take effect on May 5, 2021, at 3:00 p.m.

Executed on May 5, 2021.

/s/ Bruce Moe

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City Manager Bruce Moe

Director of Emergency Services

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

### CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES ORDER NO. 26

#### AMENDING EMERGENCY SERVICES ORDER NO. 21 TO EXTEND THE USE OF PUBLIC PROPERTY BY BUSINESSES AND RESTAURANTS

EFFECTIVE July 1, 2021

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

WHEREAS, the Director of Emergency Services issued Emergency Order Nos. 10, 11, 16, 19, and 21 to allow the use of public property by businesses and restaurants, subject to conditions and guidelines;

WHEREAS, at a duly noticed City Council meeting held on May 18, 2021, the City Council directed the Director of Emergency Services to extend the use of public property by businesses and restaurants, subject to certain conditions and guidelines;

WHEREAS, the State of California, County of Los Angeles, and the Manhattan Beach City Council have determined that there is a public benefit to allowing restaurants to conduct outdoor operations to recover from significant losses in revenue during the pandemic. On June 3, 2021, the Governor's office announced the extension of "relief measures that permit restaurants and bars to continue to benefit from their investments to expand outdoor operations in areas such as

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

Order No. 26

sidewalks and parking lots, and to continue the sale of to-go alcoholic beverages with food deliveries, among other successful pandemic adaptations. In addition, the Administration is urging local governments to facilitate outdoor dining through local zoning and programs that support and promote expanded open-air, take-out and delivery options." Concurrent with this announcement, the State Department of Alcoholic Beverage Control ("ABC") extended "regulatory relief" allowing for the expansion of licensed footprints for specified ABC-licensed restaurants until December 31, 2021; 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 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 amends Emergency Order No. 21 section 2.A, to read as follows:

"A. The time period in which businesses, restaurants, and breweries, may use public property and private parking spaces pursuant to Emergency Order Nos. 10, 11, 16, 19, and 21 is hereby extended until September 7, 2021. 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 10, 2021. The previously authorized use of public property westerly of the easterly side of Ocean Drive, is hereby extended until July 20, 2021. Any improvements installed on this section of the public property shall subject to temporary or permanent removal at the discretion of the Community Development Director, whereupon the public property shall be restored to its condition prior to such use pursuant to the terms of the Encroachment Permit(s).

Section 3. Any business that continues to use public property or private parking spaces authorized by COVID-19 emergency orders subsequent to the applicable deadlines established by 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 \$1,000 for each day in violation. In addition, pursuant to Government Code Section 8634 and Manhattan Beach Municipal Code Chapters 1.06 and 3.08, the business shall cease all operations, including indoor operations, for two days for a third violation and cease all operations, including indoor operations, for four days for a fourth violation. For any violation, the City may initiate revocation proceedings. Further, the City will notify the California Department of Alcoholic Beverage Control

**EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS**

Order No. 26

that any violator with a liquor license has violated the terms and conditions of this Emergency Order.

Section 4. Except as modified hereinabove or previously by other emergency orders, the provisions of Emergency Order Nos. 10, 11, 16, 19, and 21 shall have full force and effect.

Executed on July 13, 2021.



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City Manager Bruce Moe  
Director of Emergency Services



## **EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS**

### **CITY OF MANHATTAN BEACH DIRECTOR OF EMERGENCY SERVICES ORDER NO. 27**

#### **AMENDING EMERGENCY ORDER NO. 26 TO EXTEND THE USE OF PUBLIC PROPERTY BY CERTAIN BUSINESSES AND RESTAURANTS TO JANUARY 3, 2022**

**EFFECTIVE September 7, 2021**

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 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, Los Angeles County has periodically relaxed and modified closures of businesses, and has allowed and encouraged restaurants to operate outdoors;

WHEREAS, the Director of Emergency Services issued Emergency Order Nos. 10, 11, 16, 19 and 21 to allow the use of public property by businesses and restaurants, subject to conditions and guidelines;

WHEREAS, the Director of Emergency Services issued Emergency Order No. 26 to extend the use of public property by businesses and restaurants to certain dates, including September 7, 2021, subject to conditions and guidelines;

WHEREAS, at a duly noticed City Council meeting held on August 24, 2021, the City Council directed the Director of Emergency Services to extend the September 7, 2021 termination date to January 3, 2022; 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 of the Director of Emergency Services 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:**

## EXHIBIT 4. SIDEWALKS AND DECKS INSEPERABLE IN ORDERS

Section 1. The recitals set forth hereinabove and in Emergency Order Nos. 10, 11, 16, 19, 21 and 26 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. 26, Section 2, to change the termination of use and restoration of public property dates as follows:

Termination Date: September 7, 2021 to January 3, 2022

Restoration Date: September 10, 2021 to January 6, 2022.

Section 3. Any business that continues to use public property or private parking spaces authorized by COVID-19 emergency orders subsequent to the applicable deadlines established by 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 \$1,000 for each day in violation. In addition, pursuant to Government Code Section 8634 and Manhattan Beach Municipal Code Chapters 1.06 and 3.08, the business shall cease all operations, including indoor operations, for two days for a third violation and cease all operations, including indoor operations, for four days for a fourth violation. For any violation, the City may initiate revocation proceedings. Further, the City will notify the California Department of Alcoholic Beverage Control that any violator with a liquor license has violated the terms and conditions of this Emergency Order.

Section 4. Except as modified hereinabove, the provisions of Emergency Order No. 26 shall have full force and effect.

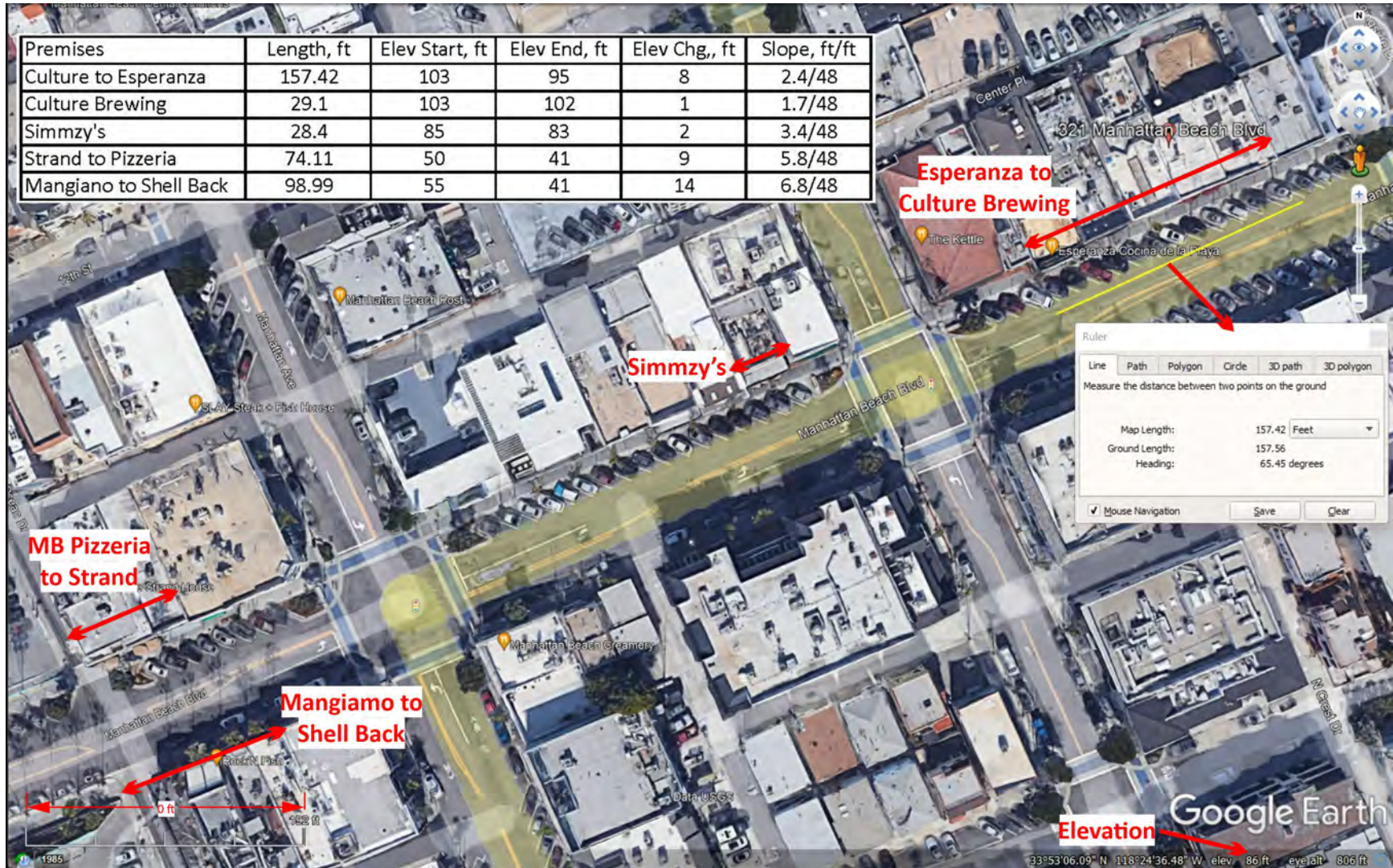
Executed on September 3, 2021.

/s/ Bruce Moe

City Manager Bruce Moe

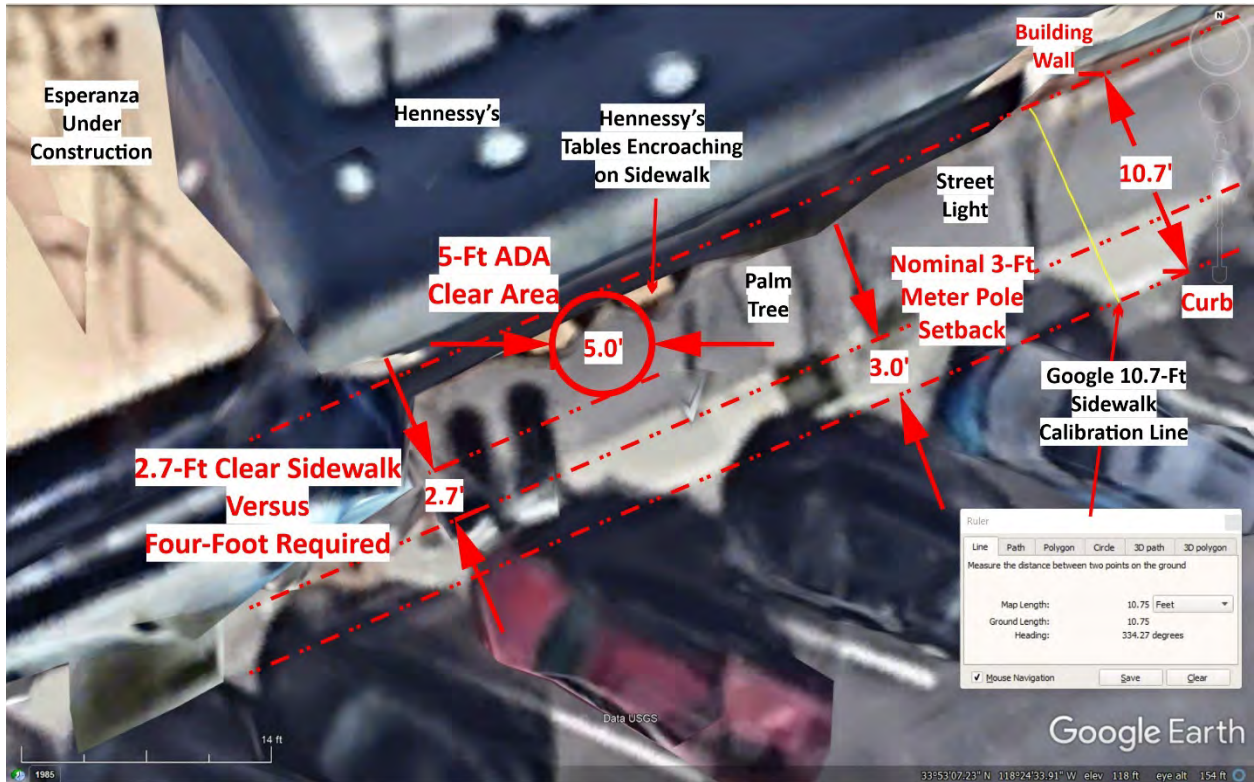
Director of Emergency Services

**EXHIBIT 5.  
MB BLVD SLOPE EXCEEDS ADA MAXIMUM 1-FOOT RISE PER 48 FEET RUN;  
SIDEWALK ENCROACHMENTS NOT PERMITTED**



**EXHIBIT 6.**  
**ADA 5-FOOT MANEUVER AREA FOR WHEELCHAIRS REDUCES**  
**SIDEWALK WIDTH TO 2.7 FEET**

Not corrected for four-inch parking meter head overhang from post centerline



**EXHIBIT 7**

**NO EAT AND DRINK ENCROACHMENTS COMPLY WITH ADA**

Per Note 1 below, the slope may not exceed 1/48, one foot rise per 48 feet run

Per Note 2 below, no railing between encroachment and sidewalk; requires 108" clear width

Per Note 5 below, railing between encroachment and sidewalk; requires 114" clear width

Premises	Address	Slope, ft/ft <sup>1</sup>	Clear Width <sup>2</sup>	Comment <sup>3, 4</sup>
Sugar Fish	12th St, 304		Complex	Two-table private patio possible
Izuka-Ya	Highland Ave, 1133		90"	Violates 108" minimum width
Un Caffè	Highland Ave, 1140		81", 87"	Violates 108" minimum width
Uncle Bill's	Highland Ave, 1306		109	Grandfathered outdoor E & D
Uncorked	Manhattan Ave, 1000		103"	See Note 5. 115" requirement
Slay Italian Kitchen	Manhattan Ave, 1001		82"	Violates 108" minimum width
El Sombrero	Manhattan Ave, 1005		78"	Violates 108" minimum width
Ercoles	Manhattan Ave, 1101		102"	Violates 108" minimum width
MB Creamery	Manhattan Ave, 1120		82"	Violates 108" minimum width
Dash Dash	Manhattan Ave, 1127		84"	Violates 108" minimum width
Tacolicious	Manhattan Ave, 1129		84"	Violates 108" minimum width
Nando Milano	Manhattan Ave, 1131		86"	Violates 108" minimum width
Slay, Steak and Fish	Manhattan Ave, 1141		80"	Violates 108" minimum width
MB Post	Manhattan Ave, 1142		81",'	Violates 108" minimum width
Fishing w. Dynamite	Manhattan Ave, 1148		80"	Violates 108" minimum width
Rockefeller	Manhattan Ave, 1209		84", 85"	Violates 108" minimum width
900 Club	Manhattan Ave, 900		109"	See Note 5. 115" requirement
Arthur J's	Manhattan Ave, 903		85", 83"	Violates 108" minimum width
Shell Back	MB Blvd, 116	5.8/48	79"	Violates 108" minimum width
Strand House	MB Blvd, 117	5.8/48	80", 81"	Violates 108" minimum width
Rock'N Fish	MB Blvd, 120	5.8/48	75"	Violates 108" minimum width
Brewco	MB Blvd, 124	5.8/48	86"	Violates 108" minimum width
Mangiamao	Mb Blvd, 128	6.8/48	91"	Violates 108" minimum width
Manhattan Pizzeria	MB Blvd, 133	5.8/48	80"	Violates 108" minimum width
Simmzy's	MB Blvd, 229	3.4/48	80"	Violates 108" minimum width
Esperanza	MB Blvd, 309	2.4/48	80", 82"	Violates 108" minimum width
Hennessey's	MB Blvd, 313	2.4/48	86", 90"	Violates 108" minimum width
Love & Salt	MB Blvd, 317	2.4/48	90", 89"	Violates 108" minimum width
Blue Stone	MB Blvd, 321	2.4/48	81"	Violates 108" minimum width
Culture Brewing	MB Blvd, 327	1.7/48	96"	Violates 108" minimum width

1. Maximum slope standard for wheelchair maneuver-area at table, one foot per 48 feet run. [CBC § 1138A.1.3.2].
2. Existing clear width between parking-meter head and building.
3. Minimum area diameter for wheelchair maneuver area at table, 60 inches. [CBC § 1138A.1.3]
4. Minimum sidewalk width, 48 inches. [CBC § 1113A.1.1] Total encroachment and sidewalk width = 108 inches.
5. Per Exhibit 8, a barrier between the encroachment and the sidewalk requires a clear width of 114 inches

## EXHIBIT 8.

# ADA 2.5-FOOT CORRIDOR WIDTH FOR WHEELCHAIRS REDUCES SIDEWALK WIDTH TO 2.3 FEET

Not corrected for four-inch parking meter head overhang from post centerline

### TOTAL CLEAR WIDTH REQUIRED

- Table: 34"
- Corridor: 32"
- Barrier 1"
- Sidewalk 48"
- Total 115" 9.4'



**EXHIBIT 9**  
**CITATIONS TO CITY AND STATE LAW**  
**SIDEWALK ENCROACHMENT MISDEMEANORS**

# ADOPTION OF CALIFORNIA BUILDING CODE

## Title 9 - BUILDING REGULATIONS

### Chapters:

Chapter 9.01 - BUILDING CODE<sup>[1]</sup>

### Sections:

#### Footnotes:

--- (1) ---

**Editor's note**— Ord. No. 16-0032, eff. January 7, 2017, in effect repealed ch. 9.01, §§ 9.01.010—9.01.110 and enacted new §§ 9.01.010—9.01.110 as set out herein. Former ch. 9.01 pertained to similar subject matter and derived from § 2, Ord. 13-0027, eff. January 1, 2014.

#### 9.01.010 - Adoption of the 2016 California Building Code.

Pursuant to the provisions of Section 50022.1 to 50022.10, inclusive, of the Government Code of the State and subject to the particular additions, deletions and amendments set forth in this chapter, the rules, regulations, provisions and conditions set forth in that certain Code entitled the "2016 California Building Code," including the Appendices and Standards (including Chapter/Section 1, Division 2; Chapter 31B; and excluding all Appendices with the exception of Appendices I and J) therein contained, promulgated and published by the International Code Council and the California Building Standards Commission, one full printed copy of which, printed as a Code in book form were by the Council ordered filed and which have been filed in the office of the City Clerk, expressly incorporated herein and made a part hereof as fully and for all intents and purposes as though set forth herein at length, are hereby established and adopted as the rules, regulations, provisions and conditions to be observed and followed in the construction, alteration, improvements, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, demolition, conversion, area and height, of buildings or structures or any appurtenances connected or attached to such buildings or structures in the city; and subject to the additions, deletions and amendments set forth in this chapter, said Code with its Appendices and the said Standards containing said rules, regulations, standards, provisions and conditions is hereby established and adopted by reference, and the same shall be designated, known and referred to as the "Building Code" of and for the City.

(§ 2, Ord. 16-0032, eff. January 7, 2017)

9.01.020 - Referenced codes.

Section [A]101.4 is hereby amended to read as follows:

Section [A]101.4. Referenced codes. The other codes listed in Sections [A]101.4.1 through [A]101.4.6 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Specifically, the Electrical, Gas, Mechanical, Plumbing, Swimming Pool, Existing Building and Energy Codes; the most recently adopted California State and Manhattan Beach Municipal Code will take precedence.

(§ 2, Ord. 16-0032, eff. January 7, 2017)

9.01.030 - Work exempt from permit.



## **PENALTIES INCLUDE ONE MISDEMEANOR COUNT FOR EACH DAY**

Any permittee holding an unexpired permit may apply for an extension of the time within which work under that permit may be continued when, for good and satisfactory reasons, the permittee is unable to continue work within the time required by this section. The Building Official may grant one or more extensions for periods not exceeding six calendar months upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented completion of the project. No permit shall be valid for more than 4 years.

If the owner or applicant fails to complete the construction work within the time required, the Building Official is authorized to obtain the abatement of any unsafe condition or nuisance created by such incomplete work. The City Attorney is authorized to file an action for the abatement of any such unsafe condition or nuisance if required to do so by the Building Official.

(§ 2, Ord. 16-0032, eff. January 7, 2017; § 2, Ord. 17-0021, eff. November 17, 2017)

### 9.01.060 - Fees.

Sections [A]109.2 and [A]109.4 are hereby amended to read as follows:

[A] 109.2 Schedule of permit fees. The fees shall be determined by the most current City Resolution of Fees.

Plan Review Fees. When submittal documents are required by the building official, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be determined by the most current City Resolution of Fees.

The plan review fees specified in this section are separate and in addition to any permit fees required.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section [A]107.3.4.1, an additional plan review fee shall be charged as determined by the most current City Resolution of Fees.

[A]109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the Building Official and the most current Manhattan Beach Resolution of Fees in addition to the required permit fees.

Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

Investigation Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal up to the amount of the permit fee required by this code as determined by the Building Official. The minimum investigation fee shall be determined by the most current Resolution of Fees. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

(§ 2, Ord. 16-0032, eff. January 7, 2017)

### 9.01.070 - Violation penalties.

Section [A]114.4 is amended to read as follows:

[A] Section 114.4. Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to the penalties as prescribed by law. Every person who willfully resists, delays, obstructs or interferes in any way with any City Building Inspector in the discharge or attempt to discharge any duty of his or her office or employment shall be guilty of a violation of this Chapter.

Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of Manhattan Beach shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the ordinances of Manhattan Beach shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Manhattan Beach is committed, continued, or permitted by any such person, and shall be punished accordingly.

(§ 2, Ord. 16-0032, eff. January 7, 2017)

#### 9.01.080 - Definitions.

Section 202 is hereby amended by adding a definition to read as follows:

ABANDONED OR SUSPENDED WORK. Work that has been stopped or no progress in construction and no inspection is required or performed for a period of 180 days.

(§ 2, Ord. 16-0032, eff. January 7, 2017)

#### 9.01.090 - Yards.

Section 1206.2 is amended by adding Exception 1 to read as follows:

Exception 1. One and two family dwellings not exceeding three stories, which are located on a 30 foot wide lot or less may have 3 foot (914 mm) side yards, if additional artificial light and mechanical ventilation are provided for the structure as determined to be adequate by the building official.

(§ 2, Ord. 16-0032, eff. January 7, 2017)

#### 9.01.100 - Roofing and re-roofing.

The title of Table 1505.1 is hereby amended to read as follows:

Table 1505.1. Minimum Roof Covering Classification for Types of Construction. All roof classifications of "C" shall be deleted from Table 1505.1 and replaced by class "B" roof classification.

Sections 1505.1 and 1507.1 are hereby amended by adding a sentence to the end of each section that reads as follows:

Fire-retardant roofs are roofing assemblies complying with California Building Code Standards and listed as Class A or B roofs. The use of fire-retardant wood shakes or fire retardant wood shingles is prohibited.

Section 1505.5 is hereby amended to read as follows:

## SEE 114.4 NEXT PAGE FOR CA BUILDING CODE PENALTY

### SCOPE AND ADMINISTRATION

not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

**Exception:** Certificates of occupancy are not required for work exempt from permits in accordance with Section 105.2.

**[A] 111.2 Certificate issued.** After the building official inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

**[A] 111.3 Temporary occupancy.** The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

**[A] 111.4 Revocation.** The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

### SECTION 112 SERVICE UTILITIES

**[A] 112.1 Connection of service utilities.** A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

**[A] 112.2 Temporary connection.** The building official shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

**[A] 112.3 Authority to disconnect service utilities.** The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

### SECTION 113 BOARD OF APPEALS

**[A] 113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

**[A] 113.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

**[A] 113.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

### SECTION 114 VIOLATIONS

**[A] 114.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

**[A] 114.2 Notice of violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

[A] **114.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

[A] **114.4 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

See CA Health & Safety Code HSC 17995.5 for penalty.

### SECTION 115 STOP WORK ORDER

[A] **115.1 Authority.** Where the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

[A] **115.2 Issuance.** The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

[A] **115.3 Unlawful continuance.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

### SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

[A] **116.1 Conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

[A] **116.2 Record.** The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

[A] **116.3 Notice.** If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

[A] **116.4 Method of service.** Such notice shall be deemed properly served if a copy thereof is: delivered to the owner personally; sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner on the owner's agent or on the person responsible for the structure shall constitute service of notice on the owner.

[A] **116.5 Restoration.** Where the structure or equipment determined to be unsafe by the building official is restored to a safe condition, to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of the *California Existing Building Code*.



## CA HSC LEVIES FINE AND IMPRISONMENT FOR BUILDING CODE VIOLATIONS

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### HEALTH AND SAFETY CODE - HSC

**DIVISION 13. HOUSING [17000 - 19997]** ( Division 13 enacted by Stats. 1939, Ch. 60. )

**PART 1.5. REGULATION OF BUILDINGS USED FOR HUMAN HABITATION [17910 - 17998.3]** ( Part 1.5 added by Stats. 1961, Ch. 1844. )

**CHAPTER 6. Violations [17995 - 17995.5]** ( Chapter 6 added by Stats. 1961, Ch. 1844. )

**17995.** Any person who violates any of the provisions of this part, the building standards published in the State Building Standards Code relating to the provisions of this part, or any other rule or regulation promulgated pursuant to the provisions of this part is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment not exceeding six months, or by both such fine and imprisonment.

(Amended by Stats. 1983, Ch. 1092, Sec. 162. Effective September 27, 1983. Operative January 1, 1984, by Sec. 427 of Ch. 1092.)

**17995.1.** Any person who is convicted pursuant to Section 17995 for a second or subsequent time within a five-year period for violations at the same property shall be punishable by a fine not to exceed five thousand dollars (\$5,000) or by imprisonment not exceeding six months, or both such fine and imprisonment.

(Added by Stats. 1982, Ch. 1545, Sec. 6.)

**17995.2.** Any person found in contempt of a court order or injunction pursuant to the provisions of this part for a second or subsequent time within a five-year period for violation at the same property is guilty of a misdemeanor, punishable by a fine not to exceed five thousand dollars (\$5,000) or by imprisonment not exceeding six months, or both such fine and imprisonment.

(Added by Stats. 1982, Ch. 1545, Sec. 7.)

**17995.3.** Any person who is convicted pursuant to Section 17995 for a second or subsequent time within a five-year period for violations at the same property where such violations are determined by the trier of fact to be so extensive and of such a nature that the immediate health and safety of residents or the public is endangered and where the extent and nature of the violations are due to the defendant's habitual neglect of customary maintenance and display a flagrant lack of concern for the health and safety of residents and the public, shall be punishable by a fine not exceeding five thousand dollars (\$5,000) and by imprisonment of not less than six months but not exceeding one year, provided also that the trier of fact finds at least four serious violations of the following categories of violations are involved:

- (a) Termination, extended interruption or serious defects of gas, water or electric utility systems provided such interruptions or termination is not caused by the tenant's failure to pay such gas, water or electric bills.
- (b) Serious defects or lack of adequate space and water heating.

- (c) Serious rodent, vermin or insect infestation.
- (d) Severe deterioration, rendering significant portions of the structure unsafe or unsanitary.
- (e) Inadequate numbers of garbage receptacles or service.
- (f) Unsanitary conditions affecting a significant portion of the structure as a result of faulty plumbing or sewage disposal.
- (g) Inoperable hallway lighting.

*(Added by Stats. 1982, Ch. 1545, Sec. 8.)*

**17995.4.** Any person found in contempt of a court order or injunction pursuant to the provisions of this part for a second or subsequent time within a five-year period for violations at the same property where such violations are determined by the trier of fact to be so extensive and of such a nature that the immediate health and safety of residents or the public is endangered and where the extent and nature of the violations are due to the defendant's habitual neglect of customary maintenance and display a flagrant lack of concern for the health and safety of residents and the public, shall be punishable by a fine not exceeding five thousand dollars (\$5,000) and by imprisonment of not less than six months but not exceeding one year, provided also that the trier of fact finds at least four serious violations of the following categories of violations are involved:

- (a) Termination, extended interruption or serious defects of gas, water or electric utility systems provided such interruptions or termination is not caused by the tenant's failure to pay such gas, water or electric bills.
- (b) Serious defects or lack of adequate space and water heating.
- (c) Serious rodent, vermin or insect infestation.
- (d) Severe deterioration, rendering significant portions of the structure unsafe or unsanitary.
- (e) Inadequate numbers of garbage receptacles or service.
- (f) Unsanitary conditions affecting a significant portion of the structure as a result of faulty plumbing or sewage disposal.
- (g) Inoperable hallway lighting.

*(Added by Stats. 1982, Ch. 1545, Sec. 9.)*

**17995.5.** Fines collected pursuant to this part in excess of five hundred dollars (\$500) per violation shall be reimbursed to the enforcement agency which investigated the violations.

*(Added by Stats. 1982, Ch. 1545, Sec. 10.)*

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**PENAL CODE - PEN**

**PART 1. OF CRIMES AND PUNISHMENTS [25 - 680]** (*Part 1 enacted 1872.*)

**TITLE 10. OF CRIMES AGAINST THE PUBLIC HEALTH AND SAFETY [369a - 402c]** (*Title 10 enacted 1872.*)

**[370.]** Section Three Hundred and Seventy. Anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a public nuisance.

(*Amended by Code Amendments 1873-74, Ch. 614.*)

**Martha Alvarez**

---

**From:** Lizabeth Walker <walkerlizabeth3@gmail.com>  
**Sent:** Monday, December 20, 2021 12:38 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Fwd: Please keep the outdoor patios for our downtown restaurants

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

**LIZABETH WALKER**  
**CORCORAN GLOBAL LIVING**  
**310-880-8453**  
[www.ManhattanBchHomes.com](http://www.ManhattanBchHomes.com)

----- Forwarded message -----

**From:** Lizabeth Walker <walkerlizabeth3@gmail.com>  
**Date:** Mon, Dec 20, 2021 at 12:26 PM  
**Subject:** Please keep the outdoor patios for our downtown restaurants  
**To:** <[www.citycouncil@manhattanbeach.gov](mailto:www.citycouncil@manhattanbeach.gov)>

**Hi City Council,**

**I just want to voice my support for keeping the outdoor dining decks for our local restaurants especially now that there is an increase in Covid-19 infections. This is an especially transmissible variant and I know that I do not now feel comfortable eating inside my favorite, Manhattan Beach restaurants.**

**Being a local realtor, I also know how important it is to have a vibrant and financially strong downtown business community. It's one of the reasons our city is such a desirable place to live.**

**I don't want to lose any of these wonderful restaurants because we've restricted their business. So I support keeping the outdoor decks until late Spring and perhaps beyond.**

**Thank you,**

**Lizabeth**



**LIZABETH WALKER**  
**CORCORAN GLOBAL LIVING**  
**310-880-8453**  
**[www.ManhattanBchHomes.com](http://www.ManhattanBchHomes.com)**

## Martha Alvarez

---

**From:** Tom Kirk <tkirk@rpa.com>  
**Sent:** Monday, December 20, 2021 12:38 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please save our restaurants and keep outdoor dining decks. We need to save our restaurants and dining experience.

Tom Kirk

Sent from my iPhone

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## Martha Alvarez

---

**From:** Spenser Feldstein <sfeldstein21@gmail.com>  
**Sent:** Monday, December 20, 2021 12:32 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep outdoor dining in MB

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To whom it may concern:

Please keep outdoor dining available in Manhattan beach. We love coming down to eat and get beautiful views of the ocean! It would be such a shame to see this opportunity go away.

I also am employed in the hospitality/food and beverage space and customers want outdoor dining as an alternative based on their feedback.

Spenser Feldstein

## Martha Alvarez

---

**From:** Robert Hammesfahr <rhammesfahr@ameritech.net>  
**Sent:** Monday, December 20, 2021 12:14 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please figure a way to keep outdoor dining.

Sent from my iPhone

Robert Hammesfahr

## Martha Alvarez

---

**From:** Vida Holguin <vida@holguinlaw.com>  
**Sent:** Monday, December 20, 2021 11:40 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Closing outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I am against closing outdoor dining at this time because of the surge in the Omicron COVID strain - it is *highly* contagious. Pushing everyone in doors puts them at greater risk of infection. I am hopeful that with some medical input, the council will reconsider and delay this decision to Spring.

--

Vida M. Holguin, Employment Lawyer  
2298 E. Maple Avenue  
El Segundo, CA 90245  
T: (310) 376-5207; F:(310) 802-0500  
HolguinLaw.com

This communication may be protected by the attorney-client privilege and/or work product doctrine and, as such, is confidential. Please DO NOT FORWARD to third parties to protect the privilege. If you are *not* the intended recipient, please notify me and delete this email.

In response to the pandemic and local "Safer at Home" recommendations, business will continue to be conducted electronically, via email, telephone and teleconference. All documents, letters, pleadings, should be scanned and provided electronically to aid in prompt response while we work remotely.

## Martha Alvarez

---

**From:** Dawn Stevenson <dawnstevenson0226@gmail.com>  
**Sent:** Monday, December 20, 2021 11:33 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep Outdoor Dining!

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please please please KEEP OUTDOOR DINING! It has been one of the few benefits of the pandemic and it makes it much more appealing. I am sure it brings more business and revenue to the city as well.

Thank you.

Have a great day!

Dawn

## Martha Alvarez

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**From:** Jim Packer <jpacker@lionsgate.com>  
**Sent:** Monday, December 20, 2021 11:15 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Given what's going on right now with covid-19 and the resurgence, hopefully you will continue allowing outdoor dining because I will not go downtown and eat inside at this point. I realized there are some inconveniences but so is this entire disease and I think we need to make it easy for people to enjoy dining outside Even if they have to walk down town.

Packer 1817 Palm avenue

## Martha Alvarez

---

**From:** Kurt <kurtoliver@aol.com>  
**Sent:** Monday, December 20, 2021 11:13 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] MB Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

MB City Council,

Before the pandemic, I never really went to MB. During and ongoing I have been going to several MB restaurants because of going to Slays. Knowing that Park Ave in Stanton, closed because of the pandemic, we have been going to David Slay's two restaurants in MB. On several occasions we hang around and purchase stuff at the stores around his restaurants. I did not have to worry about my stall timed parking so I could enjoy MB at sunset and night. Many times I have purchased over \$5,000 worth of art and photographs. The money generated and offset by paying for someone to collect the coins in the stall parking lots, to my knowledge is minimal compared to charging a lease/tax on the out door dining using the parking stalls. You should work with your business owners, enforce the rules, but they make your community. The pandemic is not over, this will be here for awhile, you need sales tax money more than you need coins in a meter.

Over 100 people I have recommended to go to MB and try David's 2 restaurants. They have gone, enjoyed the atmosphere and have spent money at other establishments. It would be ashamed to let something working so well, to just stop. Be like a palm tree and sway with the wind. Work with the community, continue the out door dining for now.

Kurt Oliver  
213-494-7413



## Martha Alvarez

---

**From:** Dana McFarland <danamcfarland79@gmail.com>  
**Sent:** Monday, December 20, 2021 10:56 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

As you know (from many previous e-mails) that I grew up in Manhattan Beach, since 1961 and have also owned multiple businesses in Manhattan Beach since 1988. I am writing today in favor of outdoor dining. With the increase in Covid hysteria in the news, this is the worst possible time to get rid of outdoor dining. My business relies way more on healthy restaurants than it does on parking spaces. I think many of our great restaurants will not make it without outdoor dining. The outdoor dining has led to a very healthy and robust town in 2021.

I have pictures looking down the street from Manhattan Beach Blvd. and Highland from this time last year. It was I ghost town! I took the picture just for the history and to remind us why business was so bad in 2020. This year with outdoor dining and everyone open our business is thriving again. This is good for me, my employees, donations, and for tax revenue.

I urge you all to reconsider and keep outdoor dining indefinitely.

Thank You,

Dana McFarland  
Wright's  
232 M.B. Blvd.

The Beehive  
451 Mi.B Blvd.

## Martha Alvarez

---

**From:** Patricia Noilhan <pnoilhan1035@gmail.com>  
**Sent:** Monday, December 20, 2021 10:53 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outside deck

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

This mail to voice my concern regarding removing the downtown restaurant outside patio decks. More than ever with the new virulent Omicron variant, do we need that option to dining out. Please consider prolonging the availability of the outside dining. Thank you for your consideration to this issue for the enjoyment of our city and to keep attracting business to our downtown.

## Martha Alvarez

---

**From:** Kurt Peterson <peterkurtson@gmail.com>  
**Sent:** Monday, December 20, 2021 9:55 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] I support outdoor dining in MB!

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello City Council,

I am a resident of MB in El Porto and I love our outdoor dining. I also think it's irresponsible to tear down the outside decks when we still aren't fully free of COVID and its variants. Why would you force people inside when we aren't done with the pandemic yet? Do you want more people to die? This is the truth.

Also, I read that if you close the decks, restaurants will have to lay off 30% of their employees. This is very difficult for an already embattled restaurant industry. Do you want to help or hurt them? Please don't close the outdoor decks!

Thank you,

Kurt Peterson

## Martha Alvarez

---

**From:** Stephen Lepley <sclepley@icloud.com>  
**Sent:** Monday, December 20, 2021 9:50 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining continuation - I support

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council-

When the Councils approved and increased outdoor dining in MB and HB, we thought "what took so long?" Long before Covid my wife and I had had the experience of winter dining on restaurant patios in Spain, France and Italy, and it was terrific.

When the pandemic arrived and outdoor dining increased here, we personally INCREASED our going to MB restaurants. And now for medical reasons, and for the foreseeable future we will ONLY eat in an outdoor restaurant setting. Many others we know here feel the same way.

You are making a mistake in cutting this program short. Yes, regulate it, require that the patios be well done and consistent with the quality of everything else in the community, but simply end it? Very short sighted and parochial.

Stephen Lepley, J.D., LL.M.

Hermosa Beach

sclepley@icloud.com

## Martha Alvarez

---

**From:** The Fioritos <the\_fioritos@me.com>  
**Sent:** Monday, December 20, 2021 9:06 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] MB Outdoor Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Happy Holidays City Council -

This email is written in support of continuing outdoor dining in MB for the foreseeable future. We are supportive of any measure to push this decision well into 2022 for many reasons:

- Chief among our rationale is the spread of the Omicron variant. We still don't fully understand the effects of this strain and we should all continue to gather outdoors - both at home and out in our communities. January 3rd is way too early to rescind this policy.
- We count some of our closest friends as restaurant owners here in MB. Saying it's been a tough ride for them is an understatement. And now they are dealing with rise in costs of goods and availability of those goods, period.
- As residents, we enjoy the option to dine outside. We live in an amazing area and it's so nice to gather out of doors. On top of that, not too long ago, we struggled to get reservations at some of favorite spots - this additional seating has helped alleviate that issue.
- Finally, we're a better community when we help our local, small businesses. We know the council knows this, but it's always been my experience here and I'd like us to continue that legacy.

Appreciate your work and your consideration in this matter. All the best,

Stan & Erin Fiorito

## Martha Alvarez

---

**From:** David Jina <david@rubberduckyinteractive.com>  
**Sent:** Monday, December 20, 2021 8:59 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I am a 22 year resident of MB. It has come to my attention that the city has decided to shut down outdoor dining starting at the start of next year. This is unacceptable for many reasons. First is safety since covid is on the rise. Secondly, outdoor dining has long been needed in a coastal city with amazing sunset views. In fact, I would go as far as saying we should close Manhattan and turn it into a walk street. This to me smells of a ploy to shut this down due to a few loud Karans using the street repair as an excuse with zero intention of ever bringing this back. It will get locked up in debate forever. The last two years of outdoor dining have been some of the best times downtown as well as the most we have gone downtown on a regular basis.

Keep the outdoor dining open and expand it



**David Jina**  
CEO and Founder,  
Rubber Ducky Interactive  
[310-765-4301](tel:310-765-4301) | [M 310-902-3069](tel:310-902-3069)  
[321 W Grand Ave](#)  
[El Segundo CA 90245](#)



## Martha Alvarez

---

**From:** rosen217mb@aol.com  
**Sent:** Monday, December 20, 2021 8:35 AM  
**To:** List - City Council; rosen90266@aol.com  
**Subject:** [EXTERNAL] I support outdoor dining in Manhattan Beach

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Our names are Michelle and Greg Rosen. We live at 217 S. Meadows Avenue in Manhattan Beach.

We are **BOTH STRONG SUPPORTERS** of **CONTINUED OUTDOOR DINING IN MANHATTAN BEACH** for a number of reasons. The most important reason is that **THE PANDEMIC IS NOT OVER.**

We eat out frequently and usually locally but we will not eat at a restaurant that does not have outdoor dining. We do not believe this to be safe or prudent. If the City Councils vote to end outdoor dining after the first of the year, we will just take our business elsewhere, which would be folly. The Council's job is to support local business and residences.

We also like the ambiance of outdoor dining and we have had numerous conversations with friends and neighbors about how we would like to see this continue long after the pandemic.

**WE STONGLY URGE YOU TO VOTE TO CONTINUE OUTDOOR DINING IN MANHATTAN BEACH.**

Thank you and respectfully yours,

Greg and Michelle Rosen

## Martha Alvarez

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**From:** Ron Gaudiano <RonG@novajoy.com>  
**Sent:** Monday, December 20, 2021 8:33 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

As a 30 year resident I would like to encourage the city council to please keep outdoor dining. It is a great benefit to the restaurants and the residents.



**820 Products for America's**  
*Independence, Safety & Well-Being*

### Ron Gaudiano

*Executive Vice President*  
[Rong@novajoy.com](mailto:Rong@novajoy.com)

---

**(800) 557-6682** ext 8106 office  
[novajoy.com](http://novajoy.com)





## Martha Alvarez

---

**From:** Keith D Lupton <keith.lupton@ey.com>  
**Sent:** Monday, December 20, 2021 8:20 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] In support of Outdoor dining in Manhattan Beach

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I am writing this email in support of continued outdoor dining in Manhattan beach.



**Keith D. Lupton** | Partner | Assurance

Ernst & Young LLP  
725 South Figueroa Street, Los Angeles, California 90017, United States of America  
Office: +1 213 977-3200 | Direct: +1 213 977-3226 | [keith.lupton@ey.com](mailto:keith.lupton@ey.com)  
Mobile: +1 310 463-0439 | Fax: +1 866 727-8863  
Website: <http://www.ey.com>  
Christina Mendez | Phone: +1 213 977-3518 | [christina.mendez@ey.com](mailto:christina.mendez@ey.com)

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Ernst & Young LLP

## Martha Alvarez

---

**From:** l c stone <lcstone@icloud.com>  
**Sent:** Monday, December 20, 2021 8:10 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Decks

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please come up with a long term solution to replace the decks for outdoor dining, before removing the temporary decks. We are facing another COVID surge and you would be doing a huge disservice to both the businesses and the people who live here if you take away our options for dining.

Thank you,

*Lynn C. Stone*

**Hunter Carson Design**

Instagram @ huntercarsondesign

## Martha Alvarez

---

**From:** Chris Broadhurst <chris.broadhurst@mac.com>  
**Sent:** Monday, December 20, 2021 12:19 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Restaurant decks

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

These restaurants are finally doing much better... despite employee shortages.

What a tough time they've all had. Some restaurants couldn't hang on & had to close.

Keep MB downtown alive and thriving. Keep outside dining.  
A few parking meters less - no big deal.

Sent from my iPhone

Chris Broadhurst  
677 17th  
MB

## Martha Alvarez

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**From:** Roger Bondelli <rbondelli@icloud.com>  
**Sent:** Monday, December 20, 2021 12:06 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

COVID is not going away! Please keep all the outdoor dining in Manhattan Beach!

Sent from my iPad

## Martha Alvarez

---

**From:** Paul Holden <pholden55@gmail.com>  
**Sent:** Sunday, December 19, 2021 7:41 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining - Manhattan Beach

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

I would like to request that we keep the outdoor dining. These restaurants have invested a considerable expense to build these structures and have lost countless income being closed or at limited capacity for so long during the pandemic.

The restaurant owners pay taxes to the city and that is your revenue. Why would the city punish them further by requiring such a short notice expense to remove this additional income potential with their outdoor seating that expands their ability to make up for lost income?

Best regards,

**Paul Holden**  
Manhattan Beach, California  
(310) 420-9298 - cell  
[pholden55@gmail.com](mailto:pholden55@gmail.com)

## Martha Alvarez

---

**From:** Ron Rader <rrader@leewestla.com>  
**Sent:** Sunday, December 19, 2021 7:17 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

City Council:

The outdoor dining has been one of the few good things to come from the Covid 19 pandemic.

Our family comes from Playa del Rey to enjoy many of the MB restaurants. We love having the ability to dine outdoors.

Please save this delightful feature!

And it increases gross sales, which produces sales tax, which flow to the city treasury.

Ron and Deborah Rader  
Playa del Rey CA

## Martha Alvarez

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**From:** Kelly J. Baek, M.D. <kellybaek@gmail.com>  
**Sent:** Sunday, December 19, 2021 5:55 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Manhattan Beach City Council,

I am writing to ask the council to consider extending the outdoor dining because unfortunately Covid is not over. Omicron is raging in NYC, France has closed its borders to the U.K., and the Netherlands is locking down. It is inevitable, the numbers will rise in LA.

As a physician, I have been extra careful to minimize my potential risk for covid even though I am triple vaxxed because I work with a vulnerable population of patients who are trying to conceive or who are pregnant.

Without outdoor dining, eating out would not be an option for me and my family. I am also writing in support of outdoor dining for those who cannot be vaccinated, are older, and are immunocompromised. It is simply safer eating outdoors.

Thank you for your consideration.

Kelly Baek

200 John St  
MB 90266

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Kelly J. Baek, MD, FACOG  
Partner, Board Certified Reproductive Endocrinologist  
California Fertility Partners  
11818 Wilshire Blvd. Suite 300  
Los Angeles, CA 90025  
[www.californiafertilitypartners.com](http://www.californiafertilitypartners.com)  
(310) 828-4008  
(310) 828-3310 fax

[kbaek@californiafertilitypartners.com](mailto:kbaek@californiafertilitypartners.com)  
<https://www.facebook.com/BaekFertilityandEggFreezing/>

**For updates on my practice and treatments, please follow me on instagram drkellybaek**  
<https://www.instagram.com/drkellybaek/>

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## Martha Alvarez

---

**From:** Rutti <rutti500@gmail.com>  
**Sent:** Sunday, December 19, 2021 5:55 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please keep the outdoor dining. We feel it adds so much value to the neighborhood

Thank You  
Rutti Simon  
310 500-6754



## Martha Alvarez

---

**From:** Eric Darling <edarling1282@icloud.com>  
**Sent:** Sunday, December 19, 2021 4:28 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council members,

My name is Eric Darling. I've been a Manhattan Beach Resident for nearly 40 years now. Growing up here I've watched this town grow from a small working class Beach town to something more akin to Beverly Hills by the beach. A process I would not necessarily characterize as progress or for the better. However one of the few bright spots as of late, in an otherwise dismal time caused by the plague that is Covid 19, has been outdoor dining. MB has been blessed with remarkable sea views and great weather nearly 365 days a year. Something enviable throughout the country. However this outdoor space has been severely limited and under utilized by the restaurants and bars throughout the city and especially downtown in the past. I implore you to reconsider shutting down the outdoor dining. Instead I think you should make this a permanent feature and consider it a valuable asset attracting residents and tourists alike. Creating a more communal and vibrant atmosphere. In fact I'd like it if you consider blocking off MB blvd from Highland on down to Ocean and from 10th street to 12th. This would make it more pedestrian and bike friendly. Something LA in general is not. However as we move away from car culture and switch to alternative modes of transportation, is likely the future of LA.

I understand that Retailers are upset because of the parking situation or at least I hear this as the excuse to dismantle outdoor dining spaces in the parking stalls. However there is already ample parking in the beach lots by the pier, in front Shellback, Strand house, Uncle Bills, behind aviator nation, behind simmzy's, the kettle, metlox, (which seems to always be empty), live oak park, on the greenbelt in front of the police compound, in front of shade, and on the greenbelt in front of Vons. That's nearly a dozen different big lots and structures in the Downtown area. Not to mention the free parking on the various streets like valley, Ardmore, MB blvd, and Highland. The point is this is not a valid excuse for shutting down outdoor dining.

In addition to creating a positive outdoor atmosphere for dining and gathering it creates a safe space to do so during the PANDEMIC ☹️ Pushing dining indoors when Covid is in full swing is plainly stupid and negligent. Safety should be one of your top priorities. The virus is still continuing to mutate and vaccine effectiveness fluctuates as more variants arise. We do not know what the future holds. Getting rid of outdoor dining at this point is short sided.

Thank You so much for considering my plea. I appreciate you guys donating your time for the betterment of our community.

Sincerely,

Eric Darling

Sent from my iPhone

## Martha Alvarez

---

**From:** Erickson, Neil C. <NCE@JMBM.com>  
**Sent:** Sunday, December 19, 2021 3:41 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining in MB

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

City Council: I have been a MB resident since 1982. I favor retaining outdoor dining. Thanks, Neil

**Neil C. Erickson** | Partner

**Jeffer Mangels Butler & Mitchell LLP | JMBM**

1900 Avenue of the Stars, 7th Floor, Los Angeles, CA 90067

**D:** (310) 201-3516 | **C:** (310) 291-6239 | **F:** (310) 712-8516 | **E:** [NErickson@JMBM.com](mailto:NErickson@JMBM.com)

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## Martha Alvarez

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**From:** Terry O'Bright <trobright@gmail.com>  
**Sent:** Sunday, December 19, 2021 3:09 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] I HATE CARS

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

GET RID OF ANYTHING TO DO WITH CARS.

PLEASE KEEP THE OUTDOOR DINING

THANKS TERRY O'BRIGHT

Terry O'Bright

## Martha Alvarez

---

**From:** Jasmyne Boswell <jasmyne@jasmyneconsulting.com>  
**Sent:** Sunday, December 19, 2021 3:08 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining  
**Attachments:** PastedGraphic-1.tiff

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please keep the outdoor dining in manhattan beach. It is beyond wonderful during the day and feels much safer in the evenings. All my friends and I will have to go elsewhere for the same dining. Let's keep the business in MB.

Jasmyne

Jasmyne Consulting  
Writing & Memoir Coach/Editor



808-268-5807

[jasmyne@jasmyneconsulting.com](mailto:jasmyne@jasmyneconsulting.com)

<http://www.jasmyneconsulting.com>

Zoom-by appointment

To join my email list - <http://eepurl.com/khznz>>

"You can't go back and change the beginning, but you can start where you are and change the ending.....Anonymous."

## Martha Alvarez

---

**From:** kageron@gmail.com  
**Sent:** Sunday, December 19, 2021 2:54 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Save outdoor dining!

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

MB outdoor dining has been a source of joy, community, and economic vitality for our town — it deserves to be made a staple, to and through the pandemic. We strongly urge the city council to rethink and reverse its decision (especially with omicron on the rise).

Support restaurants and save outdoor dining!

Kelly Gerson  
817 N Valley Drive

## Martha Alvarez

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**From:** Jay Philbrick <jayphilbrick@yahoo.com>  
**Sent:** Sunday, December 19, 2021 2:14 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outside Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

We need to keep outdoor seating

Sent from my iPhone

## Martha Alvarez

---

**From:** Natalie Rocchio <natrocchio@gmail.com>  
**Sent:** Sunday, December 19, 2021 2:12 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To whom it may concern,

In light of a recent rise in cases of coronavirus, please consider keeping the outdoor dining decks. The outdoor dining option makes many people feel more comfortable dining at a restaurant during this unprecedented time. Thank you for your consideration in this matter.

Sincerely,

Natalie Rocchio

## Martha Alvarez

---

**From:** Melissa Myers <meliskmyers@gmail.com>  
**Sent:** Sunday, December 19, 2021 1:55 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To Whom It May Concern,

As Omicron continues to persist, it's imperative we keep outdoor dining for the community to maintain a sense of normalcy and to have a safe place to eat and gather outdoors.

In addition, outdoor dining should stay permanently because it solves a problem that Manhattan Beach has amazing weather and views with almost zero places to enjoy this weather/views via dining.

Until there's a massive makeover of the city, the outdoor dining allows visitors and residents to enjoy the perks of the city.

Thanks,  
Melissa Myers  
MB Resident



## Martha Alvarez

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**From:** Michael Whitman <mwhitman@icloud.com>  
**Sent:** Sunday, December 19, 2021 12:35 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining — support to continue; fact based decision making

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

I was disappointed to read in The Beach Reporter of the looming deadline to end the dining decks. My family and I moved to Manhattan Beach in August 2019. We initially rented near Manhattan Avenue and 5th and have been homeowners at 19th and Highland since January 2020. My wife and I regularly walk our dog from 19th Street to Metlox or 19th Street to Pages Bookstore with the return route along either Highland, Manhattan and/or Ocean Avenues.

I would like to address the concerns cited by Mayor Hildy Stern from the recent City Council meeting cited in the The Beach Reporter article:

1. Increased downtown traffic. Please quantify this. I have seen no equipment measuring the traffic count. Residents are clearly aware by now of the reduced parking so it is not obvious that fewer parking places give rise to increased traffic. It works the opposite—more people are likely to walk into town and / or park on the periphery of town and then walk in.

Increased foot traffic (versus vehicular traffic) is possible and this is a positive for our small businesses.

2. More trash. Our dog walks traverse the downtown business district. As one who takes pride in my community, I typically pick up trash and litter along the street—pandemic notwithstanding. I suspect no one in this Community has voluntarily picked up as much trash as I have over the past 2 years.

Restaurants and the outdoor dining decks most grievous contribution to trash would be paper napkins and paper receipts. This is easily addressed through the use of a cloth napkin and paperless billing (requiring emailed receipts).

Your biggest contributors to the downtown trash situation are single use containers (eg, Starbucks), aluminum cans (not smuggled from restaurants!), masks and childrens' food wrappers (especially around Metlox and Live Oak Park).

I moved to Manhattan Beach from London where I had lived for 12 years. London is a remarkably trash free town notwithstanding very few trash cans. Terrorist activity—notably the IRA conflict with the British government from the '60s to the '00s—resulted in most trash cans being removed. Local residential areas employ human street cleaners who have a push cart, broom and dustpan. For at most \$75,000-100,000, the City of MB should employ up to 2 full time equivalents to perform this incredibly basic but valuable function. I suspect the restaurant owners would willingly contribute to this function. This is a much better allocation of capital than painting the downtown intersections for \$80,000.

3. Inability to clean streets and sidewalks. The above is a very simple and low cost solution. You may feel compelled to require the restaurant community to powerwash the sidewalks and back alleys on a monthly basis. This can be a shared expense across the restaurant owners.

4. Interrupted ADA access. Please provide support; regardless this can be addressed easily. I see numerous individuals in wheelchairs navigating our current downtown configuration.

5. Reduced Parking. No one can point to parking challenges in downtown MB over the past 15+ months. This again appears to be an excuse versus a well supported argument. If the town is worried about lost parking meter revenues, this is easily resolved. Bring an end to the free Holiday parking from Thanksgiving to New Years. This makes no sense. No one is making the decision to visit downtown Manhattan Beach on the basis of saving \$0.50-5.00 in parking cost.

6. Narrower driving lanes and riskier pedestrian safety. We have 15+ months of few if any issues relating to driving activity and pedestrian safety. Where is the statistical support for this suggestion?

7. More noise. The pleasant sounds of bringing the community back together post a pandemic bothers members of the City Council?

Please provide support from MBPD or MBFD relating to (1), (4), (5), (6) and (7). They are an informed stakeholder in this debate as anyone.

Equally concerning are the comments from community development director Carrie Tai who suggests that a permanent deck dining program will take 3 years to complete. This comment wrecks of government incompetence and bureaucracy. Local government officials are supposed to have a "can do" mentality to supporting local businesses and entrepreneurs who are the lifeblood of employment and sales tax dollars.

The current dining decks were assembled in under 2 weeks and work totally fine. The restaurant owners have taken a tasteful approach.

A decision to end the dining decks will reverberate far beyond just the small business restaurant owners. You will lower foot traffic to the non-food and beverage retail community.

No thoughtful analytics (additional sales tax revenues generated) appear to have gone into this decision. There is a remarkable lack of creativity from the City Council to addressing some of the easily addressed concerns. You can make the restaurant and small business community part of the solution.

Show leadership and revisit the ongoing opportunity presented by supporting your small business neighbors.

Regards,

Mike

## Martha Alvarez

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**From:** Julie Morgan <juliemo@mac.com>  
**Sent:** Sunday, December 19, 2021 10:48 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please save Outdoor dining!

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear council,

I firmly support saving outdoor dining! We are just entering a new wave of covid and I believe closing these areas will negatively impact the local businesses. Also, I personally only ride my bike to MB for the outdoor dining option. Please reconsider. I think you will find that a majority supports keeping the outdoor option!

Cheers!  
Julie Morgan  
310.600.6833

## Martha Alvarez

---

**From:** Tyler Sapp <tyler@two20east.com>  
**Sent:** Sunday, December 19, 2021 10:18 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please Reconsider Decision on Outdoor Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

My wife and I live in Manhattan Beach and we have grown fond of the outdoor dining on Manhattan Beach Boulevard. Please reconsider your decision to remove this great addition to our city.

Thanks,

Tyler

## Martha Alvarez

---

**From:** Benny, Lauren M (TYS - X78635) <Lauren.Benny@hklaw.com>  
**Sent:** Sunday, December 19, 2021 9:56 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please keep outdoor dining! Everyone enjoys it so much and many people don't feel comfortable dining inside yet either. Create a more permanent solution before taking it away please!

Lauren Marquez Benny, MB resident

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## Martha Alvarez

---

**From:** Jefferson Graham <jeffersongraham@gmail.com>  
**Sent:** Sunday, December 19, 2021 9:35 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep outdoor dining please

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

COVID is raging again! Why take away something that makes us more comfortable with supporting local businesses?  
This makes no sense

Jefferson Graham  
Manhattan Beach

Sent from my iPhone

**Martha Alvarez**

---

**From:** Jennifer Veigel Grant <jkveigel@yahoo.com>  
**Sent:** Sunday, December 19, 2021 9:11 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] YES to Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

City Council!

You should be ashamed of yourselves for having these struggling business owners spend so much money on beautiful outdoor dining, just to take it away from them after so much hard work.

It increases their capacity, people feel safer and it looks great.

**KEEP OUTDOOR DINING IN MANHATTAN BEACH!**

Jennifer Grant

## Martha Alvarez

---

**From:** Susan Gilbert <sumo1707@aol.com>  
**Sent:** Sunday, December 19, 2021 9:21 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining in Manhattan Beach

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

For those who feel the threat of Covid/Omi virus infections are in the past that is so wrong. We don't live in MB so we always have to find parking and it isn't that hard. We love your restaurants and want to continue to enjoy eating in MB. If you take outdoor dining away we won't be able to enjoy coming to your city. Please reconsider this decision. We come to MB to eat and shop not to shop and eat. It will hurt retail not help it and first quarter is hard for retail at best. I know. I was an independent retailer for 45 years in RB

Sent from my iPhone



## Martha Alvarez

---

**From:** Damien Goldberg <goldbed@hotmail.com>  
**Sent:** Sunday, December 19, 2021 7:00 AM  
**To:** List - City Council  
**Cc:** debbie goldberg  
**Subject:** [EXTERNAL] Please keep outside dining decks in our downtown area

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City council,

I have lived in our city 16 years and believe after some of the amazing city events like our recent fireworks what has really brought our town together and made manhattan beach special was the decision to have outside dinning decks. Every resident I speak to throughly enjoys these decks and has made dining in our town a pleasure. I am a near by resident and have not found the loss of parking a problem by any means.

I was surprised and disappointed to hear the city was considering removing the dining decks after Jan 3. I hope the city will reconsider and in fact look to make the dinning decks a permanent set up.

Damien

Sent from my iPhone

## Martha Alvarez

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**From:** Estela Weinmann <estela.we@gmail.com>  
**Sent:** Saturday, December 18, 2021 9:50 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] MB Feedback

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi there- I am writing to share feedback on what I've heard is the end to outdoor dining. The city must keep outdoor seating! Especially as the pandemic seems to just keep going as new variants spread. As a mother of two young children- both of whom are too young to get vaccinated- we have relied on outdoor seating these last couple of years, rarely if ever eating in doors with them. In southern California we can get away with it! Please keep it!

thank you!  
Estela

## Martha Alvarez

---

**From:** Margot Farris <margotfarris@mac.com>  
**Sent:** Saturday, December 18, 2021 8:42 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Thank you for all your responses regarding outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Most of you sent me individual messages regarding my outrage of closing down the outdoor dining on the streets of downtown mb. I get now that it is very complicated and I have learned a lot from all your responses.

Still not sure that Jan 3 is the date, you should push it out til after the surge...is my vote.

Thank you for your service. Happy Holidays!

Sent from my iPad

## Martha Alvarez

---

**From:** Diane Wallace <dmbarkwall@gmail.com>  
**Sent:** Saturday, December 18, 2021 7:40 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining decks

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Honorable Mayor Stern and members of the MB City Council,

Re.: Postponing the elimination of the outdoor decks until a plan is in place

I have been attending all of the City Councils recently.

Considering the most recent scientific updates and the issue of spreading omicron, I am suggesting that the data would guide us to continue to allow outside dining - until a new plan is developed.

While I have an infections disease doctor and several nurses in my family, I am in no way a medical expert. It just doesn't sound healthy for people to only be able to eat inside because they will not be wearing masks. Hopefully, you will be guided by the recommendations and guidance from the LA Co Health Department and the CDC.

Thank you for considering my request.

Diane Wallace

## Martha Alvarez

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**From:** Lynn Hopton <greg.davis65@me.com>  
**Sent:** Saturday, December 18, 2021 6:43 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Save Outdoor Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Shutting down outside dining on January 3rd is a HUGE mistake. Th Omicron variant is going to cause an enormous COVID surge. California (and particularly LA County) have been among the MOST restrictive government entities in the US as it relates to all COVID protocols. While Manhattan Beach has generally been pro business and has taken some proactive measures (while also taking some moronic actions), the City is still subject to the dictates of other government entities. If outside dining is wrapped up and the State and/or County again shuts down indoor dining, the impact on our restaurants will be catastrophic. Please continue to make good decisions and avoid the moronic. Sincerely, Greg Davis

Sent from my iPhone

## Martha Alvarez

---

**From:** Katwalk Katwalk <shopkatwalk@yahoo.com>  
**Sent:** Saturday, December 18, 2021 6:03 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] In Favor of Outdoor Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

As a downtown business owner and Manhattan Beach Resident, I am in strong favor of continuing outdoor dining. As a retail store, I am experiencing the benefits of increased traffic and increased sales. I believe this is in part to the increased traffic flow in our downtown. I have heard a few retail stores complaining about the patios, I am shocked and only leads me to believe they do not know how to efficiently run their businesses, and they're looking to blame anyone but themselves for poor sales. I would love to have a patio in front of my storefront...instant customers!

The dining brings a vibrancy to our downtown and a real hometown feels. I know some families who are Covid concerned and outdoor dining is the only option for them.

Please continue to allow these outdoor dining areas. The restaurants still have an uncertain future, and we need to keep supporting these locals.

Thank you for your time,  
Kat Master  
Business owner, Manhattan Beach resident Katwalk

Sent from my iPhone

## Martha Alvarez

---

**From:** Lauren Christiansen <laurenreidchristiansen@gmail.com>  
**Sent:** Saturday, December 18, 2021 5:52 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please keep outdoor dining in Manhattan Beach

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I am writing to support keeping outdoor dining in Manhattan Beach. It's a wonderful enhancement to our beautiful downtown. It attracts so many patrons to the amazing restaurants that we love so much and want to protect. Thank you so much.

Sincerely,

Lauren Christiansen

13 and Highland (downtown sand section)

## Martha Alvarez

---

**From:** Bob Beverly <bob.beverly@ymail.com>  
**Sent:** Saturday, December 18, 2021 5:46 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] My post on Facebook today

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I find myself shocked and saddened by the campaign by some in our business community to spread misleading statements and plain untruths regarding outdoor dining in Manhattan Beach. First, the City Council never considered eliminating outdoor seating anywhere in our city. There are many legal conforming outdoor dining options throughout our town. Some have roof top decks, others with decks protruding out over our sidewalks while others have roll up "garage door" fronts to give the feel of the outdoors. What the city council did decide was to allow no more extensions of the original agreement allowing drinking and dining in our streets, sidewalks and parking stalls. The Council had already given multiple extensions. Each extension has been met with increasing unhappiness by surrounding businesses and residents. The decks were known to all of us to be temporary. Many people enjoy sitting outside although most are not thrilled by car exhaust and loud motorcycles while enjoying a \$100.00 steak. Maybe the outside drinkers don't care LOL. The Council hears you. The Council even discussed their desire to get the ball rolling on developing a permanent plan. The sooner the existing temporary decks and in some cases "forts" are removed, road maintenance can be completed and the planning for permanent dining can begin. I had to laugh when I heard one owner say he spent more then \$150,000.00 on his temporary deck. Dude you got taken! Another spokesperson stated they have followed all the rules requested of them. I expected the Pinocchio effect to begin right there on TV! I have lived in Manhattan Beach all of my life. I have owned the Shellback for over 20 years. Grunions before that. I also live in the downtown area. I see first hand daily what is happening to the character of our downtown. Residents of Manhattan Beach and especially downtown Manhattan Beach have been so generous and understanding of the restaurant's plight. To not remove the temporary decks which have already remained much longer then originally granted, is a slap in the face to the good citizens of Manhattan Beach. I am embarrassed to be associated with a group which includes members who have shown themselves to be so selfish and greedy while showing such callous disregard for others. It is quite painful to watch my hometown go the direction of just another westside city like Santa Monica or the Brentwood area etc. I can only hope our City Council does not fall prey to the ugly web being cast by some. I want to believe that our Council led by Mayor Stern And Mayor Pro tem Steve Napolitano will do what is right for all concerned. To often over the last year, it seems the residents concerns have fallen on deaf ears. Council needs to stick with the Jan 3 2022 date and immediately start the discussion on what is best for all parties with no gift of public funds for special interests. Let's do this the right way, After all we are Manhattan Beach. The jewel of the South Bay.



## Martha Alvarez

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**From:** Richard G <dr.rgmac@gmail.com>  
**Sent:** Saturday, December 18, 2021 4:24 PM  
**To:** List - City Council  
**Cc:** Olga Reisler  
**Subject:** [EXTERNAL] Fwd: I find this article really helpful

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

In case there was any problem opening previous send  
Richard MacKenzie MD  
2312 Alma Ave

<https://www.theatlantic.com/ideas/archive/2021/12/california-san-francisco-outdoor-dining-progressive-utopia/620974/>

Sent from my iPhone

## Martha Alvarez

---

**From:** Alejandro Rivera <alejandro.rivera.2012@gmail.com>  
**Sent:** Saturday, December 18, 2021 4:22 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Concerned Sever

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

City Council:

I am severely disappointed that you've made this decision to destroy a unique part of the dining experience. It seems like you're completely disconnected from reality. Do you not realize the increase in business you've gotten as a result? For the love of God, don't you make enough on the parking tickets you're giving as a result of less parking? How is this an issue? Explain how you're losing by having the outdoor parklettes.

Disappointed Manhattan Beach Server

Sent from my iPhone

## Martha Alvarez

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**From:** Helen Griffin <hgriffin100@yahoo.com>  
**Sent:** Saturday, December 18, 2021 3:00 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep Outdoor Dining please!

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To City Council,

I've been a MB resident for 28 years. Please!!! reconsider keeping the outdoor dining areas. This creative set-up has allowed residents and visitors to enjoy local restaurants throughout this never-ending Covid nightmare. It has allowed an option for bigger groups to gather and enjoy the beach sun and fresh air. Outdoor dining has allowed restaurants to continue their livelihood and keep their valuable workers employed. Outdoor areas offer patrons a choice to dine outside where it is much safer. Please consider safety first and keep outside areas open.

Thank you,  
H. Griffin

## Martha Alvarez

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**From:** Rob Zazzali <zazzalir@gmail.com>  
**Sent:** Saturday, December 18, 2021 2:38 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

We lived in Manhattan Beach for 5 years and are now in north Redondo. Wife born there. Mother-in-law and all our friends still in MB. The outdoor dining has of the past year been absolutely amazing—and quite literally a lifesaver! The thought of you getting rid of it really saddens us. The south bay = outdoor sun and ocean views. The health concerns are legit, but let's even ignore those for a second: it seems a shame to not embrace what makes Manhattan Beach Manhattan Beach. I know this isn't an easy decision and you all have some tough work on your hands, but it seems to me that keeping outdoor seating/eating is a wonderful thing and that getting rid of it is a travesty.

-Rob Zazzali

## Martha Alvarez

---

**From:** Cameron Samimi <cameronsamimi@gmail.com>  
**Sent:** Saturday, December 18, 2021 2:19 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep Outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

It's crazy to think we would get rid of outdoor dining when everyone is saying the pandemic is still here. Our state is calling a state of emergency. It's unsafe to be indoors with people where Covid spreads the most.

On top of that what better place on earth to have outdoor dining. The 5% of people that are complaining are the 5% and that's it. The vast majority by a landslide love it.

**Cameron Samimi**  
C: 310.259.7556

## Martha Alvarez

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**From:** Beth Davis <bepdavis@gmail.com>  
**Sent:** Saturday, December 18, 2021 1:32 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please keep some measure of outdoor dining for the health and safety of all of us.  
Also to support the Restaurants and their employee's jobs as well as their health and safety.

Thank you  
Beth Davis

## Martha Alvarez

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**From:** Carol Segal <ccuzens@gmail.com>  
**Sent:** Saturday, December 18, 2021 12:56 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello! We are long term MB residents and are concerned about outdoor dining being ended in early January. This seems ill-advised, given the current COVID situation. As a senior citizen, I have many friends who are immune compromised because of cancer treatment. We do enjoy dining out in Manhattan Beach but choose only restaurants with outdoor options to try and reduce our exposure to COVID as much as possible. We would like to request that you extend outdoor dining through the winter months (or while we are facing a COVID surge) to help us enjoy time together and support our restaurants. Thank you .... Carol Segal

Sent from my iPhone

## Martha Alvarez

---

**From:** Jeremy Phoenix <jphoenixfilms@gmail.com>  
**Sent:** Saturday, December 18, 2021 12:43 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please Keep Our Outdoor Dining!

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

I am writing to the city council to voice my support to keep our outdoor dining here in Manhattan Beach. I've been a resident for 14 years and the one silver lining I've expressed to my family & friends throughout this pandemic is the wonderful outdoor dining the city and restaurants have built. It's also something that every Southern California beach community should have and that Manhattan Beach has lacked. Keeping it will certainly be an attraction for locals and tourists alike, will create more revenue, and certainly a more enjoyable dining experience for all.

Sincerely,

Jeremy Phoenix DGA  
909-262-6040



## Martha Alvarez

---

**From:** Sklar, Brian <BSklar@btig.com>  
**Sent:** Saturday, December 18, 2021 10:39 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] OUTDOOR SEATING

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please don't get rid of outdoor seating, it's the best thing to come out of Covid and the only way we still will go out and support our local restaurants. The restaurants need it and the community needs it. I really hope you will reconsider.

Thanks Brian Sklar, 120 Morningside Drive.

**Brian Sklar**  
Managing Director, Equity

**BTIG**  
**office:** 212.593.7510  
**mobile:** 917.399.3754  
[bsklar@btig.com](mailto:bsklar@btig.com)

[www.btig.com](http://www.btig.com)

Disclaimer: <https://www.btig.com/disclaimer.aspx>

## Martha Alvarez

---

**From:** David Cannon, Ph.D. <david@trialinnovations.com>  
**Sent:** Saturday, December 18, 2021 10:28 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Reconsideration of January 3rd outdoor dining deadline

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please reconsider the deadline to end outdoor dining in Manhattan Beach, especially considering what we don't know about Omicron and other potential variants.

Sent from my iPhone

## Martha Alvarez

---

**From:** Regan Klein <regan.klein@gmail.com>  
**Sent:** Saturday, December 18, 2021 9:36 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello - I am writing in support of keeping outdoor dining in mb! As a mother of two small children who are too young to be vaccinated this is one of the few activities that we can enjoy as a family. With the current surge, and expected rising cases post-holidays, I sincerely hope you will reconsider this decision. At a minimum, please consider extending outdoor dining to a time when it is safer to eat indoors. Thanks!

## Martha Alvarez

---

**From:** alan macleod <alanmacleod2@yahoo.com>  
**Sent:** Saturday, December 18, 2021 9:28 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

The addition of outdoor dining has been a great improvement to down town Manhattan Beach. If it is lack of city revenue that is the problem, look into leasing the parking spaces to the restaurants.

Thanks,

Alan MacLeod  
2917 Flourney Rd.  
MB

-

**Martha Alvarez**

---

**From:** Loretta Daniels <lorettadaniels7@gmail.com>  
**Sent:** Saturday, December 18, 2021 9:28 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Manhattan Beach ~ Support Your Local Businesses

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council Members,

Today's Daily Breeze newspaper article on MB City Council's decision to end outdoor dining seems illogical to me. The Omnicrom Covid 19 virus is real.

The article on today's front page just below the article on the MB Council's decision reports the Rams are postponing their game against Seattle. Why would they do that and inconvenience all their fans? NFL Covid protocol due to a substantial increase in positive Covid cases among players, coaches and staff. Is this the right time to eliminate outdoor dining in your city? Get busy and create and execute a plan to support permanent outdoor dining which incorporates a solution to safety, ADA access, parking, traffic.

Other articles of interest:

## **COVID hospitalizations continue climbing in LA County**

## **LA County tightens rules for mega events amid rising COVID numbers**

**Thank you for your time.**

**Loretta Daniels**  
**Rancho PV Home Owner**

Sent from my iPhone

## Martha Alvarez

---

**From:** Laurie Burpee <awesomelaurie@gmail.com>  
**Sent:** Saturday, December 18, 2021 9:27 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please extend the outdoor dining. I live in a neighboring city and prefer the outdoor seating areas that were beautifully created.

Laurie Mullican  
17226 Grevillea Avenue  
Lawndale 90260

## Martha Alvarez

---

**From:** Robin Kirby <robinlkirby@gmail.com>  
**Sent:** Saturday, December 18, 2021 9:21 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep outdoor dining!

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please KEEP the outdoor dining option going!!!

Our local restaurants need our support.

Signed,  
A MB resident since 1987,

Robin Lunine Kirby  
1139 21st St  
Manhattan Beach, CA 90266

## Martha Alvarez

---

**From:** RAYMOND GOROSPE <rrgorospe@verizon.net>  
**Sent:** Saturday, December 18, 2021 9:15 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Out door dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I love the outdoor dining deck. It gives MB a more European feeling. You can see and greet friends, enjoy the open air and it's probably safer health wise too. One solution for traffic issues is to provide shuttle service to and from the downtown area. We do it for the Hometown fair, so why not expand it to year round or weekends and holidays.

Raymond Gorospe  
765 Manhattan Beach Blvd



## Martha Alvarez

---

**From:** Andrea UTLEY <acutley@icloud.com>  
**Sent:** Saturday, December 18, 2021 9:11 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Manhattan outdoor seating

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

As our city representatives you are to represent the best for our city. Right?

With mask requirements, “then why are you dismantling outdoor seating 1/3/22?”

Why can't temp structures remain until permanent structures are ready to build? At the VERY LEAST why can't the structures stay open until indoor masking requirements are behind us?

It seems city council wishes to destroy all restaurants and keep families in their home without an end in site.

This does not make economic sense; it is not what the residents want, and I hope 12/21 the council reconsiders.

Best,

ANDREA UTLEY

## Martha Alvarez

---

**From:** Sean <seanz09@gmail.com>  
**Sent:** Saturday, December 18, 2021 8:45 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City council members,

Outdoor dining is the only thing that has come out of this pandemic that has been positive. I believe both the the city and the business owners of the restaurant can benefit from outdoor dining. If the restaurant is willing to pay for the parking meter income that is taken away from the city for outdoor dining as a fee, then I believe that this would bring tons of funds to the city, at the same time It will bring tax revenue to the city from sales revenue and allow the residence to enjoy outdoor dining when weather is permitted.

I hope you reconsider your decision to close outdoor dining.

Sincerely,  
Sean Zee

## Martha Alvarez

---

**From:** Joe Melville <melvillejoe@rocketmail.com>  
**Sent:** Saturday, December 18, 2021 7:55 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dinning

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I am in big favor of keeping the outdoor dinning.

Not only a welcome addition to being outside during times of Covid-19, but a driver of revenue for all businesses in our city.

Removing the areas of revenue for parking cars will mean less revenue for everyone, including the city.

Regards,

Joe Melville  
818.207.8095

## Martha Alvarez

---

**From:** Susan Updike <sue.updike@verizon.net>  
**Sent:** Saturday, December 18, 2021 7:43 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Out door dining restriction

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

We are extremely disappointed to hear there was a unanimous decision/vote to end outdoor Manhattan Beach dining starting January 3, 2022. We have been residents here for over 40 years, and have always thought this town needs more outdoor dining- especially now with Covid and its ongoing variants. We also understand the business issues as we have worked in Manhattan Beach and have many friends that own both retail and restaurants in the area. What can be done to overturn this decision?

Sincerely,

Susan and Michael Updike  
532 5th Street

## Martha Alvarez

---

**From:** Katie Majcher <themajchers@gmail.com>  
**Sent:** Saturday, December 18, 2021 6:43 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please keep outdoor dining! It has been such a blessing for our restaurants and we, the residents, of MB love eating outside! We should have done it before COVID!! We don't need to repair or clean streets. We need to support our restaurants and small businesses. Please keep outdoor dining indefinitely!!!!

Thank you,  
Katie Majcher

Sent from my iPhone

## Martha Alvarez

---

**From:** Bryan Quinan <bdqlax@gmail.com>  
**Sent:** Saturday, December 18, 2021 5:20 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To whom it may concern,

I'm afraid you made a mistake and hope there is time to change the decision to end outdoor dining using the existing parking spaces.

There must have been a misunderstanding about the Coronavirus and the new variant. Perhaps you live under a rock and missed the news for the past 6 weeks? Or maybe you don't have access to the internet? It's possible because I know cell service also absolutely sucks in Manhattan Beach too.

Anyway - please do us all a solid and get back to actually working for the people. Instead of some random small group of self-serving people who are obviously having a hard time trying to find a place to park. You should be ride-sharing with masks on anyway.

Good luck with your re-election,  
BQ

--

Bryan Quinan  
+1-310-408-7967  
Santa Monica - Washington DC - Singapore - London

**Martha Alvarez**

---

**From:** Dina Cramer <dinacramer@gmail.com>  
**Sent:** Friday, December 17, 2021 9:25 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council,

Please save the outdoor dining decks. Besides the health benefits of avoiding Covid-19, there is the enhanced quality of life of being able to eat outside. Everyone loves it. There must be ways of balancing the various interests without losing outdoor dining. Please re-consider this issue.

Thank you,

Dina Cramer

## Martha Alvarez

---

**From:** Peggy Curry <peggy@currygirlskitchen.com>  
**Sent:** Friday, December 17, 2021 9:04 PM  
**To:** List - City Council  
**Cc:** Hildy Stern; Steve Napolitano; Richard Montgomery; Joe Franklin  
**Subject:** [EXTERNAL] PLEASE Keep outdoor dining  
**Attachments:** PastedGraphic-2.tiff

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To all the members of the city council,

My entire family and I were all very upset to hear that our wonderful city council was voting to have all restaurants tear down their amazing outdoor dining. First and foremost why now? Its winter, Covid is ramping back up and eating outside offers a little more reassurance for those of us that just feel safer outside during the ongoing pandemic. NOT to mention I know its been so challenging for all our restaurants to fill positions and now that they are all up and running with full staff, things are just getting back to somewhat normal, and now you are going to have them tear down the additional seating (a huge expense on their parts too) and again cut back staff? It doesn't make any sense.

As a founder of a non-profit it is unbelievable to cut off the arms of those who are and have been so very generous with every non-profit in this city and beyond! The chefs and restaurant owners go above and beyond with their charitable contributions. WHY would we want to not give back to them! Why would we think this act would not cause more suffering and stress to these GREAT people and their businesses. They have taken a huge hit from the pandemic! We should be applauding them, supporting them and cherishing the fact that we have them.

I truly hope with all my heart you will reconsider your decision and perhaps rethink how wonderful these men, women and business are, and blessed we have them and their outdoor dining... which by the way has attracted people from all over Los Angeles and beyond BECAUSE of the caliber and quality dining experiences they all have created!

I pray you will reconsider! It would be complete betrayal not to keep things as is at least for now and revisit it in the spring... But its pretty epic in the summer too!

Sincerely,  
Peggy Curry

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Co-Founder:



Curry Girls Kitchen  
[peggy@currygirlskitchen.com](mailto:peggy@currygirlskitchen.com)  
C: 310-463-3784



Co-Founder [GrowingGreat.org](http://GrowingGreat.org)  
Planting seeds today, growing healthy communities tomorrow



## Martha Alvarez

---

**From:** 50aloha50@gmail.com  
**Sent:** Friday, December 17, 2021 8:36 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please consider keeping outdoor dining past the 1/3 deadline.

Sent from my iPhone

## Martha Alvarez

---

**From:** Anne Lee <ycamp5@gmail.com>  
**Sent:** Friday, December 17, 2021 8:00 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Pls keep our outdoor restaurent patio

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear council members,

I am a resident and home owner of Manhattan Beach tree section since 2009. I just heard about the recent vote to remove outdoor dining. I am against this and I must express my concern for a number of reasons.

First, the new variant is driving cases across the globe; Maintaining outdoor dining is a tactic to salvage a sense of normalcy, not to mention sanity and economic drive, while still staying safe. It has worked in the last two years to the benefit of both consumers and shop/ restaurent owners to bring people to our downtown which has seen unfortunate turn overs recently.

Second, the outdoor dining options create a sense of community in the city. It is wonderful and should be kept year-round.

Third, the increase in restaurant capacity should mean an increase in local revenue. These businesses also pay "rent" for the metered spots.

Please feel free to reach out should you have any questions. Thank you.

Warmly and happy holidays,  
Anne Lee and Michael Liu

Sent from my iPhone :)

## Martha Alvarez

---

**From:** Luke Scolastico <lukescolastico@gmail.com>  
**Sent:** Friday, December 17, 2021 7:27 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep Outdoor Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Not sure why we would end this with a winter COVID surge happening and less need for parking in the winter. Honestly, sidewalk dining and decks should become permanent, or at least seasonal.

Sent from my iPhone

## Martha Alvarez

---

**From:** Robert Sowers <rmsowers@yahoo.com>  
**Sent:** Friday, December 17, 2021 6:25 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] PLEASE keep outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

We love spending money at Manhattan Beach restaurants!

We prefer outdoor dining. Please, please, please keep the outdoor dining decks.

Best Regards,  
Robert Sowers  
310.600.8186

## Martha Alvarez

---

**From:** Rebecca Tyni <becatyni@gmail.com>  
**Sent:** Friday, December 17, 2021 5:48 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please keep outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Outdoor dining is wonderful and necessary with covid still a large concern and news changing daily.

Please keep our outdoor dining

Rebecca & Ryan Tyni

## Martha Alvarez

---

**From:** Alisa True-Daniels <a.truedaniels@gmail.com>  
**Sent:** Friday, December 17, 2021 5:41 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi! As residents of Manhattan beach we are very sad to see that outdoor dining has not been extended. Hermosa is extended to May of next year and it seems like the Manhattan beach community could use the additional seating to help get restaurants back on their feet and to continue to allow outdoor options for people, considering the risk of covid still being very present with new variants. Some restaurants do not have outdoor dining without this and so it puts people at a greater risk to dine indoors and spread covid. Thanks!  
Alisa

## Martha Alvarez

---

**From:** L Waxman <lesliewaxman@yahoo.com>  
**Sent:** Friday, December 17, 2021 4:36 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

It is the worst idea to eliminate outdoor dining. First of all Manhattan Beach is THE place to eat outdoors. I want to encourage restaurants to stay. And this is a great way to be say in this never ending pandemic. These restaurants invested so much to maintain business, why would you get rid of the best idea. I am certain we can find a solution to traffic and parking. Please keep outdoor dining.

Leslie

[Sent from Yahoo Mail for iPad](#)



## Martha Alvarez

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**From:** Dixie Dawson <dixied2@icloud.com>  
**Sent:** Friday, December 17, 2021 3:35 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

The pandemic is not over. I do not want to dine indoor. It has been so nice to support our local restaurants because they had outdoor dining. You will force me to eat in El Segundo or Hermosa because of this decision to end outdoor dining. Please allow our local restaurants to continue out door dining.

Dixie Dawson  
Resident for 51 years.  
Sent from my iPhone

## Martha Alvarez

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**From:** lori.ramani@yahoo.com  
**Sent:** Friday, December 17, 2021 3:25 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi. We used to live in MDR and ride our bikes to MB to eat lunch or brunch EVERY weekend. Never have we seen it more vibrant and inviting to where we wanted to try even more restaurants.

We come less often now that we've moved but this outdoor dining capability is amazing. We live the new vibe and feel that this is how it was meant to be.

In addition, covid is continuing and this is an outlet for diners and a living for workers. Please don't remove it!

Thank you.

## Martha Alvarez

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**From:** Lea Ann King <leaanning1@gmail.com>  
**Sent:** Friday, December 17, 2021 3:20 PM  
**To:** List - City Council; Hildy Stern  
**Subject:** [EXTERNAL] OUTDOOR DINING HELPS SENIORS

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Honorable Council Members,

I am over 80 years old and live on 17th and Highland and dine at least once a week at a temporary outdoor patio. I can walk but often my friends (75 - 90 years old) drive from as far as Palos Verdes to join me. Even though we are vaccinated and boosted we do not wish to dine inside where masks are not worn when drinking or dining. And now the Omicron variant is looming, exacerbating the risk.

My friends and I appreciate fine dining so choose to eat in Manhattan Beach, but now will have to meet in Hermosa, Redondo, or El Segundo for outside seating.

I am impacted by the traffic but don't mind because the outdoor dining is so important to me during Covid. Traffic may be an annoyance but it doesn't threaten my health or that of other Seniors, young children and those with compromised immune systems who wish to take advantage of our amazing restaurants and dine safely. Also we older people enjoy taking our extended families out to dinner and having unvaccinated young children inside is a risk to them as well.

Please extend the "temporary" outdoor patio dining until it is safe for everyone to eat inside once again. Also, continue to work on ways to keep outdoor dining a feature of Manhattan Beach life. It's a healthy option.

Most sincerely,  
Lea Ann King  
229 17th Street

Sent from my iPad

## Martha Alvarez

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**From:** Brendan Gellman <bgellman@gmail.com>  
**Sent:** Friday, December 17, 2021 3:19 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Plea to bring extend outdoor seating at restaurants

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

We saw the devastating news that you voted to end the outdoor seating. On behalf of many of us, we beg you to please reconsider. We have a young child and will absolutely not eat indoors at any establishment out of safety precautions despite being fully vaxxed. In addition, this will undoubtedly crush local business as many, if not most, feel this way. Lastly, pandemic aside, residents and visitors to MB want to be able to enjoy the outdoor atmosphere of being near the beach.

The increased traffic is a small price to pay, and frankly, isn't that bad nor is it crucial traffic such as a freeway or major street for commuting purposes

Thank you for listening and your consideration.

-Brendan

## Martha Alvarez

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**From:** Julie Hirsch <jahirsch3@gmail.com>  
**Sent:** Friday, December 17, 2021 2:58 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

As an MB resident and voter, I hope you will extend the outdoor dining past January 3 especially considering the new Omicron threat.

It has made safe dining easy and accessible.

Julie Hirsch  
Tree Section

## Martha Alvarez

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**From:** crescent wells <cresbwells2@gmail.com>  
**Sent:** Friday, December 17, 2021 2:46 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep our outdoor deck dining!

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Your decision to eliminate the outdoor dining decks is misguided in the extreme. With the Omicron variant surging throughout the south land, we need the outdoor deck dining options now more than ever. Moreover, they have improved the downtown experience enormously! They were an innovative solution to an unprecedented problem payed for by the restaurant owners. Keep these decks! Removing them will have negative financial and cultural consequences that nobody wants—except you, for some unfathomable reason. Stop punishing the people who helped bring us through the pandemic.

Crescent Wells  
Tree Section Resident

## Martha Alvarez

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**From:** Jeff Danis <jeffdanis26@gmail.com>  
**Sent:** Friday, December 17, 2021 2:30 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

As a 30+ year resident of Manhattan Beach, I'm writing to give my support to continuation of outdoor dining. I supported it originally as a trial concept and a way to preserve and add to the character of our community and businesses. To me, it has worked well. The businesses did a nice job of creating a visually appealing environment while making it safer for customers to enjoy a restaurant meal.

Covid is far from over. Delta is still rampant and omicron is on the rise. I expect we'll see more public health restrictions this winter, not less. We need and want our restaurants to thrive. From what I can tell, outdoor dining been a good thing for the businesses and the community. Are there challenges? Sure. It's not perfect. Still, I believe it's worth giving restaurants the option to offer outdoor dining.

Jeff Danis  
1531 5th St, MB

## Martha Alvarez

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**From:** Steve Suard <sasuard@yahoo.com>  
**Sent:** Friday, December 17, 2021 2:22 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor restaurant use of public space

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Restaurants using public locations that the public/City feel could stay as outdoor dining areas should reimburse the City/public its market value for its private use. Giving it without fair compensation/rent gives those restaurants an unfair advantage over others not able to have such an added structure (think of it as a ground lease). This also reimburses the public for its loss of parking. Giving a select few such a competitive advantage over others is not right and could Subject City to various liability without reason.

[Sent from Yahoo Mail on Android](#)



## Martha Alvarez

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**From:** Jaclyn King <jaclyn.king17@gmail.com>  
**Sent:** Friday, December 17, 2021 2:22 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Support for outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

Please keep outdoor dining in MB! As a resident of Redondo Beach, I frequent restaurants in MB often and can't understand why you would deny business owners who have already invested so much into al fresco dining infrastructure the opportunity to thrive economically. The weather in SoCal is made for outdoor dining! It encourages walking and social interaction, adds to the culture of the city, and makes it a more happy place to walk around when you can see people enjoying themselves and restaurant owners can pay their staff with revenue generated from the addition of seats.

Thanks for your time! Keep outdoor dining! You passed a no smoking law, you can do this too.

Jaclyn Cheves

## Martha Alvarez

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**From:** Kathy Winterhalder <kathy@speakersla.com>  
**Sent:** Friday, December 17, 2021 2:14 PM  
**To:** List - City Council  
**Cc:** 'Jill Lamkin'  
**Subject:** [EXTERNAL] Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Mayor and City Council,

I am a 35 year resident of Manhattan Beach, a local business owner and a business office space renter in the 904 Manhattan Ave. building located in Downtown Manhattan Beach. I want to strongly encourage you to keep the outdoor dining decks operational in Downtown Manhattan Beach and the North End. With the new Omicron Covid Variant spreading, this doesn't seem like a helpful time to ask the restaurants to take these outdoor dining decks down. Indoor dining might currently be allowed in LA County, but that doesn't mean patrons, with the new highly contagious variant spreading quickly, will be willing to eat inside. Patrons have choices and will travel to Hermosa Beach, El Segundo, Redondo Beach and Santa Monica where they feel that they can eat safely outdoors. This feels like a punishment at this point in the pandemic. Restaurants have been through so much, please help them stay in business. We need a vibrant downtown. Keep the outdoor dining decks until we are confident that the pandemic is under control

Thank you for your consideration,

Kathy Winterhalder  
Owner  
Swan Production LLC  
The Distinguished Speaker Series  
(310) 546-6222  
[kathy@speakersla.com](mailto:kathy@speakersla.com)



## Martha Alvarez

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**From:** Jonas Hudson <digitalsyndication@gmail.com>  
**Sent:** Friday, December 17, 2021 2:13 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor decks

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Keep them. Born and raised in LA. OUTDOOR is what our culture is

The note you wrote about “may not be permanent “ means these business have to eat the costs to pull down and maybe put up again

Stop, try running a business for once and you will understand

But , if you want to play the Covid game, then you put employees and families at risk forcing them to go inside. Not sure if you noticed but Covid is spiking.

Resident of MB since 1997.

Jonas

--

Jonas Hudson

GoogleV: 310.906.0164

## Martha Alvarez

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**From:** Karen Scott <karendorothyscott@icloud.com>  
**Sent:** Friday, December 17, 2021 2:12 PM  
**To:** List - City Council  
**Cc:** karendscott  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council members,

As yet another variant is looming amongst us. This is the WORSE possible time to shut down outdoor dining in MB. If we have learned ANYTHING over the last 18 months, it's the fact that Covid is more likely to spread INDOORS! Our suffering restaurants can not survive yet another shutdown. It seems totally unreasonable to even consider taking away our outdoor dining.

Karen Scott

Sent from my iPhone

## Martha Alvarez

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**From:** Keith Holmes <kholmes@khpslaw.com>  
**Sent:** Friday, December 17, 2021 2:01 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining in Manhattan Beach

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I am writing to support the continuation of outdoor dining in Manhattan Beach. It should be made a permanent addition to our city.

The city council should be doing everything it can to support development of a walkable city with connection to the outdoors. The European cafe atmosphere supported by outdoor restaurant seating is something I believe most residents enjoy.

I live at 8th Street just below Manhattan Avenue. If anybody were to be adversely affected by additional traffic or noise, it would be me. But I have noticed no additional traffic or noise at all. Sacrificing a few parking spaces to accommodate dining benefits the city. If revenue is an issue work it out with the restaurant owners.

Please don't waste the opportunity that was afforded by the pandemic to improve the character of downtown Manhattan Beach. Ask around. The people like it.

Keith T. Holmes

[kholmes@khpslaw.com](mailto:kholmes@khpslaw.com)

## Martha Alvarez

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**From:** CHRISTOPHER BARRAGAN <barraganz2@yahoo.com>  
**Sent:** Friday, December 17, 2021 1:57 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council,

I believe the revocation of outdoor dining in Manhattan Beach is the wrong move at this point. California is heading towards another mask mandate because we are IN THE MIDDLE OF A PANDEMIC! We are not through this and your attempt to remove these amazing patios is absolutely premature. These outside dining areas have driven a lot of business to your beautiful beach community and should continue to operate as such. These have been a haven for many in the Los Angeles community and should continue for the foreseeable future. Even your neighboring Hermosa Beach has permitted their outside dining to continue until May. Please reconsider. Restaurants and their employees have suffered greatly through the pandemic. Allow these local businesses and their employees to continue to recover. It is the right thing to do!

Thank you,  
Christopher Barragan  
Bartender and Sommelier for The Arthur J

Christopher Barragan  
Sommelier/Mixologist/Certified Beer Server "He who drinks and does not drink again does not know what it is to drink" ... Titian

## Martha Alvarez

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**From:** Henry Schwake <hschwake@verizon.net>  
**Sent:** Friday, December 17, 2021 1:44 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Indoor dining likely to shutdow in weeks. Would be Mistake to close outdoor now

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

With the upturn in cases it's a real probability the health department will close indoor dining in the coming weeks. You should wait another month to see how things develop before taking the planned move to close outdoor dining. It would be a huge impact on the businesses if they take down outdoor dining only to shortly after lose the indoor dining. It would take weeks to recreate what is in place now. It is only logical that you wait another few weeks before determining to remove the current outdoor dining.

Henry Schwake  
610 N Dianthus St  
MB

## Martha Alvarez

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**From:** Melody Moore <melody@drmelodymoore.com>  
**Sent:** Friday, December 17, 2021 1:40 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining!

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear council members,

Thank you for your service to our community.

I'm writing to encourage you to please extend outdoor dining, mostly because the COVID-19 crisis is far from over, but also because outdoor dining is a wonderful opportunity for our joy and happiness! As a mental health professional, outdoor dining has been a lifeline. With a pregnant (high risk) wife, we've relied on outdoor dining exclusively. Please extend the deadline. For me, a permanent extension would be best!!!

Thank you,

--

Melody Moore, Ph.D., E-RYT

LICENSED CLINICAL PSYCHOLOGIST CA31065 and TX33208

FOUNDER OF EMBODY LOVE MOVEMENT FOUNDATION®

[drmelodymoore.com](http://drmelodymoore.com)

[drmoore@embodylovemovement.org](mailto:drmoore@embodylovemovement.org)



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If you received this email in error, please contact the sender and delete the material from any computer.

[Check out my Love Bombs on You Tube!](#)



## Martha Alvarez

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**From:** twonames72 <twonames72@aol.com>  
**Sent:** Friday, December 17, 2021 1:27 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep outdoor open

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To whom it may concern,

I am a resident of Hawthorne and frequently visit Manhattan Beach dining establishments because of the outdoor dining. The outdoor dining brings so much charm to a rather boring experience indoors when you have a wonderful view of the ocean. Also, with the Omicron variant rising, I feel safer in an outdoor seating area. Please reconsider taking away the outdoor dining on behalf of all the South Bay Residents.

Thanks,  
RonAnn Myers

Sent from my Galaxy

## Martha Alvarez

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**From:** Jim Armstrong <armstrongjamest@gmail.com>  
**Sent:** Friday, December 17, 2021 1:24 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please keep outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

My name is Jim Armstrong and I am a long time active MB resident. Outdoor dining is a treasure to the community and I ask you to please keep it until a more permanent solution can be found. To surrender those spaces back to parking is not forward looking or creative. Ideally these spaces would become more permanent (ie not in the street) and part of the downtown scene in Manhattan Beach. you can solve this, but if you let it go back to status quo you will lose the opportunity.

How about a rent premium (extra space) that rebates product retailers that feel they have lost accessibility. can also be handled on the rent side. come on council...LEAD...

--

James T Armstrong

## Martha Alvarez

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**From:** brandon - Dragonette Cellars <brandon@dragonettecellars.com>  
**Sent:** Friday, December 17, 2021 1:04 PM  
**To:** List - City Council  
**Cc:** John Dragonette; Steve Dragonette; David M. Slay  
**Subject:** [EXTERNAL] PLEASE KEEP OUTDOOR DINING DECKS OPEN

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I write as a small business owner in California, and I urge you to keep the outdoor dining decks open. As you are surely aware, the past 21 months have been the most challenging time period in recent memory for restaurants. As a winery which supplies many small, family owned restaurants (including such key Manhattan Beach establishments as Slay Steak & Fish and MB Post) it has been a time of great heartbreak as we hear about the constant challenges our restaurant friends and partners have endured.

Fortunately, with great perseverance and adaptability, our friends at Slay Steak & Fish and MB Post have managed to keep the doors open, continuing to provide dozens of jobs to local residents, and to provide nourishment and some key moments of pleasure for the residents of your town, and visitors alike. They have also continued to pay valuable tax dollars to Manhattan Beach.

I was stunned to hear that the council had voted to remove the outdoor dining decks. We are still in the middle of an unprecedented pandemic, and with Omicron on the rise, the timing of this decision seems particularly ill-timed. Outdoor dining offers a safe and pleasurable dining experience during these uncertain times.

I urge you to support your community, and to keep outdoor dining alive. This will support your constituent residents, business owners, the vibrant tourist contingent, and ripple out to suppliers like us.

Sincerely,

Brandon Sparks-Gillis

brandon sparks-gillis  
Dragonette Cellars  
Mobile: (805) 722-0226  
Mailing Address      Tasting Room  
PO Box 1932          2445 Alamo Pintado Ave  
Santa Ynez, CA 93460      Los Olivos, CA 93441

## Martha Alvarez

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**From:** Claudia Zuercher <cwzuercher@me.com>  
**Sent:** Friday, December 17, 2021 12:59 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Save outdoor dining in Manhattan Beach

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council Members

We are writing to encourage you to rescind your order for removal of outdoor dining in Manhattan Beach.

We are residents of Redondo Beach and parents and grandparents of Manhattan Beach residents. We all frequent the lovely outdoor dining spaces. Manhattan Beach restaurants have taken the time and resources to beautify and make their spaces the best in the South Bay and Los Angeles.

During the continuation of the COVID epidemic and reinstitution of mask mandates we encourage your reevaluation of your recent decision to discontinue outdoor dining at this time. We actually think outdoor dining should continue forever!

Respectfully

Claudia and David Zuercher  
1401 South Catalina Avenue  
Redondo Beach

Sent from my iPhone

## Martha Alvarez

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**From:** Lorraine Yalman <yalwoman@me.com>  
**Sent:** Friday, December 17, 2021 12:58 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please continue outdoor dining. Do you know how lucky we are to have this luxury/necessity as this pandemic ebbs and flows? We are the envy of people in colder climates around the world. How can you consider an end to this safe haven? What a beautiful thing this city and these struggling restaurants have created for us. Don't take it away.  
Thank you.

## Martha Alvarez

---

**From:** Julie Pitkenen <jpitkanen@me.com>  
**Sent:** Friday, December 17, 2021 12:57 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor decks

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

With the Covid back in full - why would you punish us - always support our restaurants - but will be hard to not have an option where to sit - also thought there was a mask mandate about eating inside - had breakfast at a local breakfast spot - all personnel no masks - said it is their choice ???  
Sent from my iPhone

## Martha Alvarez

---

**From:** Vickie Stamler <vickiestamler@gmail.com>  
**Sent:** Friday, December 17, 2021 12:52 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] RE: Outside Dining in MB

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please reconsider saving outdoor dining in Manhattan Beach! It contributes to making our beach cities so much lovelier!! Also, the restaurants can house more people!

Thank you!

Vickie Stamler

## Martha Alvarez

---

**From:** Erin Glackin <eglackin@yahoo.com>  
**Sent:** Friday, December 17, 2021 12:52 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear MB City Council. Covad isn't leaving us anytime soon.

Outdoor dining allows people to enjoy each other's company over a meal without worrying that doing so will put them in the hospital or worse.

I feel like your decision is revenue related since less parking meters are available with the outdoor dining.

We implore you to consider public safety. Keep outdoor dining- permanently. It is what is needed. Other beach cities are not abandoning its people. Guessing we'll have to take the business to Hermosa or Redondo until a new council can be voted in.

I'm sure there are other revenue opportunities to make up the difference. Please reverse this poor decision.

Erin



## Martha Alvarez

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**From:** Katie Anas <katherine.anas@gmail.com>  
**Sent:** Friday, December 17, 2021 12:51 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining Needs To Stay

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To Those Involved,

I want to express my concern over your recent vote to remove outdoor dining decks in Manhattan Beach on 1/3/2022. With the pandemic arguably entering its toughest season, it seems like an extremely hasty decision. Outdoor dining has provided Manhattan Beach residents with the peace of mind they need to enjoy our restaurants safely. It provides invaluable space to keep our local favorites open and operating.

Especially in the middle of winter, at a time when crowds subside and parking needs are minimal, I'm not sure what the rationale to end outdoor dining is. My entire household urges you to reconsider the decision you've made. We look forward to enjoying the outdoor dining options for many months to come as the pandemic continues to surge.

Regards,  
Katherine Anas

## Martha Alvarez

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**From:** Kristina Lauren Anderson <kristinalauren@gmail.com>  
**Sent:** Friday, December 17, 2021 12:49 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining Decks

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To Whom It May Concern

I am writing to voice my support for the continuation of outdoor dining decks in Manhattan Beach. The pandemic is not yet over, in fact we may soon be seeing yet another wave due to the new variant. I believe many residents, like myself, still feel more comfortable dining outdoors and may stop going to restaurants if this option is taken away. This is especially important for those, again like myself, with young children or babies who cannot yet be vaccinated. On another note, regardless of the pandemic, I feel that outdoor dining in Manhattan Beach is an improvement to the whole Manhattan Beach experience. What could be better than sitting outside, feeling the cool ocean breeze, with the smell of salt in the air, and enjoying a meal and a glass of wine. I believe most people would much prefer this instead of sitting inside a crowded and stuffy restaurant. Outdoor dining could become another factor in what makes this community so special. Also, I have not noticed or experienced any difference with how hard it is to find a parking space.

Thank you for your time,

Kristina Anderson  
533 5th Street

## Martha Alvarez

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**From:** Joo <joocantor@gmail.com>  
**Sent:** Friday, December 17, 2021 12:41 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please keep outdoor dining open

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please keep outdoor dining open. It's such an added benefit to our city. Also with the Omicron variant, we should not be huddling inside. Outdoor dining is much safer!

Thank you,

Joo and David Cantor  
512 3rd St

Sent from my iPhone

## Martha Alvarez

---

**From:** Joanna Jones <jo.jones333@gmail.com>  
**Sent:** Friday, December 17, 2021 12:32 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Save outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Manhattan Beach City Council,

I would like to confirm that I support the permanent addition of outdoor dining in Manhattan Beach.

I have enjoyed many meals at the restaurants that have outdoor dining over this last year or so and love the option of sitting inside and outside. I have family members and friends that remain very concerned about covid and prefer (and in some cases won't go) to not go to restaurants that don't have outdoor dining. The outdoor decks make downtown feel entirely different, more of a community. I also like the fact that the parking spaces are used for people to gather versus car parking. I'd rather see people than cars. Less cars in downtown is no bad thing. The fact that there is slightly less parking in downtown has not been a deterrent to me going downtown and I am more likely to go downtown because of the outdoor dining. Many times I've dined and spent time shopping local. I would guess that the draw of the outdoor dining has also helped with the foot traffic for the shops. Typically unless there was something I needed from a specific shop downtown I wouldn't just browse downtown shops. I've recently done a fair amount of shopping at vuori, trendy eyes, free people, hammitt, and wrights. All places I would not have gone into had I not been there for the dining. I dine far more at simmzys because the wait times are less than when they only had indoor dining. I dine often at both of the slays restaurants, rockefellers which is newly discovered, rock n fish, brewco, pitfire, esperanza and also recently discovered tacolicious. Without the outdoor dining I don't think I'd have tried half the new places that I have.

Please reconsider the removal of these decks. The restaurants have put these decks up with a lot of care and I enjoy the different styles that each has used. They have been a happy result of a terrible situation and 100% should stay.

Thank you  
Manhattan Beach Resident  
Joanna Jones

Sent from my iPhone

## Martha Alvarez

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**From:** Sheridan Taylor <shertay10@gmail.com>  
**Sent:** Friday, December 17, 2021 12:25 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello!

I would like to express my strong opinion that outdoor dining should be kept as is. I truly cannot think of any negatives aside from lack of parking. It has made dining in Manhattan Beach so much more enjoyable and accessible. Getting a reservation is much easier now and we have the best weather in the world, I don't know why anyone would choose to be inside.

Thank you for serving our community!

Best,  
Sheridan Taylor

## Martha Alvarez

---

**From:** Katherine Ryan <kayoryan302@gmail.com>  
**Sent:** Friday, December 17, 2021 12:25 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining Support

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

We would like to go on record as supporters of outdoor dining in Manhattan Beach. They have provided a SAFE way to enjoy one of the few 'pleasures' during this pandemic.

We are seniors and will not dine indoors. Please don't take away this one 'treat' remaining in our lives during Covid.

And for safety and public health, people just should NOT gather indoors. Especially now with new variant.

Thank you.

Katherine Ryan  
Timothy Ryan

700 33rd St  
Manhattan Beach, CA 90266

Sent from my iPhone

**Martha Alvarez**

---

**From:** Lee Alaniz <lee.alaniz@realtor.com>  
**Sent:** Friday, December 17, 2021 12:20 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Provide for Outdoor Options

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

**Covid is not over and we need safe dining options, including outdoor seating, in Manhattan Beach or you will kill off many businesses.**

Let them pay for the outdoor spots if this is in part about parking revenue, but those that have it now, need to have the option to keep it until we are all in a better and safer place. Outdoor dining brought back life and safer options to MB for people. It was a great success.

Don't go through with cutting them off Jan 3rd. It would be a big mistake

Lee Alaniz

--

**Lee Alaniz**  
VP of Revenue Operations  
p: (310) 889-6264

**Realtor.com**

## Martha Alvarez

---

**From:** Steve Testa <swtesta@eastlakecapital.com>  
**Sent:** Friday, December 17, 2021 12:19 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining in MB

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

MB City Council –

With the recent dramatic increase in positive covid cases, I find it incredibly reckless to remove outdoor dining in Manhattan Beach. Surely you must be aware that there is no end in sight to the pandemic, and many people are just not comfortable being in such close proximity to others while indoors. Please reconsider your recent decision to remove outdoor dining on January 3<sup>rd</sup>, as my family, as well as most others I know, would still eat out frequently if able to do so outdoors, however will not if required to sit inside. Thank you.

Regards,

Stephen Testa  
1820 John Street  
Manhattan Beach, CA 90266



## Martha Alvarez

---

**From:** Rich Lydon <rich\_lydon@yahoo.com>  
**Sent:** Friday, December 17, 2021 12:17 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Outdoor dining should remain permanently. It's a great attraction to tourists, creates additional seating/less waiting time to be seated, and everyone benefits during the pandemic. As a resident, I enjoy biking downtown to meet with friends for drinks and cocktails. There are plenty of parking spaces in Metlocks. Everyone I've spoken to says it's a hit and gives downtown a "Europe Like" experience. You can tax the restaurants for the loss of parking revenue. Or, charge the them rent for the use of public land (on a continued temporary basis). There are many ways to recoup the lost revenue and let the restaurants on MB Blvd. enjoy what the Strand House and Shell Back's. I urge you to reconsider for the numerous aforementioned reasons listed above.

At least, put it to a vote and let the residents, who it impacts the most, make the decision.

Respectfully,

Rich Lydon  
2504 Palm Ave

## Martha Alvarez

---

**From:** Rick Cabanes <rickcabanes@hotmail.com>  
**Sent:** Friday, December 17, 2021 12:08 PM  
**To:** List - City Council  
**Cc:** Lisa Cabanes; Stacy Dobak; Garrett Steuerwald; Jessica Ernst  
**Subject:** [EXTERNAL] Keep outdoor dining open in MB

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please keep outdoor dining for MB. The town loves it. It increases the vibe and energy of downtown. It feels safer as there is more visibility of our kids.

And most of all as Manhattan Villiage finishes up, it will compete for entertainment, shopping and dining dollars ...outdoor dining will keep people downtown.

This is an easy one for the City Council to have a unified winning stance that the community will be behind.

Thank you

Rick Cabanes

Sent from my iPhone

## Martha Alvarez

---

**From:** Cal Petersen <calp40@ymail.com>  
**Sent:** Friday, December 17, 2021 12:07 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To whom it may concern,

My name is Cal Petersen and I am a member of the LA Kings. Due to current protocols in our league, as well as for health reasons, the outdoor dining areas that have been provided by our local restaurants have allowed us and others a place where we can enjoy our favorite Manhattan Beach restaurants safely. As Covid picks up again, please reconsider and extend this outdoor dining opportunity for our community.

Regards,

Cal Petersen

## Martha Alvarez

---

**From:** Jennifer Dorr <jendorr8@gmail.com>  
**Sent:** Friday, December 17, 2021 12:05 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Manhattan Beach Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Keep the outdoor dining ..it has been great for the city and business.

Please do not close!

Neighbors in Manhattan

## Martha Alvarez

---

**From:** ChrisAkers <chris@chrisakers.com>  
**Sent:** Friday, December 17, 2021 12:01 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please please please keep the outdoor dining in MB!! It's very simple:

It is a vibrant and beautiful addition to the city's downtown, elevating our sense of community.

It continues to be a safe alternative for dining during this upcoming new wave of Covid.

It's helps our businesses.

And, the people love it.

Please keep outdoor dining in Manhattan Beach.

Thank you!  
Chris

Sent from my iPhone

## Martha Alvarez

---

**From:** Dona Gialketsis <donacare@icloud.com>  
**Sent:** Friday, December 17, 2021 11:58 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Dining decks

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please do not remove the dining decks!

I don't know what prompted the city council to vote to remove them. I think it's the worst idea the city Council ever voted for.

Sincerely,

Dona Gialketsis

Sent from my iPhone

## Martha Alvarez

---

**From:** Flo Li <florence.li@gmail.com>  
**Sent:** Friday, December 17, 2021 11:29 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Extend outdoor dining in MB

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

I am a 15 year resident of Manhattan beach. I am writing to ask the council to reconsider installing outdoor dining as a permanent feature along Manhattan beach blvd or at the very least to extend temporary outdoor dining longer than Jan 3rd. until a more permanent solution has been found.

In my opinion, outdoor dining has been one of the silver linings of the pandemic for this town. I have often wondered why we can't enjoy outdoor dining taking advantage of the beautiful weather and views. It has absolutely made me visit restaurants more than I did even prior to Covid. Additionally we are still very much in this pandemic and many people (myself included) don't feel comfortable eating indoors. Not having outdoor seating would eliminate my patronage during this time to our great restaurants. I think the small number of lost parking spots would be happily traded by most to continue outdoor dining and I also believe that added foot traffic brings more benefit to the stores along the street than they would get by someone driving by and being able to see briefly in the store window.

I do understand the concerns on the temporary decks and street cleaning but I believe these are solvable problems and that the restaurants (and residents!) would be willing to work with the city to solve these issues. Please reconsider this. Take a look at the comments on the city's instagram page in reaction to the news of getting rid of outdoor dining.

Thank you very much for your time and your service to the city,  
Flo

## Martha Alvarez

---

**From:** Tara Ettley <taraettley22@gmail.com>  
**Sent:** Friday, December 17, 2021 10:44 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining decks

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Good morning council,

My entire family is in support of the outdoor dining decks.

Please consider extending the expiration at least through the end of winter 2022, and then maybe reassess the situation with regards to updated mask mandate and gathering orders.

With much sincerity,

Tara Ettley  
Chris Ettley  
Shayla Ettley  
Taylor Ettley



## Martha Alvarez

---

**From:** Jfm5001 <jfm5001@gmail.com>  
**Sent:** Friday, December 17, 2021 10:24 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Re: Please save outdoor dining for the community

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Thank you everyone for your responses. I hope given the rise in Omicron cases you will revise this guidance so none of our local businesses will suffer the lost revenue that will soon hit their businesses from upcoming indoor dining restrictions.

Sent from my iPhone

> On Dec 13, 2021, at 2:18 PM, Jfm5001 <jfm5001@gmail.com> wrote:

>

> To whom it may concern:

>

> Please revisit your decision to end the outside dining on 1/3/22 which has been a huge bright spot and tailwind to our community and hospitality industry. The closure of these decks will hinder our local businesses all for the selfishness for potential lost revenue for parking. Please involve your community and have the residents vote vs the council members as this decision does not represent the majority opinion of the community.

>

> Please advise on how community members can become more active here and stop this horrible decision from moving forward.

>

> Thank you,

> Jesse Markward

>

> Sent from my iPhone

## Martha Alvarez

---

**From:** Jane Reitz <janereitz21@gmail.com>  
**Sent:** Friday, December 17, 2021 10:12 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Maintain outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

We fully support and strongly urge you to extend the outdoor dining ordinance. We have enjoyed this outdoor experience and believe it has benefited business and residents.

We always have enjoyed our alfresco dining in Manhattan Beach!

Sincerely,

Jane and Terry Reitz

543 21st St

MB

## Martha Alvarez

---

**From:** Lisa Schlager <schlagerlisam@gmail.com>  
**Sent:** Friday, December 17, 2021 9:31 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please keep outdoor dining!

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

We love outdoor dining in MB. It helps build community during such difficult times. Plus, it seems like restaurants may be facing more restrictions inside because of the Omicron variant and seems like it would be more financially beneficial for restaurants to have that option.

Thanks,  
Lisa

## Martha Alvarez

---

**From:** Trevor Franklin <trevorfrank61851@gmail.com>  
**Sent:** Friday, December 17, 2021 8:55 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

For whom it may concern,

My name is Trevor Franklin and I have lived in Manhattan Beach for my entire life of 23 years. I am writing to you today regarding the city's upcoming decision about outdoor dining. Personally, I did not even know that this was an upcoming decision and was absolutely shocked by the amount of people I have heard discussing this and their disappointment. I also am extremely frustrated and upset at the thought that my city would even consider removing this outdoor dining. During COVID, many families, individuals, and local companies went through extremely challenging times. The implementation of this outdoor seating not only offered belief of better days but it also helped keep our cornerstone bars and restaurants up and running. I cannot even fathom nor understand a single reason to get rid of this outdoor dining in our beautiful city, other than to simply find a way to collect more parking tickets. I know for a fact that the city does not have any issues collecting money on parking tickets because even in the heat of Covid and some of the most challenging times of our lives, the city kept soliciting tickets as if there was nothing else better to do.

I truly cannot express myself and so many others' desire to keep the outdoor dining in Manhattan Beach up and running. It simply has been one of the greatest implementations I have witnessed in my 23 year life living here. Any decision to remove outdoor dining or restrict it would be an incredibly clear example of the city not listening nor caring about its own citizens. I remain confident that the city will make the correct decision on this and will put the citizens and their desires first.

Thank you,  
Trevor Franklin

Sent from my iPhone

## Martha Alvarez

---

**From:** Leila Stoddard <leilastoddard@me.com>  
**Sent:** Friday, December 17, 2021 8:54 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep outdoor dining!

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

I have lived in Manhattan Beach for 30 years and I think the outdoor dining really enhances our downtown area. My family loves eating outdoors and it adds energy to the whole downtown experience. I also don't feel fully comfortable eating indoors yet due to Covid. I hope the outdoor seating will become permanent.

Thank you,

Leila Stoddard

## Martha Alvarez

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**From:** April Boardman <redheadboardman@gmail.com>  
**Sent:** Friday, December 17, 2021 8:45 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep Outdoor Dining Decks

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

The city council's vote to remove the Manhattan Beach outdoor dining decks by January 3 is a poor one. Not only have the outdoor dining spaces made the community a safer place to gather with COVID-19, we all love outdoor dining in general and the lifestyle enhancement this brings to the community is wonderful. These should be a permanent part of our community for all to enjoy. Please reconsider this decision.

April Boardman

## Martha Alvarez

---

**From:** Dessa Meyer <meyerdessa@gmail.com>  
**Sent:** Friday, December 17, 2021 8:41 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining:

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear M.B. City Council,

We have been residents and property owners in Manhattan Beach for over 25 years. We love Manhattan Beach and all it has to offer. However, we are quite shocked and disappointed at the decision to end outdoor dining on January 3, 2022. We are also confused as to why you would pull the outdoor dining when we are in the midst of winter time and the new Omicron variant is about to circulate in this country. We understand that there are stores as well as handicap residents that need close parking spaces but we are not out of this pandemic yet. In fact, this world is at another crucial time in the pandemic.

Even though my husband and I are vaccinated and have our boosters, we still feel more comfortable dining outside as many others do as well. I would think that you would at least wait until spring so residents and the restaurants get through the winter.

Please reconsider this decision and wait until at least March or April. If you don't, please be prepared that many people will be headed to Hermosa, Redondo and other areas to dine and shop instead of Manhattan Beach.

Thank you for your time.

Best,  
Dessa & Karl Meyer  
1607 Ruhland Ave.  
Manhattan Beach, CA 90266

## Martha Alvarez

---

**From:** robbierpotter@gmail.com  
**Sent:** Friday, December 17, 2021 8:27 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I ask that you please reverse your vote regarding the removal of outdoor dining downtown. The benefits GREATLY outweigh the negatives. For those who are uncomfortable, or cannot, eat inside, the removal of outdoor dining results in us being excluded from the wonderful restaurants our city offers. Limiting the amount of patrons means less staff working in the restaurants as well, leaving them without jobs.

This decision is bad for everyone. I implore you to reverse this decision to allow all of our residents to be included in enjoying our town.

Robert Potter



## Martha Alvarez

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**From:** Melody Elder <melody.elder@gmail.com>  
**Sent:** Friday, December 17, 2021 8:26 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

This is ESSENTIAL.  
Please continue availability for our safety.

Sent with Love and Light from my iPhone!

## Martha Alvarez

---

**From:** Bruce Moe  
**Sent:** Friday, December 17, 2021 7:56 AM  
**To:** List - City Council  
**Subject:** FW: Deck removal



### BRUCE MOE

CITY MANAGER

(310) 802-5053  
bmoe@manhattanbeach.gov

**CITY OF MANHATTAN BEACH** 1400 Highland Avenue Manhattan Beach, CA 90266  
Office Hours: M-Th 8:00 AM-5:00 PM | Fridays 8:00 AM-4:00 PM | Not Applicable to Public Safety  
[Reach Manhattan Beach](#) Here for you 24/7, use our click and fix it app  
[Download the mobile app now](#)



---

**From:** CityOfManhattanBeach@manhattanbeach.gov <CityOfManhattanBeach@manhattanbeach.gov>  
**Sent:** Thursday, December 16, 2021 3:02 PM  
**To:** City Manager <cm@manhattanbeach.gov>  
**Subject:** Deck removal

Message submitted from the <City of Manhattan Beach> website.

**Site Visitor Name:** Gordon J. Louttit  
**Site Visitor Email:** [gordon.j.louttit@gmail.com](mailto:gordon.j.louttit@gmail.com)

Review of the resurgence of Covid brought about by Omicron variant, and the virtual certainty that the holidays will cause a significant increase in infections. It is extremely shortsighted to require our local restaurants to remove their outdoor decks on January 3. Many of these restaurants will again be in severe financial distress within a couple of months. It would make sense for Manhattan Beach to follow Hermosa Beach in extending this until the beginning of summer.



### CITY OF MANHATTAN BEACH

CITY ENOTIFICATION

(310) 802-5000  
CityofManhattanBeach@manhattanbeach.gov

## Martha Alvarez

---

**From:** Brett Jacks <brettjacks@gmail.com>  
**Sent:** Friday, December 17, 2021 7:44 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining MB

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Happy Friday! I just wanted to voice my support for the outdoor dining.

I've lived in manhattan beach my whole life and have never understood why we didn't have outdoor dining. The outdoor dining resulting from the pandemic has been one of the few positives to come out of the last few years and we were praying it would stay permanent!

Sent from my iPhone

## Martha Alvarez

---

**From:** Hale <hboggs@gmail.com>  
**Sent:** Friday, December 17, 2021 7:22 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

PLEASE KEEP THE DINING DECKS!!!!

It's incomprehensible to me why the city would remove these at this time. I've been a resident of MB for 20 years and outside dining has been one of the best and most positive changes I've seen in all that time.

We are blessed with a climate that allows for outside dining year round, and we now (finally) have patios and decks that accommodate that. Not to mention the increased business for our wonderful restaurantuers and the additional tax revenues for the city.

Yes I get that we lose some parking spaces. But the cost/benefit to having dining decks vs parking spaces isn't a close call.

I have had texts and emails from puzzled friends from around the country who saw this news (it's gone national) and wondered why the heck the city would get rid of the outdoor dining decks???? When they've visited me in MB over the past year, they've all loved the outdoor dining options and told me how lucky we are to have this.

PLEASE KEEP THE DINING DECKS!!!!

Sincerely,

Hale Boggs  
804 Manhattan Ave

## Martha Alvarez

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**From:** Janet Bradfield <janetlee586@gmail.com>  
**Sent:** Friday, December 17, 2021 7:15 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please remove the outdoor dining. It's time for us to get our sidewalks back along with our parking spaces. Not everyone lives close enough to walk or ride a bike and if you do ride your bike there is no safe place to lock them.

Many of us are very happy you have made this decision and are going to enforce this.

Thanks to all of you for thinking of all the people in our community.

Janet Bradfield

## Martha Alvarez

---

**From:** Gabe Brakin <brakin@gmail.com>  
**Sent:** Friday, December 17, 2021 6:58 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining in MB

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Manhattan beach city council members:

I was very disappointed to hear that the city council voted to discontinue the special outdoor dining decks that have been in place to expand outdoor dining as a result of the pandemic. I feel more comfortable with having the expanded option to dine outdoors as the global pandemic continues. It feels premature to have made a decision to reduce the number of outdoor dining options/tables given the increased risk of infection post holiday gatherings and travel, and before we know the full impact of the omicron variant, which early data is showing is spreading rapidly across the US.

As a longtime resident of Manhattan beach, I have also come to enjoy and value the expanded outdoor dining possibilities, and I think it has made our city better overall, so I see little upside in discontinuing the use of expanded outdoor dining at this time.

Sincerely,  
Gabriel Brakin

333 5th street  
Manhattan Beach, CA 90266  
Brakin@gmail.com

## Martha Alvarez

---

**From:** Jim York <theyorkproperties@gmail.com>  
**Sent:** Friday, December 17, 2021 6:47 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Support of Outdoor Dining in Manhattan Beach

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

We live on the Palos Verdes Peninsula and frequently ride our bicycles to MB to enjoy dining at your great outdoor restaurants. We are hopeful that the outdoor spaces will become permanent. In any event, now is not the time to eliminate the outdoor dining particularly with the continuing of COVID

Jim York  
6001 Palos Verdes Drive South  
Palos Verdes Peninsula, 90275

## Martha Alvarez

---

**From:** Danielle Peel <salesbydani@gmail.com>  
**Sent:** Friday, December 17, 2021 6:40 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Manhattan Beach-Support Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

I'm in support of outdoor dining and I think with the new variant, it needs to stay. People have options to eat outside. I eat outside and if I don't have the option to, I won't go. The restaurant's are still hurting, we want to help them.

Thank you for taking the time to read this.

Thank you,  
Danielle

Danielle Peel  
Broker Associate-Realtor®  
[310-745-3855](tel:310-745-3855) | DRE# [01293873](https://www.sos.ca.gov/real-estate/records/01293873)  
Vista Sotheby's International Realty



## Martha Alvarez

---

**From:** Arsen Harutyunyan <arsen.g.harutyunyan@gmail.com>  
**Sent:** Thursday, December 16, 2021 11:10 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Resident of Manhattan Beach

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi,

I'm a resident of Manhattan Beach, residing at 3112 Elm Ave, Manhattan Beach, CA 90266.

Using my Constitutional right, I want to express my position regarding 2 issues currently at your discretion:

1. I do NOT support allowing cannabis sales in Manhattan Beach. I moved to this wonderful city with my family because this city has a huge focus on safe and prosperous family life. I have two toddler kids and I don't want cannabis on the streets of MB.

2. I would love the city to allow

Restaurants to continue using their outdoor decks. My family really loved the nice vibe those decks bring to the streets of MB. Maybe limit the space the decks can occupy but don't remove them completely. Furthermore, those restaurants with decks will bring additional revenue to the city.

Thanks!

Arsen Harutyunyan

## Martha Alvarez

---

**From:** mschreibs12 (null) <mschreibs12@aol.com>  
**Sent:** Thursday, December 16, 2021 10:16 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep outdoor dining open!

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

My family of 5 frequently visits the dining establishments in town and ALWAYS requests outdoor dining. First and foremost for the safety aspect during this ONGOING pandemic, and secondly because we all enjoy the lesser wait times, Al fresco dining, and supporting the local economy of waiters, busboys, bartenders, etc.

Removing this option for the families of the South Bay and other visitors would be a huge mistake that may take the local economy years to recover from. Keep outdoor dining!

Thanks,

Matt S.

## Martha Alvarez

---

**From:** Loretta Raftery <Lraftery@hrlaborsolutions.com>  
**Sent:** Thursday, December 16, 2021 10:15 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

As a 50 year Manhattan Beach resident, business owner and homeowner, I very much support outdoor dining. I am sure there are some modifications that could be made but I do not believe that tearing it all down in January makes sense. Let's come up with a plan for ongoing outdoor dining and then implement it, rather than dismantling everything and then having to rebuild. Thanks

Loretta Raftery, Esq.  
Raftery Law Group  
Office: 310-546-8168  
1334 Parkview Avenue, Suite 100  
Manhattan Beach, CA 90266  
[www.RafteryLaw.com](http://www.RafteryLaw.com)

## Martha Alvarez

---

**From:** Kimberly Gamez <kimberlygamez0@gmail.com>  
**Sent:** Thursday, December 16, 2021 9:48 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Vote on Keeping Outdoor Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Good evening,

To whom it may concern,

I am a resident of Manhattan beach & I want to voice my vote toward KEEPING outdoor dining in our town. It is a source of fun and excitement, my boyfriend & I enjoy going out to dine every week as do most of our friends. It is also important for restaurant workers to be able to earn money to support themselves.  
Happy Holidays!

Best,

Kimberly Gamez  
C (310)344-5805

## Martha Alvarez

---

**From:** Mark Snow <adwriterx@gmail.com>  
**Sent:** Thursday, December 16, 2021 9:32 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Save the outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

As a longtime resident of Manhattan Beach, outdoor dining, in addition to creating a safer atmosphere for dining during a pandemic, has been one of the greatest outcomes of it. We live in the greatest city with a view of the ocean. Why would you take that away from paying customers. And the businesses who've suffered several s years worth of setback due to Covid restrictions.

I visit downtown several times a week and rarely of ever have a problem parking. There's plenty of parking underground near the police station as well as multiple lots in the area. The people that are griping are just old miserable whiners.

Keep outdoor dining alive.

Mark Snow  
1336 10th street  
Manhattan Beach , ca 90266

## Martha Alvarez

---

**From:** Anika Lamkin <anikae@gmail.com>  
**Sent:** Thursday, December 16, 2021 9:16 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Dining Decks

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi,

Please consider keeping the outdoor dining decks. When we consider going out to eat, we go to restaurants with outdoor areas to feel safe during the pandemic.

With these COVID variants, I don't feel comfortable eating indoors, and I don't see things getting better. Why make this change just as mask mandates are back?

It have been so lovely to eat outside on the decks while seeing the Christmas lights, sunsets, and locals shopping. Please, please, please don't make the restauranteurs remove the dining decks they worked so hard to build, which have been so successful for the eateries and local businesses.

Happy holidays.

Best,  
Anika Escalante

Sent from my iPhone

## Martha Alvarez

---

**From:** Rosanna Libertucci <househuntsobay@outlook.com>  
**Sent:** Thursday, December 16, 2021 9:09 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] In Support of Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello City Council,

Please find another solution to the parking and allow the restaurants to continue serving outdoors.

The restaurants have been brutalized and abused by the Government during the pandemic. The government has taken away their ability to earn a living and increased their operating costs. They closed their businesses, took incentives away for employees to work versus collect unemployment, created a labor shortage, created inflation and makes them implement various policies, signage and protocols that change every couple of weeks. They ordered food for holidays last year only to be told to close with all the excess food going to waste.

Give them a break! They are the hardest working individuals making many sacrifices to keep their businesses afloat and you need to help them out and make up for the excessive regulations and financial hardships you have imposed on them for almost 2 years now!

Thank you,  
Rosanna Libertucci

Sent from [Mail](#) for Windows

## Martha Alvarez

---

**From:** Alexander Rachmiel <arachmiel@gmail.com>  
**Sent:** Thursday, December 16, 2021 8:57 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

As a resident of Manhattan Beach I cannot fathom why we would remove outdoor dining - truly, no valid reason comes to mind.

With no other safe option during a pandemic, many patrons will undoubtedly be cut out of being able to go a restaurant for safety reasons, thus lowering revenue for the city.

Additionally, it's essentially criminal to not have more outdoor dining options in as beautiful a place as MB.

I implore you - please keep outdoor dining open.



## Martha Alvarez

---

**From:** Judy Deutsch <curacoa@icloud.com>  
**Sent:** Thursday, December 16, 2021 8:50 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep the decks open

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I hope you can leave the restaurant decks open until covid calms down. I hate to see these Restaurants close. Reconsider the owners and people who support them .

Regards

Judy Deutsch

Sent from my iPhone

## Martha Alvarez

---

**From:** Ktschweter <ktschweter@aol.com>  
**Sent:** Thursday, December 16, 2021 7:36 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

HI All!!

Just saying, now it **not the time** to close the outdoor patio Dining. According to the news stations we have an uptick in Covid in CA. Winter is the Time when it spreads. I would think now is the time to let people sit outside to avoid close/warm area, the germ breeding grounds.

if people have been able to find parking during the Busy Summer Months, and during Christmas Holidays, then After Jan, when business slows down, it certainly should not be an issue.

It surely does not make sense to close Patio dining now.

Please reconsider. (Extra tax revenue for the city as well if the businesses are doing well. I am sure the City lost lots of Tax dollars when they were shut down)  
Thank you & Happy Holidays! Karen Schweter

## Martha Alvarez

---

**From:** Bob Beverly <bob.beverly@ymail.com>  
**Sent:** Thursday, December 16, 2021 6:54 PM  
**To:** List - City Council  
**Cc:** City Manager; Carrie Tai, AICP; Erik Zandvliet  
**Subject:** [EXTERNAL] Dining Decks

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I am seeing a strongly orchestrated, well planned campaign to get the council to backdown from their vote to remove the outdoor decks on January 3rd 2022. This is the time for our leaders to stand strong with their decision to remove said decks. Don't be impressed by the media campaign by a few who with the help of their employees are attempting to thwart common sense. If the council truly wants to see a fair process go forward concerning outdoor seating, it must be done the right way. Public input from all parties. Residents, restaurants, shops, Police. Fire, Traffic control etc. These temporary structures need to be removed for many reasons. ADA issues, traffic vision issues, customers forced to park in the surrounding neighborhoods. Don't be played by those seeking cheap square footage of public land at the expenses of our downtown and it's residential neighborhoods. Just this week we watched as the decks sat empty with the chill in the air. Many restaurants don't even open until the evening yet taking the parking away 24 hours a day. This situation sets the difference between leaders and politicians. Let your legacy be one of maintaining the greatness of Manhattan Beach for all residents. Selfishness and greed will destroy the character of our city. Doesn't anybody remember the nightmares of an out of control downtown in the late 80's and early 90's? Talk to former Police Chief Ted Mertens. He can certainly tell the tales of the trouble our downtown residents suffered through as can Councilman Napolitano or Treasurer Tim Lilligren. Please do not cave in. Let's do this the right way. Bob Beverly

## Martha Alvarez

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**From:** Julie Iko <jiko1331@gmail.com>  
**Sent:** Thursday, December 16, 2021 6:32 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep outdoor dining decks

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi,

I would like the outdoor dining decks to remain until at least spring 2022 The winter does not bring the crowds and parking issues you bring up. During that time figure out how to make this permanent.

It's been a wonderful experience dining outdoors in this beautiful beach town. I have lived in MB for over 25 years and outdoor dining should have happened a long time ago.

Thank you.

Julie Iko  
310-486-5154 mobile

## Martha Alvarez

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**From:** Sharon Ledesma <ssledesma@verizon.net>  
**Sent:** Thursday, December 16, 2021 6:27 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Support of outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To Manhattan Beach City Council,

My husband, Mark, and I would like to express how much we have personally enjoyed the outdoor dining in our city. We understand that there are issues with continuing the program but we hope there are ways to keep some of the outdoor dining space available. It makes so much sense to have outdoor dining given the moderate climate that we all enjoy. In addition, we are not out of this pandemic, yet, and we both prefer to dine out of doors because of this. You have two citizens who would like to see the program extended in some way. Thank you for your consideration of our opinions.

Sincerely,  
Sharon and Mark Ledesma

## Martha Alvarez

---

**From:** Anna Iniguez <annainiguez13@gmail.com>  
**Sent:** Thursday, December 16, 2021 6:06 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] keeping decks outside

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I believe that we should keep the decks outside past January 3rd, reasons are they have been helping not only us as employees but also restaurants business out drastically. I believe that it has been benefiting our income. And it's also makes our community come out more and enjoy there time better outside. Especially because Manhattan beach is well known for their amazing view and cool weather. So please I hope to honestly help keep this deck we would greatly appreciate it !!!! We need this DECK HAPPY COSTUMERS HAPPY EMPLOYEES MORE MONEY:) thank you !

Sent from my iPhone

## Martha Alvarez

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**From:** Denine Baeseman and Jeff Fredericks <jdkbeach@msn.com>  
**Sent:** Thursday, December 16, 2021 5:40 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] DINING DECKS

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I agree with the city council that dining decks need to come down. Low cost restaurant space is not fair. Less parking is not fair.

Sent from [Mail](#) for Windows

## Martha Alvarez

---

**From:** Bruce Moe  
**Sent:** Thursday, December 16, 2021 5:22 PM  
**To:** Martha Alvarez  
**Subject:** Fwd: Message from Reception Call

Sent from my iPhone

Begin forwarded message:

**From:** Emily Milne  
**Date:** December 16, 2021 at 1:48:23 PM PST  
**To:** Bruce Moe  
**Cc:** Mary Kirchwehm  
**Subject:** Message from Reception Call

Hi Bruce,

While I was covering the reception desk I got a call from Diane Campbell (she said you know her son, Todd Campbell) who wanted me to relay a message to you. She wanted me to let you know that she is upset that the outdoor dining decks are going away and that she does not feel safe dining indoors. She also wanted to say that the City Council is making a huge mistake by taking them away.  
Thanks!



**EMILY MILNE**  
HUMAN RESOURCES ASSISTANT

(310) 802-5260  
emilne@manhattanbeach.gov

**CITY OF MANHATTAN BEACH** 1400 Highland Avenue Manhattan Beach, CA 90266  
Office Hours: M-Th 8:00 AM-5:00 PM | Fridays 8:00 AM-4:00 PM | Not Applicable to Public Safety  
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Download the mobile app now



**BRUCE MOE**  
CITY MANAGER

(310) 802-5053  
bmoe@manhattanbeach.gov



## Martha Alvarez

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**From:** Olga Reisler <olga.reisler@gmail.com>  
**Sent:** Thursday, December 16, 2021 5:17 PM  
**To:** List - City Council  
**Cc:** riwoodward@icloud.com; Sharon Woodward; Rach3reis  
**Subject:** [EXTERNAL] Outdoor seating closure

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

As the world attempts to keep crowds at a minimum and promote open spaces and distance, the MB city council is proposing to close down the outdoor restaurant areas and force everyone to congregate inside small, enclosed rooms. Really? My husband and I, as well as our friends, (all of us are local residents) have actively tried to support local businesses during these trying times. We applauded the council's decision to approve outdoor seating and are now appalled to hear the approval rescinded. No one I know supports this. We will be forced to go to restaurants, in adjacent beach communities that are still allowing outdoor seating. As you read the new rising covid statistics, and for the sake of health and safety, as well as continued viability of our local restaurants we urge you to reconsider this poorly thought out decision. Thank you.

**Martha Alvarez**

---

**From:** Ray Bidenost <Ray@chefrobertcatering.com>  
**Sent:** Thursday, December 16, 2021 5:05 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Save Outdoor Dining!

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

City Council Members & Staff,

Please help small business stay open and keep outdoor dinning decks open past January 3, 2022.

Thank you,

Ray Bidenost  
o. 818-686-6449 #201

California Retail Food Safety Coalition  
Member

## Martha Alvarez

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**From:** Susan Klevens <susanklevens@gmail.com>  
**Sent:** Thursday, December 16, 2021 4:24 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

My name is Susan Klevens and I am a long time resident of Manhattan Beach.

My husband and I were dismayed to hear your decision to close down all the outdoor dining patios as of January 3, 2022.

Considering that we are now facing a new surge from the Omicron virus plus a Covid 19 flare up, taking away the only safe type of public dining is a big mistake. We want to *support* our restaurants, not once again put them into a situation of desperate survival.

We recommend that you quickly reconsider your decision and at least extend the outdoor dining permits until Spring when hopefully the country will be on a more even keel. On a side note, we have found the dining patios absolutely charming. Each design was beautiful, they gave a very European feel to our downtown core and truly made our town feel alive. It's something we would welcome year round.

Thank you for considering our thoughts.

Susan and Joel Klevens  
820 Highview Avenue

## Martha Alvarez

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**From:** Julianne Bock <juliannekbock@gmail.com>  
**Sent:** Thursday, December 16, 2021 4:12 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining !

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I moved to Manhattan beach during the pandemic last year and I was so thankful to you for helping Restaurants stay open by providing outdoor dining. I eat out a couple times a week and enjoy sitting outside and hope that you can keep that tradition going on especially since Gavin Newsom keeps throwing out new mandates and we don't know what will happen in the future it's a great safe effective way to keep restaurants open and going and people coming to Manhattan Beach to enjoy them . thank you for your support in this mayter we look forward to dining out.

Sincerely ,Julianne Bock 813 1/2 Bayview Drive.

## Martha Alvarez

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**From:** Adam Craun <adam@mementomoriwinery.com>  
**Sent:** Thursday, December 16, 2021 4:09 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Counsel,  
Please keep outdoor dining in MB. We love it! I am MB resident and proud Pennekamp parent  
Thank you 🙏  
AC

Adam Craun  
Proprietor  
Memento Mori Winery  
Napa, CA  
www.mmwine.com  
(310)780-2939 mobile

Sent from my iPhone

## Martha Alvarez

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**From:** James White <james.white975@gmail.com>  
**Sent:** Thursday, December 16, 2021 4:03 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please, please, keep outdoor dining decks.

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

As a lifelong resident, I can say with absolute certainty that the best things to happen to our city in the last 25 years have been (1) Richard Montgomery et al. balancing the budget, and (2) outdoor dining decks. Why would we ever give them up? To benefit shops who suffer from reduced parking? Take a community poll, I'm certain the consensus would rather have more decks and less parking, even if the non-dining businesses take a hit. It's nothing personal against them, it's just a preference that I'm certain my fellow residents share.

Respectfully,  
James D. White

## Martha Alvarez

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**From:** Erin Freeman <erin70308@gmail.com>  
**Sent:** Thursday, December 16, 2021 3:45 PM  
**To:** List - City Council; Joe Franklin; Richard Montgomery; Suzanne Hadley; Steve Napolitano  
**Subject:** [EXTERNAL] Re: Outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi again - I'm sure you saw that Hermosa has voted to extend outdoor dining through May and to look at ways to make it permanent in the interim. And I'm sure you saw the report on channel 4 news about how MB is removing outdoor decks much to the dismay of restaurateurs and patrons. Please reconsider. In light of increasing spread of Covid, now is not the time to force everyone back indoors. The state forced that on everyone 18 months ago and studies have shown how much worse it was for the spread than had they left outdoor dining in place.

Thank you, Erin

On Fri, Dec 10, 2021 at 4:11 PM Erin Freeman <[erin70308@gmail.com](mailto:erin70308@gmail.com)> wrote:

Thank you Richard, Suzanne and Steve for your quick replies. While we may not agree on this issue, I appreciate hearing back from you and reading your thoughtful responses. There is not enough civility these days and hopefully we can all lead by example.

I still urge you to find a way to keep the outdoor dining beyond Jan 3 or to somehow ease the expense for the restaurants to remove them and store everything until you approve a long term solution. If it really is for street repair and sewer flushing as Steve mentions, perhaps the outdoor platforms can be removed in stages so that not all restaurants remove them at the same time?

Happy holidays to you all.  
Erin

On Fri, Dec 10, 2021 at 6:07 AM Erin Freeman <[erin70308@gmail.com](mailto:erin70308@gmail.com)> wrote:  
City Council members,

I have just learned that the city is requiring all restaurants who have outdoor dining in the public right of way to remove those structures and cease outdoor dining service as of Jan 3, 2022. It is also my understanding that the city will *now* start a *process* to consider making outdoor dining more permanent.

Outdoor dining **enhances our city's character and culture**. It allows restaurants to serve more people, hire more people and create a more welcoming community. Non restaurant businesses benefit by having more passersby and more activity in general.

Outdoor dining is **SAFER than indoor dining** in this day and age. Why force everyone inside, either at the restaurants (which will be more crowded now) or at homes where all viruses are more likely to spread.

And why is the city just *now starting a process* to consider making this permanent? We've had over 18 months to look at this, overwhelmingly the city residents support it. Some of these restaurants have incurred great expenses to build and support these structures for the outdoor dining and now they will have to

incur expenses to remove them only to be (hopefully!) given permission to spend more money and rebuild them sometime in the future. I am hoping I have bad information because none of this sounds logical to me.

I have lived in Manhattan Beach since 1973. I remember Metlox when it sold plates and cups, when Vons was Safeway and us teenagers camped under the pier before the Manhattan Open. I'm raising my girls here and we love this community so much. I strongly urge you to reconsider this ruling and allow these outdoor dining areas to continue while the city develops it's plan for a more permanent solution. Closing these community areas will hurt the very community you are here to serve.

Respectively,  
Erin Freeman



## Martha Alvarez

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**From:** Pouliopoulos, Mary C <Mary.Pouliopoulos@charter.com>  
**Sent:** Thursday, December 16, 2021 3:29 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I am writing to voice my support for keeping outdoor dining in Manhattan Beach and not remove in January.

Not only are we in the middle of growing concern regarding the Omnicrom variant, restaurants will be over crowded and unable to accommodate local residents and tourists to keep their business going. Businesses have been devastated these past two years and it is unconscionable to consider removing dining areas that help prevent the spread of Covid, allow safe seating for residents and keeps restaurants in business to recoup profits.

The City of Manhattan Beach has been a disappointment in handling Covid and protecting our business during the outbreak. Many of the measures take such as shutting down restaurants last November and December were not even suggested recommendations by the CDC.

Please support your residents and businesses and do the right thing for the community.

Mary Pouliopoulos  
316 5th Street  
Manhattan Beach  
310-210-1613

Mary Pouliopoulos | Divisions Vice President Spectrum Reach E-MAIL CONFIDENTIALITY NOTICE:

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## Martha Alvarez

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**From:** Catherine Jacobson <zeelandmod@gmail.com>  
**Sent:** Thursday, December 16, 2021 3:28 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

City council members,

Please reconsider your decision to dismantle the outdoor dining decks in Manhattan Beach. This decision makes no sense at all, especially with Omicron variant on our doorsteps. The possibility of eating outside is crucial for our community, its businesses and its population.

You may want to investigate further the state out the Covid pandemic . We are NOT out of the woods yet, and probably won't be till 2024. Check out epidemic research on the matter.

I am communicating with you today in strong opposition to this decision .

Best regards,  
Catherine Jacobson  
904 Highview

## Martha Alvarez

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**From:** Tabitha Zimbert <tczimbert33@gmail.com>  
**Sent:** Thursday, December 16, 2021 3:25 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Re: Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

I am writing in regards to the decision to remove outdoor dining. It goes without saying that the last couple years have been tough for all. Our sense of "normal" life has indeed changed. What does not have to change are the things that bring us joy during this difficult time. Namely, outdoor dining. For so many, including myself, its enjoyable to share a meal with loved ones outside, feel the beach breeze and smell the ocean air. Indeed, we live at the beach and where people choose to vacation! Outdoor dining by the beach is all part of it. More so, it gives businesses the option to offer outdoor seating to those who are concerned about dining indoors during the pandemic. Our daily life has changed so much and businesses continue to struggle. Lets not take a step backwards. Lets push forward through this pandemic and out the other end. Please, keep outdoor dining.

--

**Tabitha C. Zimbert**

## Martha Alvarez

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**From:** Leslie Ryan <lryan19@hotmail.com>  
**Sent:** Thursday, December 16, 2021 2:46 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] I support Outdoor Dining Decks!

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Manhattan Beach City Council –

I wholeheartedly support Manhattan Beach's outdoor dining decks and think it would be a huge mistake for the city to remove them Jan. 3.

The outdoor dining decks are the best thing to come from COVID! It's crazy to think that Manhattan Beach has some of the most beautiful ocean views and we never got to enjoy them while dining until now. Locally owned restaurants are one of the big things that make Manhattan Beach unique, so we need to continue to support them and let them generate revenue with this popular amenity. No restaurant has recovered yet financially from shutdowns, and COVID isn't over. Omicron is growing and mask mandates are coming back so it's beyond me why the city would take away outdoor dining. Cities all over California are extending their outdoor dining (see your neighbor: Hermosa Beach) while they plan to make it permanent.

I don't live in Manhattan Beach so maybe you don't care about my opinion, but you should. You should care because I spend way more of my disposable income eating and shopping in Manhattan Beach than I do in my own neighborhood (Marina del Rey). The outdoor dining decks are a huge reason why I choose to patronize restaurants in Manhattan Beach, and while I'm down there I end up walking around and shopping more in local boutiques. For example, I was enjoying a beer on Culture Brewing's fabulous deck which was in front of the Splendid window. I saw a cute top in the window so I went in and dropped over \$200. I never would have made that purchase if I hadn't been sitting in front of the store (and it's a shame the city already made Culture give up that part of the patio – why? to get two more cars parked there and generate \$6 of revenue?)

One concern that always seems to get raised is losing valuable parking spots. I would argue that dining decks are way more valuable than a couple dozen parking spots, whether that's measure by revenue or enjoyment. As someone who drives to Manhattan Beach a lot, I didn't find it any more difficult to find a parking spot with the dining decks than without. Parking is always hard in MB and you just get used to it. I don't mind having to walk a little farther, and all that means is I pass a lot more store windows, which I might end up popping into and spending money.

I understand the city needs to come up with permanent rules, but Manhattan Beach should let the current decks stay while coming up with those rules. The proposed timeline of having a plan by the end of 2023 is insane! Why would it take that long to approve something that has already been proven to work? And that has overwhelming support from residents and visitors alike? Restaurants spent tens of thousands of dollars to build these decks, so to make them take them down only to rebuild later is completely illogical. Please don't let a few loud complaining voices, who think MB should still be the same town as it was 30 years ago, ruin the only good thing to come out of COVID.

There's no reason to take dining decks down and hurt ALL local businesses. Please keep the dining decks.

Sincerely,  
Leslie Ryan

## Martha Alvarez

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**From:** Carter Dodds, Daniel <dcarterdodds@heidrick.com>  
**Sent:** Thursday, December 16, 2021 2:08 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining Should Stay!

**Importance:** High

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Good Afternoon,

I am just writing to express my concern over outdoor seating being taken away on Jan 3<sup>rd</sup>. Not only are we still dealing with a pandemic, but the outdoor seating is making MB such a better place to shop and eat. I really don't understand why this would be a good decision at this time. I hope the council reconsiders this poor choice.

My best,  
Daniel

**Daniel Carter Dodds**  
Consumer Markets & Industrial Practices

**Heidrick & Struggles**  
11100 Santa Monica Boulevard | Suite 200 | Los Angeles, CA | 90025  
T: +1 (213) 237 6205 | M: +1 (402) 613 2172 | E: [dcarterdodds@heidrick.com](mailto:dcarterdodds@heidrick.com)

HEIDRICK & STRUGGLES

  
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## Martha Alvarez

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**From:** Rita Moorman <rmoorman@earthlink.net>  
**Sent:** Thursday, December 16, 2021 1:52 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining in MB

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I sent an email earlier this week to the whole Council in support of continuing outdoor dining in MB at least until the end of January. My prime reason for this opinion is the surge in Covid cases and the Omicron variant. I have had several emails back and forth with Mayor Stern, and Council Members Hadley and Montgomery. I appreciate them taking the time to individually reach out and outline all the issues involved.

The issues are complicated and many factions competing. The fact remains that Covid cases are surging and the impact of Omicron is not yet clear. Dr. Rochelle Walensky, the head of the CDC, announced yesterday that Omicron cases are doubling every 2 days and we will have 1 million cases a day in the United States by Christmas Day. Medical colleagues in NYC are already telling us that ER visits and hospitalizations are already significantly increased. Once the decks are down they cannot go back up easily. It is still my opinion as a MB resident and medical professional that we need to extend the outdoor decks, not indefinitely, but at least until the end of January when impact of the latest surge is at least clear.

Again, the Council has been very flexible and proactive in dealing with this pandemic over the last year and a half and this is not the time to draw a line in the sand.

While I appreciate your individual responses no need to respond to this email further as I would just like my opinion in the record for Tuesday's meeting.

Thank you for your consideration,

Rita Moorman, MD

## Martha Alvarez

---

**From:** Casey Koppes <casey.koppes@gmail.com>  
**Sent:** Thursday, December 16, 2021 1:02 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] KEEP OUTDOOR DINNING

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Only a tyrannical government would want to hurt restaurant / shop business owners by removing the outdoor dining.

What is the benefit?

- \* more parking revenue for the city? nope pretty sure they are paying for the spots which is already a greedy move by the city
- \* traffic congestion? if somebody wants to bypass the restaurants they can take a side street

Do you even have a soul anymore, care about your citizens and business owners or just cater to out of towners.

respond I dare you

---

**Casey J. Koppes**

Phone: (707) 456-7737

E-mail: [casey.koppes@gmail.com](mailto:casey.koppes@gmail.com)



## Martha Alvarez

---

**From:** Greg Fink <gfink96@gmail.com>  
**Sent:** Thursday, December 16, 2021 12:51 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining - MAKE IT PERMANENT

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To Whom It May Concern:

I have been a resident of Manhattan Beach for over 15 years now, and one of the only good features from COVID was the implementation of the outdoor dining decks.

Please make them permanent ... and don't force the restaurants to take them down in 2022.

It's a shame there has not been more outdoor dining options prior to Covid. Let's not lose one of the positive outcomes from the pandemic.

Thank you,

Greg Fink  
526 23rd St  
Manhattan Beach, CA 90266

## Martha Alvarez

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**From:** richard woodward <riwoodward@icloud.com>  
**Sent:** Thursday, December 16, 2021 12:45 PM  
**To:** List - City Council  
**Cc:** ALAN RACHMIEL; Sharon Hugo  
**Subject:** [EXTERNAL] Outdoor seating

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

The recent council announcement to shut down outdoor seating at MB restaurants is absolutely the WORST decision the council has made in my entire residency in MB. We have been home owners in MB for 12 years, and have a broad network of friends that also live in MB. There's is not one household/family/couple that we know that supports what the council is doing. We are regular patrons of many of the restaurants in MB, both for lunch and dinner. We will only go to restaurants with outdoor seating, particularly now with the emergence of Omicron. The medical profession and the CDC have collectively concluded that the corona-virus will be with us permanently, not unlike the flu. Socializing is part of the MB community and culture and that is often done over meals. Your decision is damaging to that which makes MB special. We, along with many others, will move our business to Hermosa, El Segundo and other places if the council closes outside restaurant seating in MB. The loss to the City will be significant, in terms of both tax revenues as well as the spirit/energy/culture of the city. My wife is a frequent patron and buyer supporting many local MB businesses. She does some of her shopping before or after having meals at local restaurants. She, along with others, that move their restaurant business out of MB will hurt many of the retail MB stores as their local shopping will move to where she spends her time. And btw, we have never had any problem finding parking—and our friends have told us the same.

I strongly urge the council to reconsider their position on this. Eliminating outdoor restaurant seating will be net net very damaging to our town.

Richard Woodward  
Sent from my iPhone

## Martha Alvarez

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**From:** Kate (Devor) Leuhusen <katecdevor@gmail.com>  
**Sent:** Thursday, December 16, 2021 12:17 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Save outdoor dining decks!

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

I am writing in support of keeping all dining decks and outdoor dining in Manhattan Beach, CA. It's devastating news that the city has decided to take them down in January. I strongly believe that the addition of outdoor dining has been a tremendous addition to our wonderful beach community and quite honestly — something that should have always been here to begin. Not only does it provide all city residents (and visitors) with wonderful (and safe options in Covid) to dine outdoors, but it also supports local small and large businesses to expand and grow.

Please do not remove the outdoor dining in MB! I think this would be a huge mistake. Covid is not over & I worry many restaurants & companies will suffer if you do so.

Thank you for your time and consideration reading this.

Sincerely,  
Kate Leuhusen

---  
Kate Leuhusen  
925-323-4917

## Martha Alvarez

---

**From:** Donna Sechrist Hughes <sechristhughes@yahoo.com>  
**Sent:** Thursday, December 16, 2021 12:15 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please keep outdoor dining decks

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

I've been a resident of Manhattan Beach for 14 years and our great city has never been more charming or welcoming as it is now thanks to the dining decks. My family is still choosing to eat outside only at restaurants so we are very much against the abrupt planned end to the outdoor dining spaces. More outside dining in MB = more healthy and happy MB residents. Please reconsider the Jan. 3rd end date, especially with Omicron and the upcoming holidays.

Thank you,  
Donna Hughes

[Sent from Yahoo Mail for iPhone](#)

## Martha Alvarez

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**From:** Julie Biaggi <biaggijulie@gmail.com>  
**Sent:** Thursday, December 16, 2021 12:06 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Closure of decks

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi,

I am writing to encourage you to allow the decks to remain open past January 3. As a frequent patron of the restaurants in Manhattan Beach, I have serious concerns about the impact of closing these on the safety of our community. We are facing a new variant that has already impacted the rise in cases in LA county. Closing the decks would mean that indoor dining would increase and increase the spread of COVID. We are not through the threat of this virus and closing the decks seems to be very disconnected to the real threats our community continues to face.

I can say personally I would stop dining in Manhattan beach and try to find other outdoor restaurants. While both my husband and I are fully vaccinated, boosted, and have a vaccinated young child we still have an unvaccinated child at home and interact with other high risk people in our community. Closing outdoor dining would mean we could no longer take our children to Manhattan beach for dining as well as limiting our ability to go. My children attend school and I consider my responsibility to keep their education protected. Being able to enjoy evenings outside in Manhattan Beach has allowed us to balance enjoying restaurants and keeping our schools and children safe especially over the winter months.

Additionally, we are very lucky to live in such a beautiful climate and community and the outdoor dining has not only helped maintain safety for our community but added a rich outdoor dining experience. Please keep this open for our community!

Thank you for your time and consideration.

Best,  
Julie

Julie Biaggi, LCSW

424-625-5846

**CONFIDENTIALITY NOTICE:** I do not maintain 24-hour access to e-mail or phone. If there is an urgent concern, please call your local police by dialing '911', and/or go to your nearest hospital emergency room. This e-mail message including attachments, if any, is intended for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

## Martha Alvarez

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**From:** Margot Farris <margotfarris@mac.com>  
**Sent:** Thursday, December 16, 2021 11:56 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Do Not Shut Down Outdoor Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council of Manhattan Beach:

I am extremely upset that you plan to shut down outdoor dining in Manhattan Beach!! I think this is absolutely ludicrous! With the ongoing threat of covid viruses, you should at least keep the outdoor dining open until the virus situation is behind us, which is not yet. We are going into another wave of it right now. If our community wants to continue living and managing our lives through the virus, why are you shutting down outdoor dining?? It is an integral part of living through covid. If the businesses who invested in their outdoor patios need to shut it down only to possibly have to reset up, what sense does this make?

Not to mention, the outdoor dining is a really nice addition to our city and I would like it to stay up forever. But if this is not possible, at least keep it up until the covid threat has passed. It has not passed yet.

Sincerely,

Margot Farris  
425 31st Street  
Manhattan Beach, CA 90266

Sent from my iPad

## Martha Alvarez

---

**From:** Dana Boratenski <dboratenski@gmail.com>  
**Sent:** Thursday, December 16, 2021 11:40 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please continue outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Outdoor dining has improved the beach lifestyle in Manhattan Beach. Prior to COVID, the only outdoor places to eat by the beach were restaurants that happen to have roll up doors. There were only two places where you could sit inside and watch the sunset or look at the beautiful ocean which draws people from far away to experience what MB residents are lucky to experience everyday. Why not take advantage of the amazing all year round weather as well? In addition, restaurants now have more space to accommodate more guests, when the restaurants tend to be packed during the summer.

If you look at what Hermosa did for restaurants by the pier and closing the street all together, I think Manhattan Beach could follow suit with the simple change...which isn't really a change, it's a continuation. The hard part has already been figured out.

Since COVID isn't going away anytime soon, keeping outdoor space for people to gather safely only seems like a smart choice.

Please continue to keep outdoor dining.

Thank you,  
Dana Boratenski  
2404 Walnut Ave, Manhattan Beach  
(14 year resident)

## Martha Alvarez

---

**From:** Mikey Ortiz <mikey.ortiz@gmail.com>  
**Sent:** Thursday, December 16, 2021 11:33 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Save outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I love outdoor dining and think it is a great and safe dining experience esp with the omicron surge pls keep it !

Mikey Ortiz  
917.588.4071



## Martha Alvarez

---

**From:** Dave Young <dave.young@salesforce.com>  
**Sent:** Thursday, December 16, 2021 11:32 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please re consider outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello from a life long local. I was surprised to learn that the city counsel has recently voted to eliminate outdoor dining in the new year.

I'm assuming the decision is based on a few residents with loud voices and grumpy dispositions.

I humbly request that we revisit this and perhaps allow for another community vote.

In 47 years of living here downtown has never been more enjoyable and a bright light during a challenging time. It's such a nice environment for all of us and it's really a shame to take it away. Especially when we don't know what is going to happen with this never ending pandemic.

Aside from the health issues that come from taking outdoor dining away, there are massive monetary implications to the local businesses.

Can you please share the rationale and process that you went through to make this decision?

Thank you,

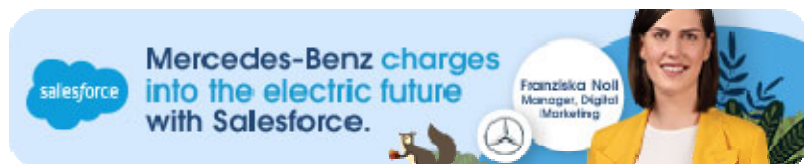
Dave

--

**Dave Young**

Vice President, Retail West | Salesforce

Direct: 310-720-5494



## Martha Alvarez

---

**From:** Spike m <sminczeski@gmail.com>  
**Sent:** Thursday, December 16, 2021 11:28 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I'm writing to express my shock that the city council has recently voted to eliminate outdoor dining in the new year.

I've written several times in the past to express our support for outdoor dining for the following reasons:

- Never-ending waves of the pandemic make this a safety issue for people who wish to continue patronizing your city's restaurants;
- Outdoor dining has made Manhattan feel like an actual downtown community for the first time in decades. This is something you should be fostering – not looking to eliminate; and
- Similarly, it has (finally) become relatively easy to get a reservation at a downtown restaurant. For years most residents rarely even considered going downtown without getting a reservation at least a week in advance. The increased number of patrons leads to increased sales at downtown stores, spill over to other bars and restaurants and increased tax revenue for the city

This will absolutely be one of those galvanizing issues that voters remember in future elections. If you're not willing to reconsider your position on this issue - based on public safety, what your residents actually want, and what's good for the city's coffers - perhaps you'll consider the council's loss of goodwill and the future re-election prospects sufficient justification to take another look at this issue.

Spike Minczeski  
2712 Manhattan Ave  
Manhattan Beach, CA 90266  
Cell: (307) 413-1270

## Martha Alvarez

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**From:** Lily Chang <lchang@verizon.net>  
**Sent:** Thursday, December 16, 2021 11:19 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] support for outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

I'm a 30 year MB resident and I write to voice my support for an extension of our outdoor dining at local restaurants. With the winter surge starting and omicron uncertainty, we need to stay safe while supporting our local business owners to the fullest extent possible. I have not dined indoors any restaurant since February 2020, but I'm proud to have frequented many MB restaurants because of the outdoor dining option. Though I'm vaccinated and boosted, given current pandemic conditions, I will not dine inside a restaurant.

Thank you for your consideration,

Lily Chang  
MB resident

## Martha Alvarez

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**From:** Kevin Pratt <kpratt@strandhill.com>  
**Sent:** Thursday, December 16, 2021 11:09 AM  
**To:** List - City Council  
**Cc:** Brigitte Pratt  
**Subject:** [EXTERNAL] Very Disappointed with decision to take down outdoor dining decks!

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council -

I was very disappointed to hear that you voted to shut down this wonderful element of Downtown Manhattan Beach. Besides the fact that “all” the people that I know (I have lived here since 1978) love the fact that we finally have some outdoor dining in this city, it makes absolutely no sense to enact this decision due to the ongoing COVID situation. COVID is not going away and the businesses need to survive in this town. Why would you as our council take something away that helps the Downtown business community keep their doors open and the majority of the Manhattan Beach residences enjoy? I reviewed the list or “issues” that you sited as reasons to shut it down and its ridiculous! The benefits of outdoor dining overwhelmingly outweigh the “issues”.

FYI, I work in Downtown Manhattan Beach and live a few blocks away. Please listen to the majority and change your decision!

Thank you for your time,  
Kevin Pratt

**Kevin Pratt**

**Strand Hill | Christie's International Real Estate**  
1131 Morningside Dr. Manhattan Beach CA 90266  
[kpratt@strandhill.com](mailto:kpratt@strandhill.com)  
M +1 310 738 2348 | O +1 310 545 0707

Lic. #01023090

## Martha Alvarez

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**From:** Rachel Knopoff <rknopoff@gmail.com>  
**Sent:** Thursday, December 16, 2021 10:49 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear MB City Council,

I would like to express my great disappointment that outdoor dining will disappear in downtown MB as of Jan. 3. My husband Russ and I are both physicians. We have worked throughout the pandemic and are continually horrified by the ravages of COVID-19 on the patients we see at our hospital. We have been extremely cautious not to be exposed unnecessarily to the virus either at work or at home, and we are not willing to let our guard down yet. This pandemic has been a roller coaster ride, and cases in the community are on the rise again. With the Omicron variant now here, cases will likely start to rise even more quickly.

One of our great pleasures during this time has been the outdoor dining scene in MB. We have dined outside numerous times at our local establishments over the past year and a half, and we want to continue to support them. But we will not be dining indoors for the foreseeable future. Nor do we think indoor dining should be encouraged by anyone. Please do not send the wrong message to our city by taking away the safe alternative.

Thank you,  
Rachel Knopoff

## Martha Alvarez

---

**From:** Michael Fairchild <mfairchild@mjfwlaw.com>  
**Sent:** Thursday, December 16, 2021 10:48 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I'm writing to express my shock that the city council has recently voted to eliminate outdoor dining in the new year.

I've written several times in the past to express our support for outdoor dining for the following reasons:

- Never-ending waves of the pandemic make this a safety issue for people who wish to continue patronizing your city's restaurants;
- Outdoor dining has made Manhattan feel like an actual downtown community for the first time in decades. This is something you should be fostering – not looking to eliminate; and
- Similarly, it has (finally) become relatively easy to get a reservation at a downtown restaurant. For years most residents rarely even considered going downtown without getting a reservation at least a week in advance. The increased number of patrons leads to increased sales at downtown stores, spill over to other bars and restaurants and increased tax revenue for the city

This will absolutely be one of those galvanizing issues that voters remember in future elections. If you're not willing to reconsider your position on this issue - based on public safety, what your residents actually want, and what's good for the city's coffers - perhaps you'll consider the counsel's loss of goodwill and the future re-election prospects sufficient justification to take another look at this issue.

Sincerely,

Michael K. Fairchild  
469 34<sup>th</sup> Street  
Manhattan Beach, CA 90266  
Telephone: (310) 420-2282  
[www.mjfwlaw.com](http://www.mjfwlaw.com)

## Martha Alvarez

---

**From:** Rosie Saldana <saldanarocio94@gmail.com>  
**Sent:** Thursday, December 16, 2021 10:29 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please keep Outdoor Dining Open

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To whom this may concern,

My name is Rocio and I live in Hawthorne, California. Ever since November of 2020, our family has started a new tradition of going out to dinner at least once a week to Manhattan Beach. We only ever go to Manhattan Beach because of it's excellent outdoor dining experience. There is nothing quite like this place. An amazing dinner with an amazing ocean view. Most importantly, it offers an open-air to avoid indoor restaurants where covid is a major risk.

Our favorite go-to's are Tacolicious, Nando, Simmzy's, Slay Italian, Love and Salt, Manhattan Pizzeria, and The Strand on special occasions.

Please keep our tradition alive and keep the outdoor dining open in Manhattan Beach. Outdoor dining is the only way we could stay safe during a pandemic, so we would hate to have to drive out to Hermosa Beach or Redondo where we would not be able to support our favorite restaurants in Manhattan Beach.

If you have any questions or concerns, please contact me.

Best regards,  
Rocio Saldana  
424-567-3146  
[saldanarocio94@gmail.com](mailto:saldanarocio94@gmail.com)

## Martha Alvarez

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**From:** Amelia Chauvin <amelia.rance@gmail.com>  
**Sent:** Thursday, December 16, 2021 10:17 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep outdoor dining!

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello:

PLEASE reconsider keeping outdoor dining. It's not safe to be indoors and we need to continue to support our local restaurants. We are risking having more closed storefronts if we don't continue to give them a place to serve outdoors. Residents should be more concerned about the noises from the bar and not from the outside restaurants.

Thanks,  
Amelia Chauvin



## Martha Alvarez

---

**From:** Matt Austin <mattaustin23@gmail.com>  
**Sent:** Thursday, December 16, 2021 10:11 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Save Manhattan Beach outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

As a resident of Manhattan Beach for the past Six years, I've grown to love this town more than anyplace in the world. It's come to my attention that the MB City Council voted to remove outdoor dining as of 1/3/22 with no plans for a permanent replacement.

In addition to providing a safe, outdoor option in the midst of a pandemic with surging infection rates, the outdoor dining helps out small businesses thrive, pay taxes and provide employment to many, including members of our city. It's my sincere hope that the MBCC reconsiders this decision in light of the factors mentioned above, and develops a thorough plan such that everyone can enjoy dining al fresco.

Thanks,

Matt

--

Matt Austin

310.927.7973

[mattaustin23@gmail.com](mailto:mattaustin23@gmail.com)

## Martha Alvarez

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**From:** Nicole Hillman <nikkimhillman@gmail.com>  
**Sent:** Thursday, December 16, 2021 10:10 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep outdoor dining in DTMB

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

I'm writing after hearing the city council has voted to remove the outdoor dining spaces in January. I'm outraged to think that this will happen despite the pandemic still being a very true threat, especially with the rise of the Omicron variant.

If the outdoor dining is removed, I will definitely NOT be dining at any indoor restaurants. Please do the right thing to protect your citizens and save these restaurants by keeping the outdoor dining in place.

Thank you,

Nikki Zazzali

## Martha Alvarez

---

**From:** Jake Robards <jakerobards@icloud.com>  
**Sent:** Thursday, December 16, 2021 9:39 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please, please keep outdoor dining -> make it permanent!

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

First off, thank you for your leadership during this difficult time.

Outdoor dining has been a lifeline for me and my family during the pandemic. It has given us peace of mind to be outdoors during all this uncertainty surrounding the virus and variants. This is not the time to change the policy!

We also know the vital importance of keeping our local business afloat and want to ensure their continued survival. The added benefit is that it's quite lovely to be outside and increased the charm of our beautiful and unique town. Many visitors from other parts of the city remarked how wonderful it was to be finally outside in Manhattan Beach.

I for one, I have not missed any parking spots on Manhattan Beach Boulevard and would be more than fine to have them taken away permanently. A better parking solution can be accomplished.

I implore you to keep our businesses open and our residents happy by making outdoor dining permanent!!

Warm regards,  
Jake Robards  
3509 Walnut Ave

Sent from my iPhone

## Martha Alvarez

---

**From:** J K <karamja@hotmail.com>  
**Sent:** Thursday, December 16, 2021 8:55 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining in MB

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

City Council

As a Manhattan Beach resident and homeowner, I request that you please continue to allow outdoor dining in it's current form in Manhattan Beach.

There may have been only one good thing to come out of COVID over the past (almost) two years, and that was the outdoor dining scene here in Manhattan Beach. In addition to supporting our MB dining establishments, it has enhanced our downtown area and given it very pleasant atmosphere at night. My wife and I, as well as our neighbors, have taken full advantage of this dining scene. We rarely leave the South Bay or even Manhattan Beach!

Please do not discontinue this outdoor dining. This allows our MB restaurants to continue to function and employ and, thereby, allows MB residents to avail themselves of the dining scene we have come to enjoy. I am not sure what the motivation to cancel the current outdoor dining, but it cannot be more pressing than the current need to support our restaurants and their employees. The vibrancy this brings to our downtown area is irreplaceable.

Joseph A. Karam, MD, MBA, FACS  
405 26th Street  
Manhattan Beach, CA 90266

Sent from my iPad

## Martha Alvarez

---

**From:** Christy Trotter <cjtrotter@gmail.com>  
**Sent:** Thursday, December 16, 2021 8:53 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] KEEP OUTDOOR DINNING

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

With a new statewide mask mandate in effect do you really think this is the best timing? Not to mention that the residents and business owners overwhelmingly disagree with this decision! Let's not forget you are voted in to represent the folks of this community and can easily be voted out.

## Martha Alvarez

---

**From:** Gabriela Kula <kulagabriela@gmail.com>  
**Sent:** Thursday, December 16, 2021 8:15 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

I am writing in an effort to keep outdoor dining. I believe it is safer and a more enjoyable way to eat at our local restaurants. Please keep outdoor dining!!

Sincerely,  
Gabriela Kula

--

Sincerely,  
Gabriela Kula

## Martha Alvarez

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**From:** Jared Mahan <mahan.jared@gmail.com>  
**Sent:** Thursday, December 16, 2021 7:22 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please, please, please continue the outdoor dining program! We love it and we know many others that do as well. Your city is so beautiful, and the weather is usually perfect to sit outside. Plus we love being able to bring our dog with us when we dine out.

Thank you and we hope you'll continue the program of outdoor dining.

Jared Mahan

## Martha Alvarez

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**From:** Raj Saha <rajinhosaha@gmail.com>  
**Sent:** Thursday, December 16, 2021 6:52 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello:

Thank you for taking the time to read this. I recently saw on the news that you are considering eliminating the temporary exterior dining structures. Since these have been installed, we, as a family, choose to only eat on the decks and not inside. We do not feel that we are ready to eat inside.

I feel that by removing these decks, there will be very few options in town for us to eat. We will likely have to go to Hermosa and forgo MB eateries, as the city of Hermosa Beach has stated that they will allow theirs for another six months.

Thank you

--

Sent from Gmail Mobile



## Martha Alvarez

---

**From:** Sandy Dunlap <sandrajeandunlap@gmail.com>  
**Sent:** Thursday, December 16, 2021 5:39 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

The community is speaking loud and clear!!  
Keep the outdoor dining!!

Thank you!

## Martha Alvarez

---

**From:** Yael & Pete <yaelandpete@gmail.com>  
**Sent:** Wednesday, December 15, 2021 10:04 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Support for outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please add our names to the many residents who would like to continue the outdoor street dining feature implemented in response to the pandemic. The pandemic is not over and outdoor dining allows those of us who do not feel comfortable dining indoors to continue to support our wonderful local restaurants. With the Omicron variant and the consequent surge likely to occur, the timing is not optimal to encourage dining patrons indoors. While the most important consideration is that outdoor dining helps local restaurants survive the chaos of the economy, it's also mentally uplifting to see people enjoying each other's company safely in these challenging times. If the lost parking revenue is the driving factor for stopping outdoor dining, then please consider alternatives such as increasing the meter rates for other parking spots, or not offering free parking during the holidays. Thank you for being open to feedback.  
Yael + Pete Devonshire  
Manhattan Beach

## Martha Alvarez

---

**From:** Lauren Baker <lauren.baker18@gmail.com>  
**Sent:** Wednesday, December 15, 2021 9:57 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

As a Manhattan Beach resident, I want to express my support for permanent outdoor dining in Downtown Manhattan Beach. This proposal provides a quality and upscale experience for residents to enjoy.

I look forward to meeting up with friends and family for an outdoor dining experience. This will be a beautiful and vibrant space where Manhattan Beach residents and visitors can live and play for years to come. I ask the City Planning Commission & City Council to please stand with me in support of making outdoor dining in Downtown Manhattan Beach and El Porto permanent.

We do not need more traffic and cars through those areas. While I understand parking is an issue, there is plenty of parking in the garages and nearby streets.

Thank you,  
Lauren Baker  
39th Street

## Martha Alvarez

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**From:** Andrew Sklover <sklover.andrew@gmail.com>  
**Sent:** Wednesday, December 15, 2021 9:50 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Save MB Outdoor Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

As a resident of Manhattan Beach for the past five years, I've grown to love this town more than anyplace in the world. It's come to my attention that the MB City Council voted to remove outdoor dining as of 1/3/22 with no plans for a permanent replacement.

In addition to providing a safe, outdoor option in the midst of a pandemic with surging infection rates, the outdoor dining helps out small businesses thrive, pay taxes and provide employment to many, including members of our city. It's my sincere hope that the MBCC reconsiders this decision in light of the factors mentioned above, and develops a thorough plan such that everyone can enjoy dining al fresco.

Thanks,

Andrew J. Sklover  
201 Shell Street, Manhattan Beach CA 90266

Sent from my iPhone

## Martha Alvarez

---

**From:** Rajan Mehta <rajmehta17@gmail.com>  
**Sent:** Wednesday, December 15, 2021 8:18 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Extend Outdoor Dining Beyond Jan 3rd

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

I am a city resident (706 N Dianthus St) and strongly oppose the plan to end outdoor dining on Jan 3rd. The pandemic is entering a dangerous new phase with the omicron variant. At a time when the state government is taking new measures to halt the spread of Covid and the CDC is urging us to avoid unnecessary indoor gatherings, it is misguided and dangerous to force all restaurant dining in the city to be indoors. Outdoor dining needs to be continued until the pandemic has ended. Any other course of action will risk lives and cause more people to get sick.

I am disappointed to see my city council so out of touch with the current pandemic situation. I will oppose any city council member at the next election that votes to remove outdoor dining.

Best,  
Raj

## Martha Alvarez

---

**From:** Nikki Kendall <kendall90266@gmail.com>  
**Sent:** Wednesday, December 15, 2021 7:59 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Greetings

I appreciate the tough job you all have of mitigating loss during these times. That said I can't understand the ill-timed decision of closing the restaurants' outdoor dining spaces. As we head into another surge— and with all our local restaurants have been through—the lifeline of outdoor dining is not only the safest option but the ONLY option for most people who are NOT comfortable dining indoors. How does this make sense on your agenda?

The combination of our temperate climate and the bizarre lack of outdoor dining was actually cured with the initiative to let restaurants creat outdoor space. It's never been better here. In a time of utter depression elsewhere we have thrived. At the worst of lockdowns we could still go get food outdoors. Our family is international. They were so envious of our winter scenes. I can't believe you guys are closing this now. It's surreal.

You guys are killing our local economy doing this. Making them pay for their own outdoor spaces then taking it away when they need it the most. It's heartbreaking. I have faith you will do the right thing. I know NO ONE that doesn't support outdoor dining. I'm a local parent and business owner. We ALL are flabbergasted at your choice. You'll have a whole city up in arms. We all support local business YOU MUST ALSO.

Sincerely and with great hope you won't kill off local businesses for... more parking?!

Monica Kendall

## Martha Alvarez

---

**From:** Meghan Grim <meghanrgrim@gmail.com>  
**Sent:** Wednesday, December 15, 2021 7:09 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

I'm writing as a resident and citizen who thoroughly enjoy and felt safe with outdoor dining. I'm not sure why city council voted to remove it without any plans to replace it, but not only did it give our community more of a European flare, it helped me feel safer about my dining choices as a mother of a newborn infant. As variants rage on, and we get close to one million people dying in the US from Covid, we should keep these simple dining set-ups for consumers to have freedom of choice to support restaurants if we don't feel comfortable dining inside.

Thank you,

Meghan

Sent from my iPhone

## Martha Alvarez

---

**From:** Julie Butchko <jabutchko@yahoo.com>  
**Sent:** Wednesday, December 15, 2021 6:34 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining - please keep the outside seating areas open

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please keep the outdoor dining areas open in Manhattan Beach. January 3rd is an arbitrary date, and the covid strains do not live according to a calendar.

With January, February, March being the slowest months of the year for tourism, many locals enjoy going downtown and to Highland Avenue for local dining and supporting local business. Eating outdoors has been the only way I've eaten in a MB restaurant since 2020.

And I won't eat at an indoor-only restaurant probably for another year, when it feels like the worldwide pandemic may start to lessen.

Please keep the outdoor dining areas open. It makes the whole downtown community and vibe so much better. Year round is even better!

Julie Butchko



## Martha Alvarez

---

**From:** Alissa Stevens <alissadstevens@gmail.com>  
**Sent:** Wednesday, December 15, 2021 6:23 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Save outdoor dining!!!

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

This is the best thing to happen to downtown in a long time. Locals appreciate it and COVID is not over. Businesses and locals will suffer. --

Ecopreneur

Host of [Get Real With Alissa Stevens](#)

mobile: 310-200-3293

[Website](#)

## Martha Alvarez

---

**From:** mary.olaughlin@gmail.com  
**Sent:** Wednesday, December 15, 2021 5:44 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Support of Outdoor Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi there,

I am writing to formally voice my support for MB outdoor dining and urge the city council to reconsider its recent vote on the matter.

Thank you for your consideration.

## Martha Alvarez

---

**From:** Beth Orozco <beth.boehm@gmail.com>  
**Sent:** Wednesday, December 15, 2021 5:14 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please keep dining decks

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To the Council,

Resident and home owner here. Outdoor dining is a must to safely eat outside with my senior parents and young kids. Yes even though my parents are vaccinated.

I understand you need a plan, please roll the new plan out before taking down the decks. This has been such a win for the community and without this we will have to go elsewhere.

Furthermore we live in east MB and the parking is not an issue at all. We can ride bikes too (and do).

If you need to pay for the spaces, give up the holiday free parking meters. This is a nice to have.

Thank you for your consideration. To take these down now and have a year or more gap is a huge mistake for the businesses that make our unique community and for my family to safely experience this important part of life. Be small town. Be nimble. Keep this town special.

Best,

Beth orozco

## Martha Alvarez

---

**From:** Robert Shiflet <robert-k-shiflet@comcast.net>  
**Sent:** Wednesday, December 15, 2021 4:30 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] CONTINUING DECK DINING AT MANHATTAN BEACH

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

We have really enjoyed the deck dining option that has been offered.

I think that it has been a big factor in locally owned and operated restaurants being able to financially survive the pandemic and keep their doors open.

In addition to that important outcome, I felt that it really encouraged building community during difficult time.

Please find an option that allows deck dining to survive, helping the community bond and small businesses to continue recovering.

Thank you,

Bob Shiflet 303-503-8624

#CarryTheFire #HoldFast

## Martha Alvarez

---

**From:** Ryan Linner <ryan@gymclassfitness.co>  
**Sent:** Wednesday, December 15, 2021 4:13 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Supporting outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Manhattan Beach City Council,

I know you're getting a lot of these and Instagram makes it easy to finally participate in localized decision making, but outdoor dining is the heartbeat of every American city.

It's the first thing you see and notice as you walk or drive into town. It excites you, it draws you in, and it makes you pay special attention to everything going on. When everything is indoors, nothing is going on and there's nothing to see. If you think about that yourself as you visit another town, I'm sure you have felt the same.

Forget the parking, people can uber. Worth an uber to eat outdoors anyday.

The city has felt much more European in the look and feel of it with patrons, eating, drinking and enjoying themselves outdoors. The removal of this, makes the community disconnected.

Please consider reversing the action and vote to keep outdoor dining.

Sincerely,

Ryan Linner

Founder

- 🔍 Look up our brand [@GymClass](#)
- 📱 [Instagram](#) | [LinkedIn](#)
- 📞 (972)310-9354

## Martha Alvarez

---

**From:** Chris Bredesen <chris@eatrockefeller.com>  
**Sent:** Wednesday, December 15, 2021 4:12 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I ask you to take another look at outdoor dining in our community. Business owners are listening and willing to make any changes needed to make everyone feel heard.

We live in this beautiful town for a reason! Great weather and amazing views, year-round!

--

Chris Bredesen  
(c) [310.2924395](tel:310.2924395)  
The Captain | **Rockefeller Gastropubs**  
Hermosa Beach, Manhattan Beach, Redondo Beach  
[www.eatrockefeller.com](http://www.eatrockefeller.com)

## Martha Alvarez

---

**From:** valerie rubio <usc52501@gmail.com>  
**Sent:** Wednesday, December 15, 2021 3:46 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining MB

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

I'd like to voice my support to keep outdoor dining in Manhattan Beach. It has been the only way my family and I have felt safe dining during this pandemic. Even with this cold weather, I'd much rather be outside than indoors given that COVID is spread primarily being indoors even if people wear masks and/or vaccinated, that is clearly not enough. I also think keeping outdoor dining helps keep people sane during these difficult times.

Regards,

Valerie

## Martha Alvarez

---

**From:** ANGELA ZANFARDINO <angelazanfardino.usa@gmail.com>  
**Sent:** Wednesday, December 15, 2021 3:34 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

**Importance:** High

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

- Dear Manhattan Beach City Officials,

As a Manhattan Beach resident, I want to express my support for permanent outdoor dining in Downtown Manhattan Beach. This proposal provides a quality and upscale experience for residents to enjoy.

I look forward to meeting up with friends and family for an outdoor dining experience. This will be a beautiful and vibrant space where Manhattan Beach residents and visitors can live and play for years to come. I ask the City Planning Commission & City Council to please stand with me in support of making outdoor dining in Downtown Manhattan Beach permanent.

- Sincerely,  
Angela Zanfardino, Manhattan Beach Resident



## Martha Alvarez

---

**From:** Rio P <rio.paolo@gmail.com>  
**Sent:** Wednesday, December 15, 2021 3:20 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Re: Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council of Manhattan Beach -

I am a resident of MB/El Porto and have been for 8 years. I just heard about the recent vote to remove outdoor dining. I must express my concern for a number of reasons.

Firstly, the new variant is driving cases across the globe. Maintaining outdoor dining is a tactic to salvage a sense of normalcy while still staying safe.

Secondly, the outdoor dining options create a sense of community in the city. It is wonderful and should be kept year-round.

Thirdly, the increase in restaurant capacity should mean an increase in local revenue. These businesses also pay "rent" for the metered spots.

Please feel free to reach out should you have any questions. Thank you.

-

+1.310.494.6624

## Martha Alvarez

---

**From:** Jana Simpson <jana.simpson001@gmail.com>  
**Sent:** Wednesday, December 15, 2021 3:20 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining in Manhattan Beach

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

I am a resident of Manhattan Beach and strongly believe that outdoor dining should continue. With the new Covid variant just arriving and people accustomed to dining out in our city, it makes sense to extend outdoor dining to keep our city as safe as possible while helping our business owners.

Thank you for your consideration.

Kind regards,  
Jana Simpson  
221 12th Pl  
Manhattan Beach, CA 90266

## Martha Alvarez

---

**From:** Karla Salguero <karlasalguero@me.com>  
**Sent:** Wednesday, December 15, 2021 2:39 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Manhattan Beach Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi There,

As a resident of the downtown manhattan beach area (225 11th Street, in between highland and Manhattan Ave) I would like to kindly request that you end outdoor dining in January as you have previously voted on. I realize a lot of the businesses are asking for the public's help however, I can no longer take the noise at night. For those like me who live that close it's become a nuisance and I feel the restaurants have been given enough time with outdoor space. I would love to get my evening peace and quiet back please.

Thank you.

Kind Regards,  
Karla Salguero

Sent from my iPhone

## Martha Alvarez

---

**From:** David Frigerio <frigeriofilms@gmail.com>  
**Sent:** Wednesday, December 15, 2021 2:20 PM  
**To:** List - City Council  
**Cc:** RuthAnne Gibson; Michael Kernan  
**Subject:** [EXTERNAL] Please do not shut down outdoor dining.

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

Please do not shut down outdoor seating and dining for our local restaurants. It has been so wonderful having them open and be able to dine outside while enjoying the air and ocean views.

It gives downtown MB so much more charm and it will certainly help the restaurants stay in business.

To close them would be insane.

Less cars, more people!!

Sincerely,

David Frigerio

Sent from my iPhone

## Martha Alvarez

---

**From:** Amanda Deutsch <amanda.m.deutsch@gmail.com>  
**Sent:** Wednesday, December 15, 2021 1:51 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] OUTDOOR DINING SHOULD STAY!

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council,

Over the past 18 months the outdoor dining has brought a sense of safety to the South Bay community during these difficult times. It has created jobs and allowed all the locals and visitors to be able to enjoy what they love the most about the South Bay. Being outside and enjoying all of our well known restaurants is what this community is all about. With California imposing another mask mandate, it is only fair that we get to keep outdoor dining forever. Not only do we love it but all the restaurants have spent so much money building their outdoor space making it look fantastic. It would be a shame if we couldn't enjoy the outdoor spaces anymore.

Sincerely,

Amanda

## Martha Alvarez

---

**From:** Jason Goldwater <info@bikiniwaxing.com>  
**Sent:** Wednesday, December 15, 2021 1:36 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please Don't Stop Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To Whom It May Concern,

I wanted to express my sadness that the outdoor dining is going away in Manhattan Beach. As a business owner with a storefront, this has been an awesome way to attract more people to the restaurants that are here. Especially in North Manhattan Beach, where we're located. It's driven more consumer traffic while creating an overall vibe that's made both ends of town look & feel busier. My hope is that you might reconsider as those who have not only spent the money and time in building their outdoor dining situations have done an exceptional job, and I imagine this closure will impact their ability to generate meaningful revenue at a time where that's still tough to come by – For everyone. I do recognize that the City of MB is taking a hit on the parking meters, but relative to the exposure and traffic that's being created for nearby small business, it's a small price to pay.

Thanks for your time — Jason Goldwater

**Jason Goldwater**  
Partner/Creator/CEO

*Direct:* [415.747.1565](tel:415.747.1565)

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IG: human\_landscapers

## Martha Alvarez

---

**From:** Bruce Moe  
**Sent:** Wednesday, December 15, 2021 1:35 PM  
**To:** List - City Council  
**Subject:** FW: Temporary Encroachment Permits (Outdoor Dining and Business Use)



### BRUCE MOE

CITY MANAGER

(310) 802-5053  
bmoe@manhattanbeach.gov

**CITY OF MANHATTAN BEACH** 1400 Highland Avenue Manhattan Beach, CA 90266

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**From:** CityOfManhattanBeach@manhattanbeach.gov <CityOfManhattanBeach@manhattanbeach.gov>  
**Sent:** Thursday, December 9, 2021 4:36 PM  
**To:** City Manager <cm@manhattanbeach.gov>  
**Subject:** Temporary Encroachment Permits (Outdoor Dining and Business Use)

Message submitted from the <City of Manhattan Beach> website.

**Site Visitor Name:** Marion Kuhns  
**Site Visitor Email:** [makorchid@hotmail.com](mailto:makorchid@hotmail.com)

I am just learning that the Temporary Encroachment Permits (Outdoor Dining and Business Use), will not be extended beyond January 3, 2022.

The COVID-19 pandemic continues to infect and kill many in our city and county. I think it's very short sighted to eliminate the outdoor dining which has allowed the citizens of Manhattan Beach and our visitors to enjoy eating out while enjoying the outdoors.

I urge the city council reconsiders this decision. We shouldn't compromise the health of our residents for parking meter revenue!

**CITY OF MANHATTAN BEACH**

CITY ENOTIFICATION

## Martha Alvarez

---

**From:** Lindy Smith <lindysmith@gmail.com>  
**Sent:** Wednesday, December 15, 2021 1:31 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Having grown up in Manhattan Beach I really never actually spent much time down at the beach. Beautiful to look at but I'm not much of a sand and ocean person. With outdoor dining that totally changed! I'm in downtown all of time now enjoying the views and just taking it all in in no small part because of the dining decks. It's been a great addition and makes sense for somewhere like southern California where the weather is always relatively nice. It makes no sense to get rid of these decks, especially while we are still in the heart of the pandemic. New variants make it's spread more contagious than ever and we know that being outdoors helps mitigate that. I strongly encourage you to reconsider keeping the decks for the foreseeable future.

Sincerely,  
Lindy Smith



## Martha Alvarez

---

**From:** Tina Phillips <tina@itzsold.com>  
**Sent:** Wednesday, December 15, 2021 1:27 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please keep outdoor dining in Manhattan beach. It's a nice way to enjoy our community and eat outside where it feels safer. Really surprised that someone wants to end it.

Tina Kaminsky Phillips  
Kaminsky Real Estate Group | eXp Realty, Inc.  
310-873-8462  
DRE#01828048

## Martha Alvarez

---

**From:** Jewels Davidson <jewelsdavidsonfit@gmail.com>  
**Sent:** Wednesday, December 15, 2021 1:12 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining removal-Please NO!

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council Members,

I was recently informed that outdoor dining will be taken down on 1/3/22.

I truly hope this does not happen.

Having been a resident since 2006 & a local business owner the last decade, I find this decision to be nonsensical, given the continued pandemic and what's in the best interest of local business owners, dining patrons with young kids & the community as a whole.

My clientele & MB friends have all expressed their opinion in strong support of keeping the outdoor decks until a more permanent outdoor solution is created (especially given our beautiful year round weather.)

Please re-consider the City's position on this, as several restaurant owners are our close friends & cannot afford this change given current Covid conditions. Plus local residents like myself, do not like losing this dining option.

Julie Davidson  
Resident since 2006

## Martha Alvarez

---

**From:** Debbie Kim <dkim2009@gmail.com>  
**Sent:** Wednesday, December 15, 2021 1:12 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please save outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Whom it may concern,

Hello, I am a resident in the South Bay and my husband and I have three children. One is vaccinated and the other younger two are not because they do not qualify. Since the pandemic, we have visited many restaurants in the South Bay, especially in Manhattan Beach, because they offer safe, outdoor dining. I am asking to please keep outdoor dining available in Manhattan Beach, at least until the COVID vaccine is available for all ages. Thank you very much for your consideration.

Sincerely,

Debbie Kim

## Martha Alvarez

---

**From:** Pearce Cucchissi <pearcecucchissi@gmail.com>  
**Sent:** Wednesday, December 15, 2021 12:42 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] outdoor dining patios

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

As a US Army veteran i looked forward to returning to manhattan beach. the outdoor dining patios is something that should have been put in years ago. it would be a huge mistake for the city to remove them, they have moved the city forward in many ways that are hard to describe.

Removing them is a big mistake, please keep them.

As a mental health professional this is something that has truly helped people in our city.

Pearce

## Martha Alvarez

---

**From:** Tyler Waddell <tyler.s.waddell@gmail.com>  
**Sent:** Wednesday, December 15, 2021 12:26 PM  
**To:** List - City Council  
**Cc:** Casey Knox  
**Subject:** [EXTERNAL] Save Outdoor Dining!

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Good Afternoon MB City Council,

Please save the outdoor dining! We have some of the best weather in the world and excuse the pun it's been such a breath of fresh air to dine outside! Cities like Chicago and NY have more outdoor dining than the South Bay and nowhere near the weather opportunity. I would imagine the increased capacity for some of our great restaurants far exceeds and missed parking revenue.

KEEP OUTDOOR DINING PLEASE!

Thank you,

The Waddell Family

## Martha Alvarez

---

**From:** Danny Palumbo <daniel.palumbo07@gmail.com>  
**Sent:** Wednesday, December 15, 2021 12:27 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] PLEASE Keep - Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello MB Council,

This email is in response to the decision to remove outdoor dining decks from local restaurants with no plans for permanent replacements. As a local resident to Manhattan Beach, this would be a poor decision for a number of reasons:

1). Save/Keep Our Restaurants: this temporary fix to a COVID induced restriction allowed for many of our restaurants to survive amidst the pandemic. Oh and here we are in a state of emergency, still in a pandemic. What changed? Many of these restaurants dedicated \$\$\$, and a substantial amount, to building infrastructure outside to support this measure. This was out of survival. Now you're going to strip this away? Which puts these small businesses at a loss for their initial investment, as well as, a hit to their bottom line with less service to customers. How do we know Newsom won't turn around and create indoor dining restrictions after everything is removed in January? There's too much uncertainty right now to remove these permanent structures.

2). Community Vibrance: more locals and visitors are coming to MB for the atmosphere and outdoor dining should stay a part of this community. More . Stripping away outdoor eatery settings for what... more parking? The hustle and bustle of MB on the weekends has tons of energy, with a lack of riff raff. I think the outdoor dining settings create a sense of character and ambiance for an already beautiful part of the South Bay. Let's keep it that way.

Please reconsider this vote and either leave it to public decision or create standards and SOPs for outdoor dining structures that meet the needs of our community.

Best,  
Dan Palumbo

## Martha Alvarez

---

**From:** Makenzie Mitchell <makenzie.mitchell@gmail.com>  
**Sent:** Wednesday, December 15, 2021 12:24 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To Whom It May Concern,

I hope you are well. I am writing to urge the council to reconsider their decision to remove outdoor dining effective January 3, 2022. Outdoor dining is a huge source of revenue in the community, bringing in tourism money and supporting local businesses and residents. Without the additional dining areas outside, restaurants will lose a significant amount of business, causing them to have to lay off workers (that they needed to hire after the pandemic to support the change in demand with outdoor spaces open) and possibly close their doors for good. With the existing pandemic and new COVID variant, people are weary to dine indoors still, so leaving no other option will inevitably result in a huge profit loss both for the city and the businesses in the community. Again, please reconsider this decision and try to keep people in their jobs. I appreciate your time and look forward to hearing about next steps, thank you.

--

**Makenzie MITCHELL**  
[makenzie.mitchell@gmail.com](mailto:makenzie.mitchell@gmail.com) (508) 930-0902

## Martha Alvarez

---

**From:** Brittini Slay <brittini.slay@gmail.com>  
**Sent:** Wednesday, December 15, 2021 12:14 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] I STRONGLY SUPPORT OUTDOOR DINING!!!!

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I am not only a longtime resident of Downtown Manhattan Beach but I am also a business owner. We DAILY have customers coming to our restaurants that do not want to dine inside. Are we going to be a city that loses that customer base? That loses people that dont feel comfortable dining inside? I have never been to a single beach town in the entire WORLD where you cant dine outside. In case you didn't know... A LOT OF PEOPLE AGAINST OUTDOOR DINING, REQUEST TO SIT ON OUR PATIOS WHEN THEY COME TO OUR RESTAURANTS AND REFUSE TO SIT INSIDE!! It is VERY hypocritical. Aside from that, do you know the additional employees, most of which are locals we have provided jobs to with the extra space? Losing this space will alleviate a ton of jobs for people in our communities. Lastly, do you know how much \$\$\$ we have spent to build our decks, maintain them, take them down when MB changed the rules, put them back up etc. We have spent tens of thousands of dollars that as a small restaurant we do not have on these decks and all the rules and regulations MB has constantly enforced or change. LOSING THESE DECKS WILL DETER PEOPLE FROM THIS TOWN...FACT all over a few parking spots...I dont not go to Laguna Beach or Beverly Hills because parking is bad, you deal with it!

Thank you,  
Brittini Slay



## **Martha Alvarez**

---

**From:** kara mickelson <km@creativeculinarygroup.com>  
**Sent:** Wednesday, December 15, 2021 12:07 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To whom it may concern,

There is a rumor that the MB city council is looking to ban the outdoor dining spaces created due to the pandemic. I think this is a bad idea. The outdoor dining option has created a resort feel to the community that reminds me of Europe's charming seaside towns. The future is unknown in regards to the Covid and the extra seats for restaurants allow more covers per night.

Please be smart and leave the outdoor spaces. I believe this is the best way forward for the community.

**Kara Mickelson**

**310-463-3924**

## Martha Alvarez

---

**From:** Madeline B <mbarisano12@gmail.com>  
**Sent:** Wednesday, December 15, 2021 12:01 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining Ban

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi!

I am currently an employee of Fishing With Dynamite in MB. I have worked in the South Bay restaurant industry for over six years, and currently reside in Hermosa Beach. Outdoor dining has been an amazing addition to our community. I cannot tell you the amount of times a guest at a table has said "Is this permanent? I hope they let you keep this." People are so excited to be able to sit outside and enjoy a great dining experience. Even in cooler months, we still have guests requesting outdoor tables. Other than the fact that it is widely supported in our community, the restaurants had to quickly adapt to many rules and regulations with as little as two days notice. It felt like we were constantly rolling with the punches. Outdoor dining helped save many businesses, but with that came a lot of change. We had to hire more front and back of house employees, order 2-3x more supplies to accommodate the guests, and not to mention buy the actual tent itself, as well as all the tables, chairs, umbrellas, decor, heaters etc to ensure a terrific guest experience. I fear that many of us will once again be without jobs because there will be no need for so many staff members, however this time we will not have the extra government assistance. Please please please, keep outdoor dining in Manhattan Beach. It is a wonderful addition to our community!! I appreciate you taking the time to read through this email and hope you are having a lovely holiday season!!

Best,  
Madeline Barisano

## Martha Alvarez

---

**From:** Allie Hoerster <alliehoerster@gmail.com>  
**Sent:** Wednesday, December 15, 2021 11:43 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] PLEASE KEEP OUTDOOR DINING

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To whom it may concern—

Please, please, please rethink your stance on getting rid of outdoor dining in MB. It's been such an amazing addition to the community, and I've loved taking friends and family to my favorite outdoor restaurant patios when they come into town. We pay a premium to live by the beach, so why not enjoy the fresh ocean breeze and sounds of the waves while we dine and support local business? I grew up in Chicago where I was forced to dine inside during the winter months due to cold temperatures, so it seems silly to do the same here when the weather is perfect for al fresco dining. Plus, the outdoor dining allows for so many more tables and opportunities to interact with other restaurant-goers and passersby. So many restaurants and local businesses have had to close their doors permanently due to COVID, so why affect them even more by taking away these seating arrangements? There's an infinite amount of reasons to keep outdoor dining—please, reconsider. For our community.

Best,  
Allie Hoerster  
6302409373

## Martha Alvarez

---

**From:** Brittany Howard <brittanyhoward915@gmail.com>  
**Sent:** Wednesday, December 15, 2021 11:40 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep Outdoor Dining!!!

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

My name is Brittany Howard, and I've been a resident of Manhattan Beach since January 2018. I'm writing to you today to express my support of keeping outdoor dining in Manhattan Beach. It not only make the city look more vibrant, it allows for more people to dine at the incredible restaurants the city has. Outdoor dining has created so many jobs in the city of Manhattan Beach, and is the reason a majority of restaurants did not go under during the quarantine. It also has created so much more foot traffic for business as people walk in before or after their meals. Please keep outdoor dining!!!

Thank you,  
Brittany Howard

6502742225

--

Brittany Howard  
Pepperdine University | MS Global Business  
Stanford University | BA Science, Technology, & Society

## Martha Alvarez

---

**From:** Casey Knox <casey.knox@gmail.com>  
**Sent:** Wednesday, December 15, 2021 11:19 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining in MB

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please do not remove the outdoor dining in Manhattan Beach. Me and my family love what outdoor dining has brought to our community. It provides a great way to enjoy our beautiful town and provides a safe way to dine during this ongoing pandemic. Please make it permanent.

Thank you,  
Casey Waddell

## Martha Alvarez

---

**From:** 516 Marine <516marine@gmail.com>  
**Sent:** Wednesday, December 15, 2021 10:42 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please save outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Our family has enjoyed the outdoor dining experience and believe that it brings more character and charm to our town. With two children we would not have been able to dine out as a family otherwise.

Please vote to keep outdoor dining permanently.

Justin Cooper  
MB resident on 12th St

## Martha Alvarez

---

**From:** CityOfManhattanBeach@manhattanbeach.gov on behalf of City of Manhattan Beach <CityOfManhattanBeach@manhattanbeach.gov>  
**Sent:** Wednesday, December 15, 2021 10:42 AM  
**To:** List - City Council  
**Subject:** Closure of Restaurant Decking

Message submitted from the <City of Manhattan Beach> website.

**Site Visitor Name:** Deborah Gunny  
**Site Visitor Email:** debgunny@gmail.com

In light of the state's mandate to wear masks inside (yet again) and the resurgence of COVID cases, I ask the City Council re-consider the decision for restaurants to take down their decking. The new mask mandate goes beyond the date you have set for dismantling the decks. And these restaurants and our community need and deserve all the support possible. Frankly, I wish you would re-consider and keep them up permanently! We have such a lovely setting in MB and to always have to eat inside is really a shame. The outside decks are a big draw for me to eat downtown. Thanks for your consideration.



### CITY OF MANHATTAN BEACH

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## Martha Alvarez

---

**From:** Isa Gillette <isagillette1@gmail.com>  
**Sent:** Wednesday, December 15, 2021 9:40 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Request to Keep Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

I'd like to voice my support in favor of local restaurants maintaining outdoor dining. It's been a massive benefit to the community, has allowed for safer covid dining measures, and helped local businesses financially recover after last year's shutdowns.

Please keep them open and allow local businesses and the community to benefit!  
Thank you,

--  
Isa Gillette



## Martha Alvarez

---

**From:** Rita Moorman <rmoorman@earthlink.net>  
**Sent:** Wednesday, December 15, 2021 9:31 AM  
**To:** List - City Council  
**Cc:** Adam Goldston  
**Subject:** [EXTERNAL] Outdoor dining decks

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

I heard on the news this morning that the outdoor dining decks would come to an end and need to be removed by January 3, 2022. While I realize these were never meant to be permanent (although I think they should be), I really question the wisdom of removing them at the end of the holiday season. We are in the beginning stages of an uptick in Covid cases right now after the Thanksgiving holidays, onset of winter, etc. We also do not yet know the impact of Omicron and the State of California has just re instituted an indoor mask mandate as cases and hospitalizations are increasing.

I do understand the concerns on the other side of this issue but as a frontline physician and someone who prides herself on common sense when dealing with Covid hysteria this decision does not meet the bar for good common sense. Lets postpone the takedown of the decks and the elimination of outdoor dining until we get well past the holidays, any winter surge, and the Omicron effects become more clear.

Best, Rita Moorman MD  
30 year MB Resident

## Martha Alvarez

---

**From:** Jeffrey Strnad <jeff@designbuildinvest.com>  
**Sent:** Wednesday, December 15, 2021 8:49 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council Members,

We recently were informed that outdoor dining was being dismantled on 1/3/22.

Having been a 29-year resident and local business owner here in Manhattan Beach, we find the decision by City Council Members to remove such, disheartening and not in the best interest of the overall community, restaurant owners, and visitors who support our small town.

In light of the on-going Covid situation and financial hardship endured by local businesses, we ask that outdoor dining not only remain, but that a permanent plan be memorialized in the city.

There is quite an undercurrent of support for keeping outdoor dining that I believe overrides the minority that is vocal about their complaints of such.

I ask and encourage you to re-consider the City's position on this Pause, as the business owners cannot afford this change given current Covid conditions, and patrons and local city residents do not like losing this long-sought after outdoor dining.

Jeffrey Strnad  
Resident and Local Business Owner since 1993

## Martha Alvarez

---

**From:** George Gabriel  
**Sent:** Wednesday, December 15, 2021 8:44 AM  
**Subject:** Homeless Court & Prosecution Contract with Redondo Beach

BCC: City Council

City Council,

Despite staff's best efforts, the agenda item regarding consideration of a draft contract with the City of Redondo Beach for homeless court and prosecution services has been rescheduled to the next City Council meeting on January 18, 2022.

Staff had expected to receive a draft contract with Redondo Beach by Monday and was expecting to conduct a swift legal review to accommodate agenda publication today. However, the City of Redondo Beach City Attorney's Office was unable to provide a draft contract to staff and thus requested to reschedule the agenda item.

In the meantime, staff has simultaneously proceeded for homeless court service negotiations with the Los Angeles County District Attorney and the City of Redondo Beach as Council has directed in prior meetings.

Thank you,  
George



### GEORGE GABRIEL

ASSISTANT TO THE CITY MANAGER

(310) 802-5054

ggabriel@manhattanbeach.gov

**CITY OF MANHATTAN BEACH** 1400 Highland Avenue Manhattan Beach, CA 90266

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## Martha Alvarez

---

**From:** Casey Manchester <caseylmanchester@gmail.com>  
**Sent:** Wednesday, December 15, 2021 8:25 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] KEEP OUTDOOR DINING

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Manhattan Beach City Council,

I am writing to you to voice my feelings about the decision to force restaurants to remove all their outdoor dining by January 3rd. I disagree with this decision completely. Manhattan Beach is a community where we help our own. The outdoor dining has not only allowed local businesses to keep their doors open but provided the community with the ability to enjoy the beautiful weather California has to offer. The outdoor dining has made this community a better place and I feel enraged and disappointed with the city's decision to take this away. I hope you hear our voices and listen.

Sincerely,  
Casey Manchester

## Martha Alvarez

---

**From:** Thad J Wharton <thadjw@gmail.com>  
**Sent:** Tuesday, December 14, 2021 8:55 PM  
**To:** Hildy Stern; List - City Council  
**Cc:** thaddaeus.wharton.2@us.af.mil  
**Subject:** Re: [EXTERNAL] Please keep some outdoor seating in MB metered areas

Ms. Mayor and team,

Thank you for the responses. To you in particular, Ms. Mayor. That matters a lot. It does say a lot that Mr. Kim represents businesses and says removing the dining platforms outside restaurants is a benefit to many. I don't see the issues well from that view.

\*\*I just know that dining has been a greeter pleasure when outside. Most if not all outdoor spaces we frequent (Slay, Culture Brewing, Love & Salt, Tacolicious et al) will have to close great spaces. I can't think of one location that will get to keep good outdoor space with the new rules in Jan. Ercoles maybe? If a business was willing to pay for a 2-year lease for additional time to keep the current practice in place then you (and we as MB) would have more diverse dining environments and it would make us better.

Most of all - thank you for the considerate response. I'm not sure I buy all the need to inspect the drainage systems, etc. but your words show you are weighing many options with a real desire to understand other views. Have a great day,

Respectfully, TJ

>> On Dec 14, 2021, at 8:18 PM, Hildy Stern <hstern@manhattanbeach.gov> wrote:

>> Dear TJ

>>

>> Thank you for sharing your thoughts about outdoor dining in MB.

>>

>> I want to just clarify that the decision only applies to the dining in the parking spots. Outdoor dining on sidewalks, patios and other public right-of-ways is still permissible and widely available throughout MB.

>>

>> The decision was not an easy one. Broadly, our community does enjoy eating outdoors, as do I. And over the last almost two years we have learned a lot about the impacts the dining decks have had in numerous ways.

>>

>> Initially, when the city worked with the restaurants to create the temporary outdoor dining we couldn't foresee what we know now. Very importantly is the impact to the other non-restaurant businesses. We fully supported the decks, certainly when the other retail and personal services businesses also either benefited or were willing to sacrifice for the restaurants. As time has gone on, however, we have learned that not all non-restaurants can withstand the decrease in their business due to the decks. In fact, the North Manhattan BID Chair, Peter Kim, who also owns a restaurant, plead on behalf of the businesses to have the decks removed because the impacts are threatening the livelihood of the other businesses. Similarly, we have heard from many businesses downtown who are also struggling. With the restaurants now experiencing capacity indoors, we have to consider the equities for the other businesses and restaurants who could not build decks.

>>

>> A second and very important area of concern is the maintenance and upkeep that has been put on hold because of the decks. Street repairs, storm drain upkeep, trash removal and street cleaning have been postponed but need to be reinstated. In addition, the temporary decks require inspection and repairs. The longer we postpone our maintenance, the greater the cost and disrepair we will withstand.

>>

>> Also, many other impacts have not been addressed - congestion, parking, traffic, safety, sanitation, noise, ADA access - affecting both visitors, residents and the business community.

>>

>> Finally, as decision makers, we cannot ignore the costs to the city - the lost revenue, safety costs, costs to adapt for events, staff time, increased maintenance costs - which are being borne by the city rather than the restaurants.

>>

>> The reality is, outdoor dining is certainly a trend in dining that the restaurant sector will have to decide how they want to adapt in their business planning. As a city we will certainly support this as long as we can mitigate the negative effects. The use of our outdoor public right-of-way requires a much more comprehensive analysis which is why we directed staff to look at this as a long term consideration. When all the stakeholders can have input and we factor in the lessons we have learned over the past couple years, I'm confident we will make a more balanced decision about how to incorporate more outdoor dining in MB. Until then, I hope you will dine in MB at the many existing outdoor dining opportunities.

>>

>> I hope you are having a wonderful holiday season.

>> Hildy

>>

>>

>> Hildy Stern

>> Mayor

>> 310-802-5053

>> [hstern@manhattanbeach.gov](mailto:hstern@manhattanbeach.gov)

>>

>> City of Manhattan Beach, CA

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>>

---

>> From: Thad J Wharton <[thadjw@gmail.com](mailto:thadjw@gmail.com)>

>> Sent: Tuesday, December 14, 2021 3:19 PM

>> To: List - City Council

>> Cc: [thaddaeus.wharton.2@us.af.mil](mailto:thaddaeus.wharton.2@us.af.mil)

>> Subject: [EXTERNAL] Please keep some outdoor seating in MB metered areas

>>

>> CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

>>

>> To whom receives this in MB office,

>>

>> I'm a resident. I, my friends and my wife have been talking about this issue. We really hope that you find a way to keep much (or all) of the outdoor seating. We are fine walking from the structure near MB city hall / library. It is too great a feeling to be sitting outside in these new sunny areas. Please keep them. Otherwise we stay in more often. You'll actually get less money from meters!

>>

>> \*\*\*Please reply so I know this was received!

>>

>> Respectfully, TJ Wharton

**Martha Alvarez**

---

**From:** Robyn Willey-Pratt <robynwilleypratt@me.com>  
**Sent:** Tuesday, December 14, 2021 5:52 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Out door dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

PLEASE keep the out door dining! Manhattan Beach is one of the few places I'll go to restaurants because of the out door dining!

--

**Robyn Willey-Pratt**  
Assistant Director  
Nickelodeon  
[robynwilleypratt@mac.com](mailto:robynwilleypratt@mac.com)

## Martha Alvarez

---

**From:** Betty Wei <bwei0807@gmail.com>  
**Sent:** Tuesday, December 14, 2021 4:30 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

MB City Council,

I am a Manhattan Beach resident and I'm very concerned with the decision to stop the outdoor dining options in Manhattan Beach on Jan 3. While I understand that this was supposed to be a temporary situation, the fact remains that COVID and this pandemic are not over.

I work for Providence Health Services and we are beginning to see an uptick in COVID cases once again and while they are not like they were last year at this time, we obviously have concerns as to whether we will see it increase further as the Omicron variant continues to rapidly spread.

Additionally, what about young children? I have a 7 year old (recently vaccinated) and a 4 year old (not yet old enough to vaccinate). My husband and I have made a conscious choice to only eat outdoors with our children, and now in particular, my son given his inability to be vaccinated. Are your attitudes that since the 5+ category can be vaccinated now, people can just safely eat indoors again? What about the segment of families, like my own, who have children unable (not unwilling) to be vaccinated?

The State of California just enacted an indoor mask mandate yet again. While it is no change for those of us in Los Angeles County, it's clearly a sign that there is potentially increased risk for COVID transmission and it's safer to eat outdoors. Many restaurants are still just getting by with difficulty staffing and diners still reluctant to eat indoors. Why would we make this change now just as the state and health departments are raising a warning flag? The timing is simply awful from a risk level and optics.

I beg of you to please reconsider this date and delay the stoppage in outdoor dining decks. Let's at least get through a potential winter surge before we make the change.

Respectfully,  
Betty Wei  
1466 5th Street, Manhattan Beach  
213-500-3994



## Martha Alvarez

---

**From:** Thad J Wharton <thadjw@gmail.com>  
**Sent:** Tuesday, December 14, 2021 3:20 PM  
**To:** List - City Council  
**Cc:** thaddaeus.wharton.2@us.af.mil  
**Subject:** [EXTERNAL] Please keep some outdoor seating in MB metered areas

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To whom receives this in MB office,

I'm a resident. I, my friends and my wife have been talking about this issue. We really hope that you find a way to keep much (or all) of the outdoor seating. We are fine walking from the structure near MB city hall / library. It is too great a feeling to be sitting outside in these new sunny areas. Please keep them. Otherwise we stay in more often. You'll actually get less money from meters!

\*\*\*Please reply so I know this was received!

Respectfully, TJ Wharton

## Martha Alvarez

---

**From:** Lani Lapidus <lanilapidus@gmail.com>  
**Sent:** Tuesday, December 14, 2021 2:38 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Hello Council!

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I would like to pass on to Council my reaction to the decision to eliminate outdoor downtown dining.

If you eliminate the option of outdoor dining, I will no longer be able to support the downtown restaurant businesses as I am not currently comfortable eating indoors. Between the unknowns regarding the current and future variants, and my age etc., I do not share the confidence of some others have that I will be safe when dining life moves indoors, and so the downtown businesses will lose my business entirely and indefinitely.

I regret that I am not completely up on all sides of the issues, but I would be willing to pay more for parking and continue to walk or Lyft downtown as necessary, but my redline is the elimination of the outdoor structures. As an aside, I have spent a good deal of time back east recently and the restaurants have built very elaborate and seemingly permanent structures, some themed to the restaurants, some with chandeliers and other extensive lighting and fixtures, and all with roofs ranging from tin to thatched to shingles.

Council has my support for any plan that allows outdoor eating to continue. Thank you for listening and considering my perspective;

Helane (Lani) Lapidus  
(310) 486-4865

## Martha Alvarez

---

**From:** stephanie Ramacieri <stephanieramacieri@gmail.com>  
**Sent:** Tuesday, December 14, 2021 12:48 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] City of Manhattan Restaurants Concerns

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi To Whom it may concern,

I am writing on behalf of the MB city and as. Local South Bay resident.

Please reconsider your choice as to force Manhattan Beach Restaurants to close/remove their outdoor dining.

Questions/concerns you should acknowledge before doing so.

Does the City know how much money and effort they put into accommodating outdoor dining? And if so do you plan on Reimbursing EACH restaurant for their purchases?

We live in Southern California where this current weather we're experiencing isn't often. We like dining outside!!! As a family of 4 (2 school aged children) there typically are NO TVs around so we actually can speak to one another without distractions. From the last year where our children were behind screens all day were still trying to limit screentime, and being able to be outside in fresh air eating is very important, because our children are inside and outside at school in masks all day.

Please reconsider your decision from a Wife who loves date nights with her husband outside amongst the beach, and from a Mother's Point of view where outdoors there is as many distractions and my children love the beach view as well.

Thank you.

Sincerely,

Stephanie Ramacieri

## Martha Alvarez

---

**From:** Dennis Duke Noor <denduke@yahoo.com>  
**Sent:** Tuesday, December 14, 2021 11:23 AM  
**To:** List - City Council  
**Cc:** List - Planning Commission  
**Subject:** [EXTERNAL] Equal Access: Outdoor Dining and the God-Given Rights

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Manhattan Beach City Council and Planning Commissioners,

As local resident for 71 years, I DO NOT support *permanent* outdoor dining in Downtown Manhattan Beach, or any South Bay City for that matter.

This current proposal takes away the rights of citizens on the public right of way.

I love outdoor dining as much as we all do, but this suggestion is at the expense of the many, many citizens. Citizens whose taxes pay for the public right of way, which includes the streets, parking spaces and sidewalks of every South Bay City and beyond.

Meeting with family and friends is best served, in my opinion,  
**ON PRIVATE PROPERTY ONLY.**

In other words, a beautiful and vibrant space where Manhattan Beach residents and visitors can **park** and **walk** freely with equal access.

I ask the City Planning Commission & City Council to please use common sense and **DO NOT SUPPORT** outdoor dining **on the public's streets** in Downtown Manhattan Beach to become **permanent**.

Sincerely,

Duke Noor  
Hermosa Beach

## Martha Alvarez

---

**From:** Madison Bristol <madison.wertz@gmail.com>  
**Sent:** Tuesday, December 14, 2021 10:59 AM  
**To:** List - City Council  
**Cc:** Hildy Stern; Steve Napolitano; Richard Montgomery; Joe Franklin; Suzanne Hadley  
**Subject:** [EXTERNAL] Keep Outdoor Dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi city council members,

My husband, our two kids and I moved to Manhattan Beach two years ago (1909 Harkness Street) and have truly fallen in love with our little beach town. We enjoy all it offers including the amazing restaurants. I just wanted to voice our **strong support to continue the outdoor patio dining**. With our gorgeous year around weather, it truly seems amiss to have primarily indoor only dining. I always see the restaurants full, so I do not believe it is a parking issue.

Please reconsider your decision to close outdoor dining for the restaurants.

Respectfully,

Madison Bristol  
949.433.7176

## Martha Alvarez

---

**From:** S <lyric7700@yahoo.com>  
**Sent:** Tuesday, December 14, 2021 9:52 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] MB outdoor dining.

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

City council friends!

The outdoor dining in MB is the ONLY reason we go to restaurants during the covid time. We have young kids. We will not be going to any of the restaurants if you remove the outdoor option for our safety. And every mom I know feels the same way. Please keep the outdoor dining for our safety, enjoyment, and economic gain of the restaurants.

Thank you!

Sonnet Matthews  
MB resident. Marine Ave

## Martha Alvarez

---

**From:** Sonnet Simmons <sonnetmusic@me.com>  
**Sent:** Tuesday, December 14, 2021 9:53 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Out door dining!

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

City council friends!

The outdoor dining in MB is the ONLY reason we go to restaurants during the covid time. We have young kids. We will not be going to any of the restaurants if you remove the outdoor option for our safety. And every mom I know feels the same way. Please keep the outdoor dining for our safety, enjoyment, and economic gain of the restaurants.

Thank you!

Sonnet Matthews  
MB resident. Marine Ave

Sent from my iPhone

## Martha Alvarez

---

**From:** Lindsay Bachner <lindsay.felldin@gmail.com>  
**Sent:** Tuesday, December 14, 2021 9:33 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining removals

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I am beyond disappointed to learn of your plans to request/require our eating establishments remove their newly (Covid) constructed outdoor dining spaces. What / why are the reasons here? We lack for outdoor space in this city. We live for being outside near the water. We want our restaurants to survive! We don't need 20, 50, whatever it is extra parking spaces in an era when people are shifting to electric bikes, Uber, shared transit - and in a city with plenty of parking in garage facilities.

I cannot fathom any restaurant wishing for this after being closed for nearly a year or more, then spending dollars to construct ways to allow us all to dine safely.

PLEASE reconsider. Allow residents to vote. HEAR US!



## Martha Alvarez

---

**From:** Marilee Kiernan <marilee.kiernan@gmail.com>  
**Sent:** Tuesday, December 14, 2021 9:09 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

As a local resident and physician, I am sad to see the outdoor dining decks go. I think this is the safest way to eat out during these pandemic times, and it's also fun!

Please consider.

Sincerely,  
Marilee Kiernan, MD

## Martha Alvarez

---

**From:** Sandy Quigley <sandyshepley@hotmail.com>  
**Sent:** Tuesday, December 14, 2021 7:58 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining - keep it please!

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi

I can't imagine the reasons we would get rid of outdoor dining....especially when Covid is nit going away and it is a beautiful option for our city.

Perhaps a good idea to share more info on restaurants that do not want to keep it so we can support those that do.

I have never talked to a resident that does not love the outdoor dining option.

Thank you for your help to keep this in our city.

Happy Holidays!

Sandy Quigley  
310.755.5076

## Martha Alvarez

---

**From:** Martie <martie.zoor@gmail.com>  
**Sent:** Tuesday, December 14, 2021 7:22 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] MB: Regarding removing outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To Whom It May Concern:

It is very disappointing to hear that Manhattan Beach City Council just decided to force MB restaurants to remove all their outdoor dining by Jan. 3rd. I live in South Bay and go to Downtwon Manhatten all of the time. The option to sit outside is important to me because of Covid but even more, it's a beach town and the weather is usually great here. Why would I want you want sit inside all of the time? It was always been odd to be that there was barely any outdoor seating in MB and surrounding towns.

From what I have heard and read, having outdoor dining is extremely important to restaurant owners. Parking is not an issue this time of year at all. Every dollar spent at these restaurants benefits the business and it also benefits the city in tax revenues and in helping businesses stay open.

I ask you to reconsider taking down the outdoor dining spots. It seems like the opposite of what should be happening with the spread of Covid.

<https://abc7.com/health/california-reimposing-indoor-mask-mandate/11335487/>

-Martie Zoor  
Local Resident

## Martha Alvarez

---

**From:** jenni collado <jcollado1@yahoo.com>  
**Sent:** Tuesday, December 14, 2021 7:20 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please keep outdoor seating open

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I'm a Redondo Beach resident and MH is our community too. It's safer to eat outside and everyone enjoys it so much better than some of the super small spaces. The wait is also shorter they can serve more people and make more money. Pay more taxes!

Jenni Collado

Sent from my Jenni's iPhone

## Martha Alvarez

---

**From:** Michael Monaghan <michaelcmonaghan@gmail.com>  
**Sent:** Tuesday, December 14, 2021 5:35 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining decks juxtaposed against mask mandate?

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Mayor and Council

Per my previous emails, I am supportive of the outdoor dining decks. They have been an absolute boon to the residents and guests of Manhattan Beach.

I'm a bit confused by the hasty decision to cancel them in a few days given the State of California has imposed brand new strict indoor masking requirements. These two policies seem to be diametrically opposed. May we get some clarification on the conflicting public policies?

Very Respectfully,

- Michael

## Martha Alvarez

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**From:** Adriana Ruiz <ruiz2002@sbcglobal.net>  
**Sent:** Tuesday, December 14, 2021 4:57 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep outdoor dining!

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Keep outdoor dining decks !!!!

Sent from Adriana Ruiz' iPhone  
310-415-5562

## Martha Alvarez

---

**From:** Liesel Orend <drorend@gmail.com>  
**Sent:** Monday, December 13, 2021 9:41 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

I just wanted to take a moment to let you know how important outdoor dining is to my family. A month and a half ago, my husband and I both contracted COVID-19. We are both fully vaccinated. Nonetheless, my husband was hospitalized for two weeks, and remains on oxygen, six weeks later. He is unable to work, and this is obviously devastating.

It is impossible to know precisely where we contracted COVID, but dining at a restaurant, indoors, is a strong possibility. Because of the treatment we received, we won't be able to have booster shots until March. But even when we do, we are now acutely aware that vaccination is absolutely no guarantee of anything at all.

I hope that the council will allow outdoor dining to continue, for the safety of all concerned. The best way to prevent COVID is to limit exposure, and outdoor spaces help us to do that, while still continuing to support and enjoy our local businesses.

Sincerely,

Liesel Orend

208 Larsson St., Manhattan Beach, CA 90266

--

Liesel Orend DC LAc  
310-372-8020

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This email has been checked for viruses by AVG.

[https://urldefense.com/v3/\\_\\_https://www.avg.com\\_\\_;!!AxJhxnnVZ8w!az-lvKfHmkZMczXb\\_pGYkuqBp52ZTaTgaVye1EqqltZU1VCDtewlDF6mqwCDgzXB28UJBuw13Jo\\$](https://urldefense.com/v3/__https://www.avg.com__;!!AxJhxnnVZ8w!az-lvKfHmkZMczXb_pGYkuqBp52ZTaTgaVye1EqqltZU1VCDtewlDF6mqwCDgzXB28UJBuw13Jo$)

## Martha Alvarez

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**From:** Toni Foster <tonifoster@gmail.com>  
**Sent:** Monday, December 13, 2021 8:34 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi MB City Council

Please keep the outdoor dining especially during the winter surge. We regularly frequent these outdoor restaurants and prefer to sit outdoors now due to COVID. With the winter surge we wouldn't feel comfortable sitting indoors.

Thank you  
Toni

Sent from my iPhone



## Martha Alvarez

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**From:** Jennifer Newton <jenkimchi@gmail.com>  
**Sent:** Monday, December 13, 2021 7:53 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

I'm writing in regards to the recent news of closing down outdoor dining as of January. As a Manhattan Beach resident that frequents these restaurants often, I am very disappointed to hear of this news.

Despite being vaccinated, my friends, family and I only eat outdoors due to all of the spikes and new variants of COVID that have still spread amongst the vaccinated.

Is there a chance that this change will be reconsidered?

Thank you in advance for your time and consideration.

Sincerely,

Jennifer Newton  
317 4th Street MB 90266

## Martha Alvarez

---

**From:** Paola B <paola.blasi.sd@gmail.com>  
**Sent:** Monday, December 13, 2021 6:36 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoors dinning decks

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Good evening,

I would like to express that I am against removing outdoors dinning decks, it is still a premature decision considering new and future covid variants.

I fully support the restaurants that are still struggling and recovering from covid closures and financial losses.

Restaurant owners invested a lot of money buying these structures, it added charm to the streets and I believe the majority of the city would support to keep the outdoors dinning decks.

My family moved to Manhattan Beach last year. I can send proof if necessary..

Thank you,

Best Regards  
Paola Kobytko

Sent from my iPhone

## Martha Alvarez

---

**From:** Daryl Elsberg <daryl.elsberg@gmail.com>  
**Sent:** Monday, December 13, 2021 5:26 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Decks

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

I know you all have a tough job balancing all the various opinions however, very disappointed in the decision to remove the temporary dining decks.

The pandemic isn't over and many restaurants in this town have tiny spaces that force them to limit the room between tables. This will also make getting reservations at our favorite places much more difficult.

The patios create jobs, more space for people to spread out, more reservation availability, and year around ability to stay safe and enjoy the town many of us spend top dollar to live in. Hopefully all that would also drive more tax revenue.

Please reconsider this and/or create a fast and more immediate path to a permanent deck/parklet/patio solution that doesn't require months/years of permits, planning, and politics.

Everyone is used to outdoor dining and I believe appreciate it now more than ever. Why not take full advantage of the great city, weather, and residents we have in MB. Everyone I talk to in the community want this to stay, including many of the businesses who are encouraging us to write since we are become a destination. Are you catering to the right voices?

Parking is also pretty good here with all the various structures available in town. I've always found parking!

Thanks for listening. Really hope we can have an alternate solution lined up for this summer. Would hate to miss out on a beautiful 2022 outside!

Daryl Elsberg  
MB Resident

## Martha Alvarez

---

**From:** Dave Furano <davefurano@gmail.com>  
**Sent:** Monday, December 13, 2021 4:26 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please don't remove the outdoor dining decks

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

As a downtown resident Please don't remove the outdoor dining decks They make us safer and more enjoyable Please don't remove the outdoor dining decks Dave Furano

229 14th St  
MB 90266

## Martha Alvarez

---

**From:** Lisa Kohorn <drlisa@att.net>  
**Sent:** Monday, December 13, 2021 4:06 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I would like Manhattan Beach to keep the outdoor dining areas. The outdoor dining areas add a lot to the city's ambiance. More restaurants can take advantage of the pier/ocean view. Also, with Omicron and probable new COVID variants in the future, from a public health aspect it makes sense to keep as many outdoor dining areas open as possible.  
Thank you for your consideration.

Lisa Kohorn, Clarinetist  
Vicente Chamber Orchestra  
Orchestra Santa Monica  
Orchestra Santa Monica Woodwind Quintet  
310-941-0447

## Martha Alvarez

---

**From:** Jfm5001 <jfm5001@gmail.com>  
**Sent:** Monday, December 13, 2021 2:19 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please save outdoor dining for the community

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To whom it may concern:

Please revisit your decision to end the outside dining on 1/3/22 which has been a huge bright spot and tailwind to our community and hospitality industry. The closure of these decks will hinder our local businesses all for the selfishness for potential lost revenue for parking. Please involve your community and have the residents vote vs the council members as this decision does not represent the majority opinion of the community.

Please advise on how community members can become more active here and stop this horrible decision from moving forward.

Thank you,  
Jesse Markward

Sent from my iPhone

## Martha Alvarez

---

**From:** Canni, Todd J. <todd.canni@pillsburylaw.com>  
**Sent:** Monday, December 13, 2021 2:10 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep outdoor seating in Manhattan Beach

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council members –

I understand that the CC voted to remove outdoor seating as of 1/3/22. While I understand this vote appears to have occurred, I wanted to ensure you're aware that all residents I have discussed the issue with are overwhelmingly in favor of maintaining outdoor dining at all of our local restaurants. Please do not require restaurants to remove such and delay such a decision for another 12 months.

As local residents, we enjoy being able to dine outside, and it also has made all of our local favorites more accessible with increased seating.

While we understand the con – a reduction in parking - in our collective opinions, the current situation is workable as there remain plenty of parking options, and folks who find parking inconvenient always can use public transportation, taxi, or Uber/Lyft so they have alternatives. Yet, if you take away outdoor seating for all restaurants, as residents of MB in favor of outdoor dining, we have almost no local dining options offering outdoor seating.

Thank you,

Todd  
429 21<sup>st</sup> Street MB

**Todd J. Canni | Partner**

Pillsbury Winthrop Shaw Pittman LLP  
725 South Figueroa Street, 36th Floor | Los Angeles, CA 90017-5524  
t +1.213.488.7213 | m +1.202.384.6223  
todd.canni@pillsburylaw.com | website bio

AUSTIN BEIJING HONG KONG HOUSTON LONDON **LOS ANGELES** MIAMI  
NASHVILLE NEW YORK NORTHERN VIRGINIA PALM BEACH SACRAMENTO  
SAN DIEGO SAN DIEGO NORTH COUNTY SAN FRANCISCO SHANGHAI  
SILICON VALLEY TAIPEI TOKYO WASHINGTON, DC



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## Martha Alvarez

---

**From:** Kim White <kimawhite1@yahoo.com>  
**Sent:** Monday, December 13, 2021 2:10 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep Outdoor Dining Please

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

As a homeowner and business owner in Manhattan Beach, I wanted to voice my support of outdoor dining. For those of us that support the local restaurants, it's been important to be able to sit outside. With the new wave of a very transmissible virus, it's seem more critical that ever to maintain that so we can continue to eat out. I speak for myself and my many friends and colleagues that without outdoor dining, we will not be patronizing the restaurants given the current pandemic.

Please reconsider.

Sincerely,

Kim white

## Martha Alvarez

---

**From:** Debra Cummings <debra@sanddesign.com>  
**Sent:** Monday, December 13, 2021 2:03 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Dining decks

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

On behalf of residents and the majority of Restaurant owners I surmise, I am writing to ask why the dining decks are going away?

Having this outdoor dining was the best thing to come out of this pandemic, and I am sure helped us to not lose more downtown businesses through it.

Is there a plan to bring them back through the planning department?

Thank you,

Debra Cummings  
Partner  
SANDdesign\* | Los Angeles Office  
[333B Main St.](#)  
[El Segundo, CA 90245](#)  
[310.335.0031](#)

Los Angeles | Denver | Dallas/Fort Worth

NWBOC  
NEWH

[www.sanddesign.com](http://www.sanddesign.com)  
[@sanddesignstudio](#)

## Martha Alvarez

---

**From:** Chauna Sumpter <chaunasumpter@gmail.com>  
**Sent:** Monday, December 13, 2021 1:56 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Keep deck Dining in MB please

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello!

The beach, the ocean, the waves. We should feel the salty air when we dine. The bigger problem is homelessness and the safety of all.

Those who choose to live near the hub bub knew what they were signing up for and they too enjoy the sights and sounds.

Please rescind this decision.

Glendale constituent  
Anthony Portofino's district  
Laura Friedman's assembly

LaChauna Sumoter  
--

[chaunasumpter@gmail.com](mailto:chaunasumpter@gmail.com)  
919.333.8764  
[@chaunasumpter](#) on IG

## Martha Alvarez

---

**From:** elham safani <esafani@yahoo.com>  
**Sent:** Monday, December 13, 2021 1:27 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I am a resident of manhattan beach and I absolutely support the outdoor dining patios. Having more space for restaurants is great for the city, it's residents, the restaurant. It brings a lot of charm and adds beauty to the city.

Please reconsider this vote.

Elham Raker, M.D.

Ask Dr. Mom, pediatric and parent coaching resource via telemedicine

Book a free consult: [linktr.ee/askdrmom](https://linktr.ee/askdrmom)

facebook: <https://www.facebook.com/askdrmomandablog>

instagram: [https://instagram.com/askdrmom\\_](https://instagram.com/askdrmom_)

## Martha Alvarez

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**From:** Elizabeth Gruns <elizabethgruns@yahoo.com>  
**Sent:** Monday, December 13, 2021 1:11 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining in MB

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

City Council

The outdoor dining decks are critical to the long term health of our beloved restaurants. They also add to the amazing atmosphere of our downtown. I strongly urge you to consider keeping these permanently.

Sincerely,

Elizabeth Gruns  
1117 Pacific Ave Unit 7  
Manhattan Beach CA 90266  
214.693.0743

## Martha Alvarez

---

**From:** Liz Stromath <lizstromath@gmail.com>  
**Sent:** Monday, December 13, 2021 12:22 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Please keep the decks. Of all places in America, we should be able to eat outside!

Liz Stromath

## Martha Alvarez

---

**From:** KDESARLA@msn.com  
**Sent:** Monday, December 13, 2021 12:20 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] The Strand House Outdoor Dining decks

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi there,

I live in Sherman Oaks and go out of my way to drive down to Manhattan beach just to sit on the outdoor dining decks at the Strand Restaurant. It is one of my favorite spots in all the city. What in God's green earth could have compelled you to ban them!?!?! Please reconsider.

Thank you for your consideration,  
Kelly DeSarla

Sent from my iPhone

## Martha Alvarez

---

**From:** Darren Goodrich <darrengoodrich@yahoo.com>  
**Sent:** Monday, December 13, 2021 12:19 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outside Dining

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear city Council,

I am thoroughly disappointed that the outdoor seating is going to be removed effective after the first of the year. I strongly urge that you reconsider as it's been great for my family and I to dine outside. Furthermore we feel that in this environment it's still the safest way to enjoy local restaurants.

Thank you!  
Darren Goodrich  
3212 N Poinsettia resident

Sent from my iPhone



## Martha Alvarez

---

**From:** Iris Duran <irisduran82@gmail.com>  
**Sent:** Monday, December 13, 2021 11:49 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Manhattan Beach Decks

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

They decks are one of the main reasons people dine in Manhattan Beach. The view of the ocean is priceless. It makes no sense to remove that from local businesses as it will only hurt the economy of Manhattan Beach. Please reconsider.

Iris Duran

Sent from my iPhone

## Martha Alvarez

---

**From:** Mary.Hyeon@lw.com  
**Sent:** Monday, December 13, 2021 11:11 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] PLEASE -- keep the dining decks/parklettes!!!

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Everyone loves them! Why would you take them away?

Not only are they charming and definitely draw more patronage... functionally speaking, the parklettes offer a safer dining option during the pandemic. And the pandemic is certainly not over yet, especially with the more contagious omicron variant on the rise.

Thanks,  
Mary  
(MB resident)

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## Martha Alvarez

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**From:** Steven Kern <skern@alumni.ucla.edu>  
**Sent:** Monday, December 13, 2021 11:04 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Outdoor Decks

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Members:

It is my impression that the outdoor decks are great during COVID as Manhattan Beach still continues to have cases appear over a year into the process. I think the restaurants though need to participate in the cost of doing business such as free valet parking since they are taking up most of the parking spaces and also payment for parking permits for the time they use the spaces being taken as the meters do also have revenue attached to them. They have increased their seating capacity considerably and I have found that they have not been great about mask mandates for servers and staff and believe that if a restaurant is not willing to follow state guidelines, they do not deserve the additional space with is in essence rent free.

Thank you.

Steven Kern  
310-339-4002

PS>. I am happy to present to your meeting online if that helps to discuss my impressions.

## Martha Alvarez

---

**From:** Drew Thelen <drewthelen@yahoo.com>  
**Sent:** Monday, December 13, 2021 10:57 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please Keep the Outdoor Decks

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council:

Please do not close the outdoor decks at the restaurants in downtown Manhattan Beach. It is a benefit to the community and a great way to stop the spread of Covid 19 inside the restaurants. I am a long time resident of Manhattan Beach. While I am vaccinated, I still greatly prefer to dine outside to prevent the spread of the disease. Please don't turn your back on the at-risk residents in this town.

Best Regards,

Andrew Thelen  
709 25th Street

## Martha Alvarez

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**From:** Teresa Basol <teresabasol@gmail.com>  
**Sent:** Monday, December 13, 2021 10:55 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] OUTDOOR DINING

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

It has come to my attention that outdoor dining will be removed as of Jan. 3rd until a final plan is issued in 2023. I am emailing you to urge you to allow for restaurants to keep their outdoor dining, at least until finalized plans are completed. First, the restaurants are finally able to make up for some loss time as they were forced to close for so long. Second, as a parent of high risk children, outdoor dining is the only way I am able to enjoy meals out with my kids, family and friends.

Please consider to allow restaurants to keep their dining platforms until finalized plans for a permanent solution are completed.

Thank you.

Teresa Basol

former resident of Manhattan Beach

current resident of Redondo Beach

## Martha Alvarez

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**From:** Erin Freeman <erin70308@gmail.com>  
**Sent:** Friday, December 10, 2021 6:07 AM  
**To:** Richard Montgomery; Joe Franklin; Suzanne Hadley; Steve Napolitano; List - City Council  
**Subject:** [EXTERNAL] Outdoor dining

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

City Council members,

I have just learned that the city is requiring all restaurants who have outdoor dining in the public right of way to remove those structures and cease outdoor dining service as of Jan 3, 2022. It is also my understanding that the city will *now* start a *process* to consider making outdoor dining more permanent.

Outdoor dining **enhances our city's character and culture**. It allows restaurants to serve more people, hire more people and create a more welcoming community. Non restaurant businesses benefit by having more passersby and more activity in general.

Outdoor dining is **SAFER than indoor dining** in this day and age. Why force everyone inside, either at the restaurants (which will be more crowded now) or at homes where all viruses are more likely to spread.

And why is the city just *now starting a process* to consider making this permanent? We've had over 18months to look at this, overwhelmingly the city residents support it. Some of these restaurants have incurred great expenses to build and support these structures for the outdoor dining and now they will have to incur expenses to remove them only to be (hopefully!) given permission to spend more money and rebuild them sometime in the future. I am hoping I have bad information because none of this sounds logical to me.

I have lived in Manhattan Beach since 1973. I remember Metlox when it sold plates and cups, when Vons was Safeway and us teenagers camped under the pier before the Manhattan Open. I'm raising my girls here and we love this community so much. I strongly urge you to reconsider this ruling and allow these outdoor dining areas to continue while the city develops it's plan for a more permanent solution. Closing these community areas will hurt the very community you are here to serve.

Respectively,  
Erin Freeman

## Martha Alvarez

---

**From:** Stephanie Hanger <stephanie.hanger@gmail.com>  
**Sent:** Thursday, December 9, 2021 6:29 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Please keep the MHB outdoor seating

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Council Members,

Please help support the outdoor dining experience in MHB. It adds a nice ambiance to the business areas and creates a warmer feeling in the community.

We really appreciate the liveliness it brings to the main corridor of MHB Blvd and how it provides extra seating for some of our favorite restaurants.

Thank you for your consideration.

Stephanie Hanger  
304 18th St  
MHB, ca 90266

Sent from Stephanie Hanger

## Martha Alvarez

---

**From:** Mike Simms <mike@simmsrestaurants.com>  
**Sent:** Thursday, December 9, 2021 12:37 PM  
**To:** List - City Council; Carrie Tai, AICP; Bruce Moe  
**Subject:** [EXTERNAL] Outdoor Dining Follow Up

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello Council Members and City Officials,

I am writing to express my deep sadness and dismay with your decision to not extend the parklet program past January 3rd. With over 120 negative comments on last night's CityMB instagram post, I'm guessing this is the beginning of a robust discussion about outdoor dining. Summing up the comments and my feelings...we are frustrated as business owners and residents that we are not being properly represented. And, that's not ok. To not have a proper plan for permanent decks before removing the temporary ones is poor planning and shortsighted. It's going to cost businesses hundreds of thousands of dollars in removal/construction costs and loss revenues. And, take away something the residents overwhelming enjoy. It's their public space to decide how it should be used.

I understand there is direction to make a plan for permanent parklets, but as of now the timeline for completion is years away. What's going to happen this Spring and Summer? What's the likelihood that a permanent plan is done and decks installed by Summer? Not likely.

I'm going to spend a lot of resources to make sure the silent majority isn't misrepresented again. It's just a shame we as private citizens have to do this work and not our elected officials and salaried staff members.

The sooner there is a real timeline that has parklets staying or at least returning before summer, the better for all of us.

Mike Simms  
Simms Restaurants  
Cell: 310.487.0222  
[mike@simmsrestaurants.com](mailto:mike@simmsrestaurants.com)

Sent via [Superhuman](#)