

**CITY OF MANHATTAN BEACH
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 29**

**AMENDING EMERGENCY SERVICES ORDER NO. 10 TO REMOVE CERTAIN
RESTRICTIONS ON DINING CAPACITY AT BUSINESSES AND
RESTAURANTS**

EFFECTIVE MAY 12, 2022

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 (hereinafter referred to as “the California COVID-19 State of Emergency”);

WHEREAS, the Governor extended the California COVID-19 State of Emergency through March 31, 2022, and may further extend the California COVID-19 State of Emergency;

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, the Director of Emergency Services issued Emergency Order Nos. 10, 11, 16, 19, 21, 26, 27, and 28 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 April 19, 2022, and after receiving and considering public comment, the City Council directed City staff to eliminate certain restrictions on dining occupancy in dining occupancy allowances for restaurants with temporary encroachment agreements and outdoor facilities permits during the California COVID-19 State of Emergency;

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, and the City and other cities have determined that there is a public benefit to eliminate certain restrictions on dining occupancy on a short-term basis to partially offset such significant losses;

WHEREAS, the State Legislature has also recognized the public benefit of allowing restaurants to expand their outdoor operations by adopting several laws – including but not limited to Assembly Bill 61 and Senate Bill 314 – that facilitate such outdoor expansion;

WHEREAS, Assembly Bill 61 *requires* a local jurisdiction to “reduce the number of required parking spaces for existing uses by the number of spaces that the local jurisdiction determines are needed to accommodate an expanded outdoor dining area” if (1) “an outdoor expansion of a business to mitigate COVID-19 pandemic restrictions on indoor dining interferes with, reduces, eliminates, or impacts required parking for existing uses” and (2) that jurisdiction has not adopted an ordinance providing relief from parking restrictions for expanded outdoor dining areas;

WHEREAS, in the interest of the public health and safety, as affected by the emergency caused by the spread of COVID-19, eliminating restrictions on dining occupancy, to allow restaurants to partially offset the significant health and economic losses caused by the COVID-19 State of Emergency, will not adversely impact public health, safety and welfare;

WHEREAS, in the interest of the public health and safety, as affected by the emergency caused by the spread of COVID-19, modest temporary increases in dining occupancy, to allow restaurants to partially offset the significant health and economic losses caused by the COVID-19 State of Emergency, is consistent with the goals and objectives of the California Coastal Act and the City’s Local Coastal Program, including but not limited to facilitating the continued operation of visitor-serving uses such as restaurants that attract visitors to the coast; 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 Section 2 of Emergency Order No. 10 by (1) deleting sub-section 2.D to remove certain restrictions on dining capacity, and (2) renumbering sub-sections 2.E. to 2.H as sub-sections 2.D to 2.G.

Section 3. Upon the expiration of the California COVID-19 State of Emergency, each business or restaurant using public property shall restore such property to the satisfaction of the Community Development Department within ten days of such expiration.

Section 4. Except as modified hereinabove or previously by other emergency orders, the provisions of Emergency Order Nos. 10, 11, 16, 19, 21, 26, 27, and 28 shall have full force and effect.

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