



# Administrative Report

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O.1., File # 20-0914

Meeting Date: 5/12/2020

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**To: MAYOR AND CITY COUNCIL**

**From: JOE HOEFGEN, CITY MANAGER**

## **TITLE**

DISCUSSION AND POSSIBLE ACTION REGARDING THE CITY'S LOCAL EMERGENCY PERTAINING TO COVID-19

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2005-031, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH CALIFORNIA CONFIRMING THE ACTIONS OF THE CITY MANAGER ACTING AS THE DIRECTOR OF EMERGENCY SERVICES IN ISSUING ADDITIONAL EMERGENCY PUBLIC ORDERS DATED MAY 7, 2020 AND AN UPDATED SUMMARY OF EMERGENCY ORDERS UNDER THE CITY OF REDONDO BEACH'S EMERGENCY AUTHORITY

## **EXECUTIVE SUMMARY**

On May 5, 2020, the City Council received a status report on the Local Emergency and a draft beach reopening plan prepared by the Los Angeles County Beaches and Harbors Department signaling the County's intention to re-open the beach for exercise purposes only and to allow ocean water access for swimming and other water activities on or before May 15, 2020. After discussing the matter, and in light of imminent changes to other State and County Emergency Restrictions, the City Council gave direction to modify the City's local orders and enable the reopening of certain public facilities.

On May 7, 2020, I issued a new Emergency Order that immediately reopened the Harbor Drive Bike Path and the North Redondo Beach Bike Path, and set reopening dates, in accordance with anticipated revisions to Countywide Public Health Orders, for the Dominguez Park Dog Park (May 9, 2020), the Boat Hoist (May 15), the Personal Watercraft Hand Launch (May 15), Park Tennis Courts (concurrent with LA County tennis facility reopening), and Beach Access Points (concurrent with LA County beach re-opening for exercise). The May 7 Order also extends a number of prior City emergency orders due to COVID-19's continued impact and rescinds certain City orders that have been superseded by State Order or have been replaced by more prescriptive County Order. Tonight's item gives the Council an opportunity to review and discuss the new Emergency Orders and confirm and/or modify them via Resolution.

## **BACKGROUND**

As the Mayor and City Council are aware, on March 12, 2020 I declared a local emergency due to the imminent threat of COVID-19 in Redondo Beach and subsequently ordered a number of

measures to help protect residents, visitors and City employees and to combat the spread of the virus in the community including: the closure of the City's three Senior Centers; the cancellation or postponement of a number of citywide special events and activities at the Redondo Beach Performing Arts Center; the closure of the City's Main Library, North Branch Library and Teen Center; the suspension of the City's After School Care Program; the suspension of all City Advisory Commission Meetings; and the modification of core municipal services to enable proper social distancing.

On March 16, 2020, I issued a second proclamation, in conjunction with Los Angeles County Health Officer recommendations, ordering the closure of all restaurants, bars, nightclubs, movie theaters, gyms and fitness centers in the City; issued a temporary moratorium on evictions due to the non-payment of rent or mortgage resulting from COVID-19 related financial distress; and prohibited the shutoff of any utilities due to late payment for 90 days. On March 17, 2020, the Mayor and City Council ratified the declaration of local emergency and confirmed all emergency orders implemented by the City as of that date.

On March 26, 2020, I issued an additional proclamation ordering the closure of a number of City spaces, parks and facilities. I later closed additional park ball fields and extended the effective date of several of the previous Orders. On March 31, 2020, the City Council confirmed all of the emergency orders executed as of that date (see the attached list).

On April 7, 2020, the City Council received a report on the status of the Local Emergency pertaining to COVID-19 and on April 9, 2020, the first meeting of the Redondo Beach Disaster Council was held. All members of the Disaster Council participated. Several topics were discussed including a referral from City Council regarding whether City emergency orders should focus on a safer at home message or a stay at home message. The three medical professionals on the Disaster Council expressed a preference for the City of Redondo Beach continue promoting the Countywide safer at home message. Following the meeting, I issued another Emergency Order requiring workers and visitors of certain businesses and services to wear face coverings. Los Angeles County issued a similar order the next day. Additionally, we have updated the list of emergency orders and extended many of the effective dates of the City's previous emergency actions.

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On April 21, 2020 the City Council had an opportunity to discuss the emergency actions implemented as of that date and confirmed the orders of the City Manager acting as the Director of Emergency Services with two modifications: 1) allowing the May meetings of the Budget and Finance and Harbor Commissions to proceed for budget review purposes and 2) allowing for the re-opening of the Farmers Market in Riviera Village as soon as a plan can be implemented that meets current Los Angeles County Farmers Market requirements (see attached). Additionally, the Council received a

presentation and provided feedback on the draft COVID-19 Strategic Recovery Plan prepared by the Beach Cities Health District. Members of the City's Disaster Council also had the opportunity to discuss and comment on the Plan, when they met for the second time on April 23, 2020.

On May 5, 2020 the City Council received a status report on the Local Emergency and a draft beach reopening plan prepared by the Los Angeles County Beaches and Harbors Department signaling the County's intention to re-open the beach for exercise purposes only and allow ocean water access for swimming and other water activities on or before May 15, 2020. The Council gave direction regarding modifications to City Emergency Orders in anticipation of changes the State and County are likely to make to their Stay at Home and Safer at Home Orders to allow for a phased reopening of business and public activities with continued social distancing requirements.

Additionally, on May 5, 2020, the City Council gave direction to prepare for the administration of Temporary Use Permit (TUP) applications that will help enable restaurants and businesses to re-open with new social distancing requirements. The following section was provided by staff in the Community Development Department, in consultation with the City Attorney's Office and Public Works Department, and describes the administrative approach Community Development will take when considering TUP's.

#### Temporary Use Permits - Expanded Outdoor Dining Possibilities

The current State of California and LA County public health orders for the control of COVID-19 limit restaurant operations to only delivery, drive thru, or carry out operations. Indoor and outdoor table dining is not permitted. At such time that these orders are amended to allow for some level of modified table dining, the City recognizes that restaurants will likely be faced with accommodating social distancing and that during this public health emergency condition their typical capacity would then be effectively reduced within their current physical footprint. In such case, to address the capacity issue, the City may issue Temporary Use Permits (TUPs) to utilize the privately-owned parking areas and outdoor spaces of the restaurants to appropriately distribute seating areas to accommodate emergency orders related to social distancing.

The recommendation would be to make TUPs available for restaurants re-opening under modified emergency orders. The City does have a TUP process established in the City's Zoning Ordinance (both inland under RBMC 10-2.2520 and coastal under RBMC 10-5.2520). Per the City's regulations, the following are applicable related to TUPs:

- Temporary Use Permits may be issued to authorize the establishment of temporary uses on private property and are not intended to regulate temporary uses in public parks or on public rights-of-way.
- The criteria in determining the suitability and compatibility of a temporary use are as follows:
  - The operation of the requested temporary use shall have no adverse effect on abutting property or jeopardize public health, safety, and general welfare.
  - The site is adequate to accommodate the proposed use and shall include provision of off-street parking where feasible.
  - The time period and hours of operation for the temporary use shall be clearly specified and provision shall be made for the removal, clean-up, and restoration of the site.
  - The temporary use will be located, operated and maintained in a manner consistent

with the General Plan and with the use classification for the zone.

- The application process is through the Planning Division.
  - The application is in a form provided by the Planning Division (see attached form).
  - The owner of record of the lot or parcel of the property which is to be affected by the application shall file an affidavit authorizing the application on a form provided by the Planning Division.
  - Upon filing of an application, the applicant shall pay a fee, as set forth by resolution of the City Council. [This fee may be suspended by the City Council for COVID-19 reasons-if so this would be removed from the TUP requirement during City declared emergency]
- Contents of the application include a site plan drawn to scale and dimensioned to include the following information:
  - All buildings and structures on the site.
  - Off street parking spaces, driving aisles, and driveways.
  - The location and dimensions of the temporary use.
  - Such other data as may be required to demonstrate that the project meets the criteria. Examples include but are not limited to (similar provisions within the City's existing sidewalk dining program):
    - Furniture plan
    - Lighting plan
    - Portable heaters
    - ABC approval (if alcohol is served outdoors)

Per the City's Coastal Development Permit regulations (RBMC 10-5.2208), temporary events of this nature would be exempt from Coastal Development Permit requirements.

As noted above, the TUP regulations do have criteria regarding not jeopardizing public health, safety, and general welfare. To address this, the Community Development Department would require the restaurant to submit a social distancing protocol as part of their TUP application to demonstrate the commitment to protecting the public health, safety, and general welfare during the public health emergency due to COVID-19. A draft form has been prepared (see attached form) that was derived from the LA County required social distancing protocol form.

The purpose of the TUPs would be to accommodate the existing capacity of the restaurant, to the extent possible while maintaining social distancing protocols. Therefore, the TUP would limit the expanded space to allow for the same capacity of tables/patrons as currently exists within the interior space of the restaurant. The intent of the TUP would not be to increase the total number of tables/patrons, but rather to provide a larger footprint to accommodate existing capacity.

It is expected that many restaurants requesting a TUP will intend to use a portion of their parking lot for the temporary dining space. Any parking not utilized should remain available for parking use for the site, where safe and feasible, with some physical and visual barriers separating patrons from vehicle in place as determined necessary, as approved by the Fire Department. This temporary use of the parking lot for dining space will only be for the duration noted on the TUP. After the TUP has expired, the site is expected to be returned to the operating conditions for the site prior to the COVID-19 public health emergency, to be completed by the applicant within 10 days of the expiration of the TUP.

The TUP regulations require that the operation of the requested temporary use shall have no adverse effect on abutting properties. Since this type of TUP use would be for outdoor dining that is not typically there, this temporary use would create added noise to the abutting properties. To address the concern of noise effects, the timeframe for of the TUP area would be limited to the hours of 10 a.m. to 10 p.m. (RBMC Article 3. Exterior Noise Limits - Identifies 10 pm as the time maximum permissible sound levels are reduced).

These TUPs would be issued for no longer than the duration of the City declared emergency that is based on a public health emergency due to COVID-19. A TUP may be suspended, modified, or revoked at any time in the sole and absolute discretion of the City. A condition on the TUP would be compliance with Federal, State, and LA County rules.

The standard application fee for a TUP is \$210. However, these TUPs are only required to meet the standard operations/capacities of the restaurants during and due to the public health emergency. If not for the public health emergency, a TUP would not be required for the operation of the restaurant. Therefore, staff requests that Council suspend the TUP fees for the duration of the emergency.

There may be evolving issues that need to be addressed as the State, LA County, and Redondo Beach move through the various recovery phases. As those issues arise, procedures can be modified to address unforeseen circumstances.

As of May 7, 2020, the Los Angeles County Public Health Department identified 29,427 cases and 1,418 COVID-19 deaths in the County. As of April 16, 2020, 116 cases of COVID-19 were cited in Redondo Beach.

**APPROVED BY:**

*Joe Hoefgen, City Manager*

**ATTACHMENTS**

- 1) Resolution No. CC-2005-031
- 2) Resolution Exhibit A - City Manager Emergency Order Dated May 7, 2020
- 3) Resolution Exhibit A - Updated Summary of City Manager Emergency Actions Ordered
- 4) City of Redondo Beach Temporary Use Permit Application
- 5) City of Redondo Beach Social Distancing Protocol Form for Businesses and Restaurants