



Supplemental Council Agenda Report

To: Mayor Pierson and the Honorable Members of the City Council

Prepared by: Mary Linden, Executive Assistant

Approved by: Reva Feldman, City Manager

Date prepared: July 30, 2020 Meeting date: August 10, 2020

Subject: Face Covering Ordinance (Mayor Pierson)

RECOMMENDED ACTION: At the request of Mayor Pierson, consider directing staff to bring back an urgency ordinance requiring all individuals to wear a face covering while in public.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2020-2021.

DISCUSSION: Attachment Nos. 1-3 were inadvertently omitted from the original staff reports. The missing attachments are listed below and attached to this report.

ATTACHMENTS:

1. State of California Guidance for the Use of Face Coverings
2. City of Hermosa Beach proposed Urgency Ordinance
3. City of West Hollywood News Release regarding Face Covering Requirements posted July 2, 2020



SONIA Y. ANGELL, MD, MPH
State Public Health Officer & Director

State of California—Health and Human Services Agency California Department of Public Health



GAVIN NEWSOM
Governor

Released June 18, 2020

- Revised on June 29, 2020 to clarify that children under two years old are exempt from wearing face coverings due to risk of suffocation

GUIDANCE FOR THE USE OF FACE COVERINGS

Because of our collective actions, California has limited the spread of COVID-19 and associated hospitalizations and deaths in our state. Still, the risk for COVID-19 remains and the increasing number of Californians who are leaving their homes for work and other needs, increases the risk for COVID-19 exposure and infection.

Over the last four months, we have learned a lot about COVID-19 transmission, most notably that people who are infected but are asymptomatic or pre-symptomatic play an important part in community spread. The use of face coverings by everyone can limit the release of infected droplets when talking, coughing, and/or sneezing, as well as reinforce physical distancing.

This document updates existing [CDPH guidance](#) for the use of cloth face coverings by the general public when outside the home. It mandates that face coverings be worn state-wide in the circumstances and with the exceptions outlined below. It does not substitute for existing guidance about social distancing and handwashing.

Guidance

People in California must wear face coverings when they are in the high-risk situations listed below:

- Inside of, or in line to enter, any indoor public space;¹
- Obtaining services from the healthcare sector in settings including, but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank;²
- Waiting for or riding on public transportation or paratransit or while in a taxi, private car service, or ride-sharing vehicle;
- Engaged in work, whether at the workplace or performing work off-site, when:
 - Interacting in-person with any member of the public;
 - Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;

¹ Unless exempted by state guidelines for specific public settings

² Unless directed otherwise by an employee or healthcare provider

California Department of Public Health
P.O. Box 997377, MS0500 • Sacramento, CA 95899-7377
[Department Website](http://www.cdph.ca.gov) (www.cdph.ca.gov)



- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance.
- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.
- While outdoors in public spaces when maintaining a physical distance of 6 feet from persons who are not members of the same household or residence is not feasible.

The following individuals are exempt from wearing a face covering:

- Persons younger than two years old. These very young children must not wear a face covering because of the risk of suffocation.
- Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance.
- 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.
- Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service.
- Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence.
- Persons who are engaged in outdoor work or recreation such as swimming, walking, hiking, bicycling, or running, when alone or with household members, and when they are able to maintain a distance of at least six feet from others.

- Persons who are incarcerated. Prisons and jails, as part of their mitigation plans, will have specific guidance on the wearing of face coverings or masks for both inmates and staff.

Note: Persons exempted from wearing a face covering due to a medical condition who are employed in a job involving regular contact with others should wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge, as long as their condition permits it.

Background

What is a cloth face covering?

A cloth face covering is a material that covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels.

How well do cloth face coverings work to prevent spread of COVID-19?

There is scientific evidence to suggest that use of cloth face coverings by the public during a pandemic could help reduce disease transmission. Their primary role is to reduce the release of infectious particles into the air when someone speaks, coughs, or sneezes, including someone who has COVID-19 but feels well. Cloth face coverings are not a substitute for physical distancing, washing hands, and staying home when ill, but they may be helpful when combined with these primary interventions.

When should I wear a cloth face covering?

You should wear face coverings when in public places, particularly when those locations are indoors or in other areas where physical distancing is not possible

How should I care for a cloth face covering?

It's a good idea to wash your cloth face covering frequently, ideally after each use, or at least daily. Have a bag or bin to keep cloth face coverings in until they can be laundered with detergent and hot water and dried on a hot cycle. If you must re-wear your cloth face covering before washing, wash your hands immediately after putting it back on and avoid touching your face. Discard cloth face coverings that:

- No longer cover the nose and mouth
- Have stretched out or damaged ties or straps
- Cannot stay on the face
- Have holes or tears in the fabric

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ORDINANCE NO. 20-____

AN URGENCY ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TEMPORARILY SUSPENDING LOCAL ZONING TO PERMIT SPECIFIED BUSINESSES TO OPERATE OUTDOORS, PERMIT CERTAIN HOME OCCUPATIONS TO OPERATE WITHOUT A COMMERCIAL BUSINESS LOCATION AND REQUIRE MEMBERS OF THE PUBLIC TO WEAR A FACE COVERING DURING THE COVID-19 CRISIS, AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY

The City Council of the City of Hermosa Beach does ordain as follows:

SECTION 1. Findings.

- A. On March 15, 2020, City of Hermosa Beach (“City”) Mayor Mary Campbell declared a local emergency to ensure an effective City response to a respiratory disease which has been named “COVID-19.” At a special meeting on March 16, 2020, the City Council adopted Resolution No. 20-7230, approving and confirming the declaration of emergency.
- B. On March 19, 2020, the Governor of the State of California, issued Executive Order N-33-20, an Order of the State Public Health Officer ordering all individuals living in California to stay home or at their place of residence except as needed to maintain continuity of operations of outlined federal critical infrastructure sectors.
- C. Evidence in late April and early May demonstrated that state and local orders slowed the increase of community transfer of the disease by limiting interactions amongst people. As a result, on May 7, 2020, Governor Newsom, announced a four-staged framework, titled “Resilience Roadmap” that was intended to guide the state’s gradual modification of its Safer at Home Order to reopen California. The state also issued sector specific guidance to help specified businesses reopen under new restrictions, which require businesses to, among other things, implement social distancing measures.
- D. In line with the State’s health guidance, the Los Angeles County Public Health Officer issued a revised order on May 13, 2020 entitled “Continuation of Safer at Home Order that begins to move the County of Los Angeles into Stage 2 of the County’s Roadmap to Recovery,” that authorized some limited retail and outdoor recreation venues to reopen subject to among other things, social distancing measures to prevent the further spread of COVID-19. The Order was updated again on May 26th, May 29th, June 11th and June 18th, 2020 to continue to allow the gradual reopening of additional sectors including bars, hair salons, personal care services, gyms and fitness facilities subject to social distancing measures.
- E. The May 29th Order for example, permitted restaurants and food facilities to remain open and offer limited dine-in seating. The Order also encouraged restaurants to

1 expand outdoor seating where possible in compliance with local zoning codes to
2 comply with social distancing requirements.

- 3 F. On June 18, 2020, Governor Newsom along with the State Health Officer released
4 mandatory health guidance that requires Californians, subject to limited exceptions to
5 wear face coverings when outside the home. In line with the mandatory guidance, the
6 Los Angeles County Health Officer issued a revised order on the same date to require
7 all persons to wear a face covering over both the nose and mouth whenever they leave
8 their place of residence and are or can be in contact with or walking near or past others
9 who are non-household members in both public and private places whether indoors or
10 outdoors. According to State and County Health officials, wearing face coverings
11 reduces the risk of transmission to others who do not have symptoms and do not know
12 that they're infected.
- 13 G. To assist in the economic recovery of local businesses and restaurants, on May 26,
14 2020, the City Manager issued Executive No. 2020-05 to temporarily suspend City of
15 Hermosa Beach Municipal Code Sections 17.26.050 (B), (C) and 17.44.030 regarding
16 off-street parking requirements for commercial and business uses. Many surrounding
17 cities, including Los Angeles, Pasadena, and Long Beach also implemented similar
18 rules and regulations to assist in the economic recovery of these businesses during the
19 COVID-19 crisis.
- 20 H. Since that time, the State and County have seen a sharp increase in confirmed COVID-
21 19 cases and hospitalizations, and the timing of these increases is in line with the
22 reopening of "high risk" businesses where individuals may congregate with members
23 who are not part of the same household and remove their face coverings to eat and
24 drink. As a result, the County Health Officer issued a revised Order on July 1, 2020 to
25 backtrack on the County's gradual reopening to prohibit indoor dining and order the
26 immediate closure of bars, wineries and winery tasting rooms.
- 27 I. On July 13, 2020, the State Public Health Officer issued a state-wide order to require
28 the immediate closure of: (1) indoor and outdoor operations of bars, pubs, brewpubs
and breweries; and (2) indoor operation of restaurant dining, movie theatres, zoos,
museums, cardrooms, wineries and tasting rooms. The order also imposes more
stringent requirements on specified counties, including Los Angeles County that have
appeared on the State's Monitoring List for three consecutive days to order the
immediate closure of indoor operations of the following sectors: gyms and fitness
facilities, places of worship, indoor protests, offices for non-critical infrastructure
sectors, personal care establishments, hair salons, barbershops, and malls.
- J. The following day, on July 14, 2020, the County Health Officer issued a revised Order
to coincide with Governor's July 13th Order and requiring the closure of indoor
operations of the following establishments: malls, shopping centers, hair salons,
barbershops, fitness facilities, and personal care establishments.
- K. Under the recent State and County Health Orders, local gyms, fitness centers, hair
salons, barbershops, and personal care establishments that are unable to shift their
operations outdoors have been forced to shut down for the second time during the

1 COVID-19 pandemic. Many of these business were struggling to financially recover
2 following the first mandatory closure in March, and some may not be able to survive a
3 second closure. This Order is intended to assist the economic recovery of these
4 establishments and to permit them to continue to operate outdoors under State and
5 County Health Orders by temporarily suspending local zoning regulations during the
6 COVID-19 crisis.

- 7
- 8 L. California Business and Professions Code section 7317 requires that all barbershops,
9 hair salons and cosmetology services including specified personal care services, must
10 be performed in a licensed establishment. This Ordinance is further intended to permit
11 the outdoor operation of these establishments as may be permitted by the State Board
12 of Barbering and Cosmetology.
- 13 M. On July 17, 2020, the City Manager issued Executive Order No. 2020-09 to
14 temporarily suspend specified City of Hermosa Beach zoning regulations to permit
15 gyms and fitness facilities to operate outdoors. The Order also permitted hair salons
16 and barbershops to operate outdoors as permitted by the State Board of Barbering and
17 Cosmetology.
- 18 N. To assist in the safe outdoor operation of hair salons, barbershops, and personal care
19 establishments, on July 20, 2020, Governor Newsom along with the State Health
20 Officer released mandatory guidance on the safe outdoor operation of these
21 establishments as permitted under its July 13th Order. Consistent with this updated
22 State Guidance, the County Health Officer also updated its reopening protocol for
23 personal care establishments, hair salons and barbershops in Appendices R and H of its
24 order, respectively.
- 25 O. As a result of State and County Stay-At-Home Orders, all non-essential office work
26 spaces were ordered to close in an effort to slow the spread of COVID-19. City of
27 Hermosa Beach Municipal Code section 17.08.020(D)(14) prohibits professional
28 offices in residential zones, that include but are not limited to: the healing arts, law,
accounting, real estate, clergy, insurance and similar professional or semi-professional
offices, unless the person engaged in such home occupation maintains a principal
licensed office in an area permitting such activity as a principal use. Section
17.08.020(D)(14) clearly impedes on these businesses' ability to continue their home
occupations in light of State and County Stay-At-Home-Orders that have forced them
to close their commercial office spaces.
- P. This Ordinance is necessary to supplement the City Manager's Executive Order No.
2020-09, to (1) temporarily suspend City of Hermosa Beach Municipal Code Sections
17.26.050(B), 17.44.030, 17.38.550(B) and 17.08.020(D)(14) regarding uses permitted
within commercial zones, off-street parking requirements for commercial and business
use, and home occupation permits to the extent they conflict with this Ordinance.
- Q. This Ordinance also adopts additional measures to require members of the public to
wear face coverings whenever they leave their place of residence.

1 R. This Ordinance is adopted pursuant to Government Code section 36937, for the
2 preservation of the public peace, health, and safety of residents living within the City,
3 and finds urgency to approve this Ordinance immediately based on the facts described
4 herein and detailed in the staff report.

5 **SECTION 2.** The provisions of Hermosa Beach Municipal Code Sections 17.26.050 (B),
6 17.44.030, 17.38.550(B) and 17.08.020(D)(14) regarding uses permitted within commercial
7 zones, off-street parking requirements for commercial and business uses within commercial
8 zones, and home occupation permits are hereby temporarily suspended, to the extent they
9 conflict with this Ordinance, to allow for the implementation of items A and B below on a
10 temporary basis during the term of the City, State and Los Angeles County COVID-19
11 emergency orders:

12 A. Gyms, fitness centers, hair salons, barbershops and personal care establishments (to the
13 extent permitted by the State Board of Barbering and Cosmetology) may operate
14 outdoors to assist in their economic recovery in accordance with the “Outdoor
15 Commercial Uses Operational Standards” attached hereto as Exhibit A and
16 incorporated herein by reference.

17 B. Consistent with the Los Angeles County Health Officer Reopening Protocol for
18 Personal Care Establishment in Appendix R, “personal care services” shall include:
19 nail salons, tanning salons, esthetician, skin care, cosmetology services and massage
20 therapy (in a non-healthcare setting). Electrology, tattooing, microblading, permanent
21 make-up and piercing may not operate outdoors because they are invasive procedures
22 that require a controlled hygienic environment to be performed safely. Mobile or in-
23 home personal care services are not allowed.

24 C. Professional offices, including but not limited to the healing arts, law, accounting, real
25 estate, clergy, insurance and similar professional or semiprofessional offices may render
26 their services from their residence with a home occupation permit regardless if they
27 comply with Municipal Code section 17.08.020(D)(14), to allow them to continue to
28 operate and pursue their livelihoods while complying with California and Los Angeles
County Health orders in response to COVID-19.

29 **SECTION 3.** The following emergency measures are adopted:

30 A. All persons shall wear a face covering over both the nose and mouth whenever they leave
31 their place of residence, except for:

- 32 a. Persons younger than two years old;
- 33 b. Persons who have been instructed by a medical provider not to wear a face
34 covering due to a medical condition, mental health condition, or disability that
35 prevents wearing a face covering;
- 36 c. Persons who are hearing impaired, or communicating with a person who is
37 hearing impaired, where the ability to see the mouth is essential for
38 communication;
- 39 d. Persons who are swimming or engaged in other water-based activities; and

1 e. Healthcare workers, first responders, and others whose work requires close
2 contact with people who are ill.

3 B. For purposes of this Ordinance, “face covering” shall mean: fabric coverings, such as
4 cloth masks, scarves, bandanas, tightly woven fabric such as cotton t-shirt, and some
5 types of towels that cover the nose and mouth. Medical-grade masks and N-95
6 respirators are not required.

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

10 D. With respect to persons on the beach, this Ordinance supersedes Section 2(c)(ii) of City
11 Manager Executive Order No. 2020-06.

12 **SECTION 4.** In addition to enforcement remedies available to the City as provided in the
13 Hermosa Beach Municipal Code, emergency executive orders issued by the City
14 Manager/Director of Emergency Services and confirmed by City Council, and emergency
15 ordinances, orders and resolutions adopted by the City Council shall be enforceable by way of:

16 A. Imposing an administrative citation pursuant to HBMC Chapter 1.10.

17 B. Prosecuting a misdemeanor, punishable by a fine of not to exceed one thousand (\$1,000)
18 dollars or by imprisonment for not to exceed six months, or both.

19 **SECTION 5 Severability.** If any section, subsection, sentence, clause, phrase or word
20 of this ordinance is found to be unconstitutional or otherwise invalid by any court of
21 competent jurisdiction, such decision shall not affect the remaining provisions of this
22 Ordinance.

23 **SECTION 6 Environmental Review.** The City Council finds that adoption and
24 implementation of this ordinance is not a “project” for purposes of the California Environmental
25 Quality Act (CEQA), as that term is defined by CEQA guidelines (Guidelines) sections
26 15061(b)(3), and 15378(b)(5). The effect of the proposed amendment will be to maintain the
27 status quo. No new development will result from the proposed action. No impact to the physical
28 environment will result. The City Council also alternatively finds that the adoption and
implementation of this ordinance is exempt from the provisions of CEQA as an administrative
activity by the City of Hermosa Beach, in furtherance of its police power, that will not result in
any direct or indirect physical change in the environment, per sections 15061(b)(3), and
15378(b)(5) of the CEQA , Guidelines, as well as CEQA Guidelines section 15064(e) (economic
regulations).

SECTION 7 Urgency Declaration; Effective Date. The City Council finds and declares
that the adoption and implementation of this Ordinance is necessary for the immediate
preservation and protection of the public peace, health and safety as detailed above by the City,
pursuant to Government Code section 36937. As a result of State and County stay at home
orders, local gyms, fitness facilities, hair salons and barbershops were forced to close. The rapid,

1 immediate and unexpected loss of revenue following the first wave of mandatory closures was
2 devastating to these local businesses. Many of these businesses are still struggling to financially
3 recover, and some may not be able to survive a second closure. Additionally, home occupations
4 that render certain professional services, are unable to pursue their livelihoods while complying
5 with local zoning regulations and State and County health orders. The recent increase in
6 confirmed cases and hospitalizations demonstrates how easily and rapidly the disease can spread
7 form person-to person. By requiring members of the public to wear face coverings while outside
8 of their places of residence helps reduce the risk of community transfer of the disease. This
9 Ordinance is intended to assist the economic recovery of these establishments and to permit
10 them to continue to operate under State and County health orders by temporarily suspending
11 specified local zoning regulations during the COVID-19 crisis. This Ordinance is also
12 conducive to the public health because it requires businesses to follow the directives of State
13 and County public health officials to prevent the further spread of the disease. This Ordinance
14 must be passed by four-fifths of the City Council and shall take effect immediately after passage.

9 **SECTION 8. Certification.** The City Clerk shall certify to the passage and adoption of
10 this Ordinance and shall cause the same, or the summary thereof, to be published or posted in
11 the manner required by law.

13 **PASSED, APPROVED, AND ADOPTED this __th day of July, 2020.**

15 _____
16 **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

18 **ATTEST:**

18 **APPROVED AS TO FORM:**

20 _____
21 **Eduardo Sarmiento, City Clerk**

20 _____
21 **Michael Jenkins, City Attorney**

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CORONAVIRUS

NEWS AND UPDATES

City of West Hollywood Face Covering Requirements to Reduce the Spread of COVID-19

Post Date: July 02, 2020 5:19 PM

The City of West Hollywood requires people to wear face coverings in public in order to reduce the transmission of coronavirus and reduce the spread of COVID-19.

Requirements to use face coverings took effect on Saturday, May 23, 2020.

There are urgent concerns about the spike in the COVID-19 infection rate. We can once again flatten the curve, but we must all work together. It's imperative that we each keep others and ourselves safe by using a face covering in public and maintaining social (physical) distance.

Since May, the Los Angeles County Sheriff's Department West Hollywood Station has been monitoring compliance of face covering requirements.

The West Hollywood Station has announced that, while its primary focus remains on education and awareness, personnel may issue an Administrative Citation if someone refuses voluntary compliance to use a face covering. Sheriff's personnel will hand out face coverings as part of requesting compliance to people who do not have them.

The City of West Hollywood's fee schedule for such Administrative Citations is as follows:

A first violation is \$250 plus a fee of \$50 for a total of \$300;

A second violation is \$1,000 plus a fee of \$50 for a total of \$1,050;

A third violation is \$2,000 plus a fee of \$50 for a total of \$2,050; and

A fourth violation is \$5,000 plus a fee of \$50 for a total of \$5,050.



These are Administrative Citations, not Criminal Charges.

In addition, the City of West Hollywood's Code Compliance Division provides oversight of business compliance and Code Enforcement Officers may issue Administrative Citations to businesses that are not in compliance with Los Angeles County Department of Public Health protocols.

When in public, people in West Hollywood should maintain social (physical) distancing of at least six feet and use a face covering to adhere to City requirements. Public Health officials recommend a clean cloth face covering that securely covers both nose and mouth.

Face coverings are not required for young children under two-years-old. Children between two- and eight-years-old should only wear face coverings with adult supervision; and people with certain medical conditions are exempt from this requirement.

Guidance for Face Coverings

The City of West Hollywood encourages residents to remain home as much as is practical and limit close contact with others outside of a household. Additionally, people 65 years old or older and all people of any age with underlying health conditions should remain at home whenever possible; people in these categories should only leave their residences to seek medical care, exercise, or obtain food or other necessities.

We can defeat the coronavirus pandemic faster when we all work together.

For more information, please visit [weho.org/coronavirus](https://www.weho.org/coronavirus).

#WeHoStrong

For more information from the Los Angeles County Sheriff's Department West Hollywood Station, please call (310) 855-8850.

For more information from the City of West Hollywood's Code Compliance Division, please call (323) 848-6516.

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