

**ORDER OF THE DIRECTOR OF EMERGENCY SERVICES RELATING TO
TEMPORARY CLOSURE OF BEACHES AND BEACH PARKING FACILITIES TO
THE PUBLIC FROM SUNRISE ON AUGUST 22, 2020 TO SUNRISE ON AUGUST 24,
2020 WITHIN PACIFICA DUE TO EXTREME WEATHER CONDITIONS AND FIRES
DURING COVID-19 PANDEMIC (ORDER NO. 2020-2-01)**

WHEREAS, Government Code section 8630 and section 4-2.01 *et seq.* of the Pacifica Municipal Code empower the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City Council is not in session, subject to confirmation by the City Council at the earliest possible time; and

WHEREAS, the City Manager is the Director of Emergency Services of the City of Pacifica; and

WHEREAS, on March 3, 2020, the San Mateo County Health Officer declared a Local Health Emergency pursuant to Health and Safety Code section 101080 based on the imminent and proximate threat to public health from the introduction of the novel coronavirus ("COVID-19") in San Mateo County; and

WHEREAS, on or about March 4, 2020, as part of the State of California's response to address the global COVID-19 outbreak, Governor Gavin Newsom 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 following one official COVID-19 death; and

WHEREAS, on March 16, 2020, the City Manager in his capacity as Director of Emergency Services, issued a Proclamation of Local Emergency due to the global pandemic resulting from COVID-19; and

WHEREAS, on March 18, 2020, the Proclamation of Local Emergency was ratified by the City Council through Resolution No. 18-2020; and

WHEREAS, the San Mateo County Health Officer has issued a number of Health Orders to protect the health and safety of people since declaring a Local Health Emergency, including Health Order No. c19-11 superseding previous Shelter-in-Place Orders and aligning the County with the State Shelter Order/Resilience Roadmap and limiting public and private gatherings; and

WHEREAS, the State Public Health Officer and Director has also issued a number of Health Orders since the State declared a State of Emergency, including a Statewide Public Health Officer Order dated July 13, 2020 regarding certain events and activities and continuing to limit gatherings and requiring social distancing and face coverings; and

WHEREAS, the City of Pacifica continues to feel the effects of COVID-19 and the period of Local Emergency has been extended due to the ongoing pandemic; and

WHEREAS, in the midst of the COVID-19 crisis, the City of Pacifica is experiencing another type of crisis that is happening State-wide due to extreme weather conditions; and

WHEREAS, beginning on August 14, 2020, the State of California began experiencing an extreme heat event, causing record-breaking temperatures and Red Flag Warnings throughout California; and

WHEREAS, on August 16, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California due to the “Extreme Heat Event”; and

WHEREAS, in addition to the fire conditions being exacerbated by extreme temperatures, the weather event has resulted in widespread lightning strikes, sparking fires throughout the state; and

WHEREAS, there are currently hundreds of fires actively burning during these extreme weather conditions throughout California, which have collectively burned tens of thousands of acres; and

WHEREAS, on August 18, 2020, the Governor of the State of California issued a Proclamation of a State of Emergency due to the fires burning statewide; and

WHEREAS, extremely high temperatures and dry conditions are expected to continue, which will further increase the spread of fires statewide and likely result in additional wildfires, further exacerbating the current wildfire situation in California; and

WHEREAS, in addition to the high temperatures, the San Francisco bay area has also experienced, and they continue to be forecasted in the coming days, significant lightning storms; and

WHEREAS, fires in the southern portion of San Mateo County (collectively referred to as the CZU August Lightning Complex Fires), which appear to have been caused by lightning strikes related to atypical weather patterns, have given rise to conditions of disaster and extreme peril to the safety of persons and property within the territorial limits of San Mateo County; and

WHEREAS, the CZU August Lightning Complex Fires have burned approximately 10,000 acres and continue to threaten communities and property in southern San Mateo County; and

WHEREAS, within San Mateo County, the California Department of Forestry and Fire Protection (“Cal Fire”) has issued evacuation orders for the communities of Loma Mar and Dear Park, as well as areas in the vicinity of Pescadero Creek County Park and the Butano area; and

WHEREAS, on August 19, 2020, the San Mateo County Board of Supervisors issued Proclamation 4292 declaring a Local Emergency due to the CZU August

Lightning Complex Fires and the mobilization of local resources and the ability to coordinate interagency response; and

WHEREAS, due to the summer heat, the City of Pacifica has experienced increased beach attendance on the weekend as people seek a place to escape from the heat and the smoke from the fires; and

WHEREAS, this increase in beach attendance creates significant increases in traffic on the primary highway access to and from the City of Pacifica and on City streets; and

WHEREAS, traffic congestion could hinder emergency response vehicles and evacuations of residents along the coast due to the uncontained wildfires; and

WHEREAS, large gatherings at Pacifica beaches are likely to result in conditions which are conducive to the spread of COVID-19; and

WHEREAS, on August 21, 2020 at 5:00 p.m., the City Manager in his capacity as Director of Emergency Services, issued a Proclamation of Local Emergency due to the extreme weather conditions and fires during the COVID-19 pandemic; and

WHEREAS, establishing rules and regulations to temporarily close public beaches and beach parking lots during the period of sunrise on Saturday, August 22, 2020 to sunrise on Monday, August 24, 2020 is necessary to minimize such gatherings, and is therefore necessary to protect the public health and safety, to discourage travel to beaches located within Pacifica and reduce crowding and traffic congestion to ensure access for emergency response vehicles and evacuations south of Pacifica due to the uncontained wildfires; and

WHEREAS, under authority contained in Sections 8610 and 8634 of the Government Code and PMC section 4-2.06(a) the City Manager is empowered, as the Director of Emergency Services, to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by the emergency; however, such rules and regulations must be confirmed by the City Council at the earliest practicable time; and

WHEREAS, the City Manager is empowered, as the Director of Emergency Services to execute all ordinary powers as City Manager, all the special powers conferred upon him by any statute or agreement approved by the City Council or by any other lawful authority, and, in conformity with the provisions of Section 38791 of the Government Code of the State, to exercise complete authority over the City and all police powers vested in the City by Constitution and general laws of the State; and

WHEREAS, under conditions of the local emergency, it is deemed necessary to impose certain rules and regulations relating to the temporary closure of public beaches in Pacifica as well as beach parking facilities to discourage the gathering of crowds, traffic congestion and to ensure social distancing is maintained and is necessary to protect public safety and health.

NOW THEREFORE BE IT RESOLVED, that I, Kevin Woodhouse, as Director of Emergency Services of the City of Pacifica, declare that due to the state of local emergency due to extreme weather and wild fires during the COVID-19 pandemic the following rules and regulations are issued:

SECTION 1. The recitals set forth above are incorporated herein as is fully set forth above, and are adopted as findings in support of this Order.

SECTION 2. The following beaches and beach parking facilities are temporarily closed to the public for any and all activities from sunrise on Saturday, August 22, 2020 through sunrise on Monday, August 24, 2020:

- Pacifica State Beach (Linda Mar Beach) and north and south parking lots;
- Crespi Lot (Parking lot in front of the Pacifica Community Center);
- Rockaway Beach and north and south parking lots;
- Sharp Park Beach;
- Esplanade Beach and Fisherman's Lot in the 800 block of Palmetto Avenue.

SECTION 3. Any violation of this Order shall be subject to enforcement and penalties as provided for in PMC 1-2.01 or may be enforced through any other lawful means, including but not limited to, California Health and Safety Code Sections 101029, 120295, et seq. and 131082; Government Code Section 41601 and Cal. Penal Code Sections 15 and 836.

SECTION 4. This Order shall become effective on the date signed by the Director of Emergency Operations for the City of Pacifica.

SECTION 5. Severability. If any section, subsection, clause, or phrase of this Order is for any reason held to be invalid, such a decision shall not affect the validity of the remaining portion or section of the Order.

SECTION 6. This order takes precedence over ordinances and resolutions in conflict herewith.

IT IS FURTHER ORDERED that the Director of Emergency Services shall request that the City Council confirm this Order at the earliest practicable time.

Date and time: 8/21/2020, 5:00 p.m. By: 
Kevin Woodhouse, Director of Emergency Services

ATTEST:

Sarah Coffey, City Clerk