ORDER OF THE DIRECTOR OF EMERGENCY SERVICES (MONTEREY CITY MANAGER) 
ISSUING TEMPORARY AND LIMITED CLOSURE OF MCAEBEE AND SAN CARLOS BEACHES 
FROM AUGUST 22, 2020 THROUGH SEPTEMBER 22, 2020 
AND ALL BEACHES ON LABOR DAY WEEKEND TO PREVENT THE SPREAD OF COVID-19 
(Amended August 27, 2020)

WHEREAS, pursuant to Government Code section 38791, the City Council may provide for 
a chief executive who, during period of great public calamity such as an epidemic, has complete 
authority over the City and the right to exercise all police power vested in the city by the Constitution 
and general laws;

WHEREAS, Section 11-4(b) of the Monterey City Code empowers the Director of 
Emergency Services to proclaim the existence or threatened existence of a local emergency when 
the City is affected or likely to be affected by a public calamity and the City Council is not in session;

WHEREAS, Monterey City Code section 11-4(b)(9) states that the Director of Emergency 
Services shall have the power during a proclaimed emergency to make and issue rules and 
regulations on matters reasonably related to the protection of life and property which are or may be 
affected by the emergency, including the temporary suspension of local ordinances and regulations, 
provided that such actions shall be confirmed at the earliest practical time by the City Council;

WHEREAS, on March 13, 2020, the City Manager as the Director of Emergency Services of 
the City of Monterey, proclaimed the existence of a local emergency based on the following related 
to the COVID-19 pandemic: (1) on January 30, 2020, the World Health Organization declared a 
public health emergency of international concern; (2) on January 31, 2020, the U.S. Department of 
Health and Human Services declared a Public Health Emergency in the United States; (3) on March 
4, 2020, the State of California proclaimed a state of emergency; and (4) on March 10, 2020 the 
County of Monterey declared a local emergency;

WHEREAS, on March 17, 2020, the City Council adopted Resolution No. 20-033 and ratified 
said Proclamation;

WHEREAS, the County of Monterey Health Officer, on March 17, 2020 ordered a shelter in 
place order, which was amended on April 3, 2020, April 28, 2020, May 1, 2020, and May 8, 2020;
WHEREAS, on March 19, 2020, the Governor of the State of California issued Executive Order N-33-20, ordering all individuals in the State of California to stay home or at their place of residence, except as outlined by the California Department of Public Health, during the COVID-19 pandemic for the preservation of public health and safety throughout California and to ensure that the healthcare delivery systems is capable of serving all, including those at higher risk and the most vulnerable. Executive Order N-33-20 requires all Californians to heed the state public health directives;

WHEREAS, the County of Monterey Health Officer, on March 17, 2020, ordered a shelter in place order that was amended on April 3, 2020, April 28, 2020, May 1, 2020, and May 8, 2020;

WHEREAS, the County of Monterey Health Officer on May 26, 2020 issued an amended order that was effective upon the posting by the California Department of Public Health on its website the County Health Officer’s Attestation for a Variance through Stage 2 of the State’s Roadmap to Pandemic Resilience;

WHEREAS, the County Health Officer’s attestation for a variance was posted on May 30, 2020 and the County Health Officer’s order dated May 26, 2020 became effective on May 30, 2020;

WHEREAS, the Los Angeles Times reported that “Governor Gavin Newsom …criticized Californians who defied the statewide stay-at-home order and flocked to beaches over the weekend, saying that ignoring restrictions could prolong the spread of the coronavirus in the state.” (Phil Willon, Newsom chastises beachgoers, warning that defying order could delay reopening California, April 27, 2020, https://www.latimes.com/california/story/2020-04-27/gavin-newsom-reopening-california-beachgoers-stay-home-order.)

WHEREAS, according to the Monterey County Daily Situation Report dated August 17, 2020, there were 6,548 confirmed cases of COVID-19, 396 hospitalizations, 46 fatalities, 3,907 recovered, and 14,993 contacts in the County;

WHEREAS, on July 2, 2020, the California Department of Public Health placed Monterey County on the COVID-19 County Data Monitoring List in response to elevated disease transmission, requiring the closure of certain indoor industries. Monterey County remains on the Monitoring List as of August 17, 2020;

WHEREAS, this Order is necessary to reduce crowding, public gatherings, and the risk of transmission of COVID-19. The high volume of users on beaches seriously impedes community efforts to stem the local transmission of COVID-19;

WHEREAS, the National Weather Service issued Excessive Heat Warnings in August affecting the San Francisco Bay Area, Central Coast, and Central Valley, with hottest locations approaching 115 degrees Fahrenheit. More Excessive Heat Warnings or Heat Advisories in the
Central Valley and San Francisco Bay Area, which occur frequently during the summer months, will result in an influx of visitors from outside of the region, resulting in overcrowding on beaches;

WHEREAS, McAbee and San Carlos beaches are compact, with limited access points. The high volume of users on these beaches seriously impedes community efforts to stem the local transmission of COVID-19. The City recognizes the benefits of exercise and the importance of maintaining access to the coast and to parks for mental, physical, and emotional health. However, given the geographic compactness of McAbee and San Carlos beaches, and the overcrowding occurring at those beaches, limiting activity on McAbee and San Carlos Beaches for the rest of the summer 2020 season to ocean access only is necessary to protect the public’s health, safety, and welfare;

WHEREAS, California State Parks’ closure of the Houghton M. Roberts Beach and Seaside Beach parking lots over Labor Day Weekend is expected to displace beachgoer parking to Sand Dunes Drive, Tide Avenue, Beach Way, Surf Way, and Spray Avenue in Monterey, causing unsafe crowding on those streets;

WHEREAS, Labor Day Weekend has historically drawn large crowds to the Monterey Bay Area, and the high volume of beachgoers expected in the region requires the closure of all beaches in Monterey from September 4, 2020 through September 7, 2020.

NOW, THEREFORE, IT IS HEREBY ORDERED:

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

SECTION 2. Temporary Closure of McAbee and San Carlos beaches

a. Temporary and Limited Closure of McAbee and San Carlos beaches. McAbee and San Carlos beaches are temporarily closed to the public.
b. Exception. All recreational uses of the ocean, (e.g., surfing, swimming, kayaking, paddle-boarding, diving, fishing, etc.) are permitted so long as those engaging in these activities comply with social distancing requirements. It is permissible to enter and exit the beach for purposes of reaching the ocean for recreational use.
c. Enforcement. Any person who violates this Section is in violation of Monterey City Code section 23-3(c) and is subject to administrative citations under City Code section 1-9 through 1-9.12. The fine amount for the first violation is $100, the second violation is $250, and the third violation is $500.
d. Effective Date. This Order shall be effective at 12:01 a.m. on August 22, 2020 and it may be suspended or amended as circumstances dictate. This order shall remain in effect until 6:30 a.m. on September 22, 2020 unless terminated sooner by the City Manager.
SECTION 3. Temporary Closure of all Monterey beaches

a. Temporary and Limited Closure of all Monterey beaches, including McAbee, San Carlos, Monterey Municipal, Del Monte Beach, Monterey State Beach, and Houghton M. Roberts Beach

b. Exception. All recreational uses of the ocean, (e.g., surfing, swimming, kayaking, paddle-boarding, diving, fishing, etc.) are permitted so long as those engaging in these activities comply with social distancing requirements. It is permissible to enter and exit the beach for purposes of reaching the ocean for recreational use.

c. Enforcement. Any person who violates this Section is in violation of Monterey City Code section 23-3(c) and is subject to administrative citations under City Code section 1-9 through 1-9.12. The fine amount for the first violation is $100, the second violation is $250, and the third violation is $500.

d. Effective Date. This Order shall be effective at 12:01 a.m. on September 4, 2020 and it may be suspended or amended as circumstances dictate. This order shall remain in effect until 11:59 p.m. on September 7, 2020 unless terminated sooner by the City Manager.

SECTION 4. Limited Closure of Certain Streets in Del Monte Beach Neighborhood and Sand Dunes Drive.

a. Parking is prohibited from 7:00 AM to 10:00 PM daily from September 4, 2020 through September 7, 2020 to coincide with the beach closures in the following locations:
   i. Tide Avenue
   ii. Beach Way between Tide Avenue and Dunecrest Avenue, including the northern parking lot
   iii. Surf Way between Tide Avenue and Dunecrest Avenue
   iv. Spray Avenue between Beach Way to the end of the western cul-de-sac
   v. Sand Dunes Drive between Canyon Del Rey Blvd (Humboldt Street) to Houghton M. Roberts Beach parking lot

b. Enforcement. Any person who violates this Section is subject to citation under City Code section 20-66 in the amount of $125.00 per Resolution 20-020.

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

August 27, 2020 at 0838

Date and Time

Hans Uslar, City Manager and Director of Emergency Services