



Rick Cole
City Manager

Office of the City Manager
1685 Main Street
PO Box 2200
Santa Monica, CA 90407-2200

**SEVENTH SUPPLEMENT TO THE EXECUTIVE ORDER OF THE DIRECTOR OF
EMERGENCY SERVICES DECLARING THE EXISTENCE OF A LOCAL
EMERGENCY**

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”); and

WHEREAS, on March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

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; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 13, 2020, the City Manager, in his role as the Director of Emergency Services, (“Executive Director of Emergency Services”) proclaimed the existence of a local emergency pursuant to Chapter 2.16 of the Santa Monica Municipal Code to ensure the availability of mutual aid and an effective the City’s response to the novel coronavirus (“COVID-19”) and this local emergency was restated on March 14, 2020, through a revised declaration of local emergency to ensure compliance with all digital signature requirements; and

WHEREAS, on March 14, 2020, the Executive Director of Emergency Services issued a first supplemental emergency order placing a temporary moratorium on evictions for non-payment of rent and temporarily suspending (a) the discontinuation or shut off of water service for residents and businesses in the City for non-payment of water and sewer bills; (b) the imposition of late payment penalties or fees for delinquent water and/or sewer bills; and (c) the imposition of late payment penalties or fees for parking violations; and

WHEREAS, on March 15, 2020, the Executive Director of Emergency Services issued a second supplemental emergency order temporarily closing the Santa Monica Pier to the general public; and

WHEREAS, on March 16, 2020, the Executive Director of Emergency Services issued a third supplemental emergency order that ordered the temporary closure of bars and nightclubs that do not serve food, movie theaters and entertainment venues, bowling alleys and arcades, gyms and fitness centers, and non-medical physical health and beauty businesses; temporarily prohibited restaurants, bars, and retail food facilities from serving food on-premises; and strongly urged houses of worship to limit large gatherings on their premises and to observe social distancing practices in their services; and

WHEREAS, on March 17, 2020, the Executive Director of Emergency Services issued a Revised Fourth Supplement to the Executive Order to permit public safety facilities, hospitals, clinics, and emergency shelters in all zoning districts and allow the Director of the Department of Planning and Community Development or designee to waive development standards, design review, parking and access requirements, and sign standards related to such uses; to permit limited service and take-out restaurant uses in any zoning district that allows full-service restaurants; to allow drive-through facilities for clinics, convenience markets, farmers markets, general markets, hospitals, pharmacies, and restaurants; to suspend planning deadlines and automatic approvals; to extend interim zoning ordinances now in effect; to direct that street sweeping not be conducted unless essential for public health and safety and suspend parking citations related thereto; to suspend preferential parking rules; to suspend certain regulations relating to the operation of oversize vehicles; and to suspend Breeze bike share fees; and

WHEREAS, on March 18, 2020, the Executive Director of Emergency Services issued a Revised Fifth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency implementing a rear-door boarding policy for all Big Blue Bus (BBB) customers, with the exception of Americans with Disabilities Act customers traveling in mobility devices; suspending all passenger fares on the BBB; suspending discontinuation or shut-off of water services for residents and businesses based on non-payment of water or sewer bills; suspending late payment penalties for (a) water and/or sewer bills; (b) parking citations; (c) refuse and recycling collection bills; (d) Certified Unified Program Agency (CUPA) charges; (e) Fire Prevention inspection charges; (f) Transient Occupancy Taxes; (g) Utility Users Taxes; and (h) Parking Facility Taxes; suspending parking restrictions and limitations in many City parking lots, parking zones, and parking spaces; and suspending penalty assessments related to business licenses and business improvement district assessments; and

WHEREAS, on March 19, 2020, the City Council ratified the proclamation of local emergency made by the Executive Director of Emergency Services, as well as the Revised First, Second, Third, Revised Fourth, and Revised Fifth Supplements thereto, and resolved that the proclamation and the aforementioned Supplements shall be operative and in effect through April 30, 2020; and

WHEREAS, on March 20, 2020, the Executive Director of Emergency Services issued a Sixth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency suspending labor negotiations through April 30, 2020, so that the City may assess the financial impacts of COVID-19 prior to engaging in collective bargaining, and suspending various human resources processes in order to decrease in-person meetings and enable effective emergency response, including suspending requirements associated with the administration of competitive examinations and the appointment of individuals from eligibility lists; suspending certain requirements and minimum qualifications associated with the appointment of temporary, limited-term, and as-needed employees; and

modifying the Municipal Code to state that certain additional appointments will be subject to a probationary period; and

WHEREAS the Centers for Disease Control and Prevention, the California Department of Public Health, and the Los Angeles County Department of Public Health have all issued public health recommendations to the community including but not limited to staying home if sick, social distancing from non-family members, canceling or postponing events and gatherings, and taking other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS the Los Angeles County of Public Health has confirmed 292 cases of COVID-19 in Los Angeles County and has advised that bold and aggressive measures to put in place to prevent the further spread of COVID-19; and

WHEREAS the California Department of Alcoholic Beverage Control (“ABC”) issued a “Notice of Regulatory Relief” on March 19, 2020, that relaxed several restrictions related to the sale of alcoholic beverages; and

WHEREAS, for restaurants that have licenses for on-site sales, whether Type 41 (wine and beer only) or Type 47 (wine, beer and spirits), the Notice of Regulatory Relief specifically allowed 1) “onsite retailers exercising offsite privileges,” which allows for sale of alcoholic beverages in the manufacturer’s pre-packaged container; and 2) “sales of alcoholic beverages to go,” which allows for sale of alcoholic beverages in sealed containers (which could include mixed drinks) along with a food to go order; and

WHEREAS, for retailers, the Notice of Regulatory Relief relaxed regulations related to deliveries, permitted sales from 6 am to 2 am notwithstanding shortened hours on a permit, and allowed sales through pass-out windows; and

WHEREAS, the Notice of Regulatory Relief did exempt licensees from local ordinances, zoning restrictions, conditional use permits, etc., but ABC articulated that it will not consider any violation of such local controls to constitute a violation of a State license; and

WHEREAS, the ABC determined that increased social distancing requirements called for relaxation of prior regulations as set forth in the Notice of Regulatory Relief and secondary effects that previously were of concern would be significantly mitigated by those same social distancing requirements; and


WHEREAS, in the interest of 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 Section 2.16.060 of the Santa Monica Municipal Code to issue this regulation related to the protection of life and property.

NOW, THEREFORE, I, Rick Cole, the Director of Emergency Services for the City of Santa Monica, do hereby issue the following order to become effective immediately, subject to ratification as soon as practicable by the City Council:


IT IS HEREBY ORDERED THAT:

1. Off-site alcohol sales shall be permitted for Restaurants, Full-Service, as that term is defined by Section 9.51.030(B)(8)(b) of the Santa Monica Municipal Code, and Restaurants, and Limited-Service and Take-Out, as that term is defined by Section 9.51.030(B)(8)(c) of the Santa Monica Municipal Code that:
 - a. Have obtained and are operating under license to sell alcoholic beverages from the California Department of Alcoholic Beverage Control (“ABC”);
 - b. Have obtained and are operating under a Conditional Use Permit or Alcohol Exemption issued by the City of Santa Monica, or are operating as an existing alcohol outlet without a Conditional Use Permit pursuant to Section 9.31.040 of the Santa Monica Municipal Code; and
 - c. Conduct such sales in accordance with all conditions and requirements set forth in ABC’s Notice of Regulatory Relief issued on March 19, 2020, including, but not limited to, provisions related to On-Sale Retailers Exercising Off-Sale Privileges and Sales of Alcoholic Beverages To Go.
2. Retail sales of alcohol shall be permitted in accordance with the conditions and requirements set forth in ABC’s Notice of Regulatory Relief issued on March 19, 2020 for Convenience Markets, as that term is defined by Section 9.52.030(B)(10)(a) of the Santa Monica Municipal Code, General Markets, as that term is defined by Section 9.51.030(B)(10)(c) of the Santa Monica Municipal Code, and Liquor Stores, as that term is defined by Section 9.51.030(B)(10)(d) that:
 - a. Have obtained and are operating under a license to sell alcoholic beverages from ABC; and
 - b. Have obtained and are operating under a Conditional Use Permit or Alcohol Exemption issued by the City of Santa Monica, or are operating as an existing alcohol outlet without a Conditional Use Permit pursuant to Section 9.31.040 of the Santa Monica Municipal Code; and
 - c. Conduct such sales in accordance with all conditions and requirements set forth in ABC’s Notice of Regulatory Relief issued on March 19, 2020, including, but not limited to, Off-Sale Transactions Through Pass-Out Windows, Hours of Operations for Retail Sales, and Deliveries to Consumers.
3. This Order shall take effect immediately and shall remain in effect until April 30, 2020, at 11:59 p.m, unless extended or expressly superseded by a duly enacted Ordinance of the City Council or by a further Order by the Director of Emergency Services.

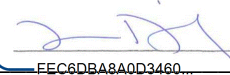
ADOPTED this 21st day of March 2020.

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By: _____
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RICK COLE
City Manager
Director of Emergency Services

ATTEST:

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DENISE ANDERSON-WARREN
City Clerk

APPROVED AS TO FORM:

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LANE DILG
City Attorney