



Lane Dilg
Interim City Manager

Office of the City Manager
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**THIRTEENTH 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 12, 2020, in response to social distancing guidance issued by the Centers for Disease Control and Prevention, the California Department of Public Health, and the Los Angeles County Department of Public Health, the City of Santa Monica (“the City”) cancelled all social gatherings (events, activities, programs, and gatherings) in City facilities that were scheduled to occur through permit or license between March 12, 2020, and March 31, 2020, absent a persuasive showing by the permittee or licensee that the gathering could take place in accordance with the guidance and directives of public health authorities; and

WHEREAS, on March 12, 2020, in response to social distancing guidance issued by the Centers for Disease Control and Prevention, the California Department of Public Health, and the Los Angeles County Department of Public Health, and to protect the health and safety of the City workforce, the City announced that Santa Monica City Hall would be closed to the public and open only to City employees from March 16, 2020, to March 31, 2020; 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, (“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 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 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 Los Angeles County Department of Public Health issued a Health Officer Order for the Control of COVID-19 temporarily prohibiting group events of 50 or more people, requiring certain social distancing measures, and ordering the closure of certain businesses; and

WHEREAS, on March 16, 2020, the 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 16, 2020, the Governor of California Governor issued Executive Order N-28-20, suspending any and all provisions of state law that would preempt or otherwise restrict a local government's exercise of its police powers to impose substantive limitations on residential and commercial evictions with respect to COVID19-related rent payment issues; and

WHEREAS, on March 17, 2020, the 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 Director of Emergency Services issued a Revised First Supplement to the Executive Order of the Director of Emergency Services implementing eviction protections for residential and commercial tenants and suspending removals of rental property from the market under the Ellis Act; and

WHEREAS, on March 18, 2020, the 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 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 19, 2020, California Governor Gavin Newsom issued Executive Order N-33-20 directing all residents of the State of California to heed directives issued by the State Health Officer on the same date instructing all Californians to stay home except as needed to maintain continuity of operations of the federal critical infrastructure sectors; and

WHEREAS, on March 19, 2020, the Los Angeles County Department of Public Health issued an enhanced Health Officer Order, the Safer at Home Order for Control of COVID-19, amending and superseding its March 16, 2020, Order, closing all nonessential businesses, and limiting gatherings to 9 people or less; and

WHEREAS, on March 20, 2020, the 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, on March 21, 2020, the Director of Emergency Services issued a Seventh Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency aligning the Santa Monica Municipal Code with a California Department of Alcoholic Beverage Control (“ABC”) “Notice of Regulatory Relief” permitting restaurants and retailers holding valid ABC licenses to sell alcoholic beverages for off-site consumption via delivery and take-out; and

WHEREAS, on March 21, 2020, the Los Angeles County Department of Public Health issued an enhanced Health Officer Order, the Safer at Home Order for Control of COVID-19, amending and superseding its March 16, 2020, and March 19, 2020 Orders, closing all nonessential businesses and prohibiting gatherings of non-household members; and

WHEREAS, on March 22, 2020, the Director of Emergency Services issued an Eighth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency adopting as rules and regulations of the City of Santa Monica the Executive Order N-33-20, issued by the Governor of the State of California on March 19, 2020 (the “Governor’s Stay at Home Order”) and the Safer at Home Order for Control of COVID-19, issued by the Los Angeles County Department of Public Health on March 21, 2020 (the “County Department of Public Health’s Safer at Home Order”), including any later amendments or successors thereto, the stricter of which shall apply if there is any conflict between the Governor’s Stay at Home Order and the County Department of Public Health’s Safer at Home Order; and authorizing the City to issue administrative citations to enforce this and the previously issued supplements to its emergency declaration; and

WHEREAS, on March 27, 2020, the Governor of California Governor issued Executive Order N-37-20, building on Executive Order N-28-20 by extending the time for a tenant to respond to a summons and prohibiting the enforcement of a writ for tenants unable to pay due to reasons related to COVID-19; and

WHEREAS, on March 27, 2020, the Director of Emergency Services issued a Ninth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency closing certain City facilities, waiving late payment fees for City leases and licenses during the effective period of the order, suspending rent payments for City tenants on the Santa Monica Pier for the month of April, suspending outdoor dining licenses and outdoor dining license payments for City licensees for the month of April, granting the Director of the Department of Housing and Community Development discretion to suspend additional rent or license payments for the month of April for City tenants and licensees whose operations have been closed pursuant to emergency orders issued by the City, the County of Los Angeles Department of Public Health, or the Governor of California, authorizing the City to delay responses and productions of records in response to public record requests under specified circumstances, and extending by one month Santa Monica Fire Department annual permits of operation set to expire on May 1, 2020; and

WHEREAS, on April 1, 2020, the Director of Emergency Services issued a Tenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency imposing requirements specific to construction sites and projects to ensure their compliance with the social distancing and hygiene directives imposed by the County Department of Public Health’s Safer at Home Order; and

WHEREAS, on April 6, 2020, the Judicial Council adopted an emergency court rule that effectively delays all evictions, other than those necessary to protect public health and safety, for the duration of the COVID-19 emergency; the rule is applicable to all courts and to all eviction cases, whether they are based on a tenant’s missed rent payment or another reason; among other things, the rule temporarily prohibits a court from issuing a summons after a landlord files an eviction case, unless necessary to protect public health and safety; as a result, even if a landlord files an eviction case, he or she will not have a summons to serve on the tenant until 90 days after the emergency passes; and

WHEREAS, on April 6, 2020, the City Council ratified the proclamation of local emergency made by the Director of Emergency Services, as well as the Revised First, Second, Third, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth Supplements thereto, and resolved that the proclamation and the aforementioned Supplements shall be operative and in effect through April 30, 2020; and

WHEREAS, on April 8, 2020, the Director of Emergency Services issued a Second Revised First Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency enhancing eviction protections to require landlords to provide notice of local eviction protections to tenants, prohibiting no-fault residential evictions, prohibiting certain evictions based on a tenant's refusal of landlord entry into a residential unit, prohibiting certain evictions of residential tenants based on the presence of unauthorized pets or occupants, prohibiting use of the eviction process to seek rent delayed under the Supplement if the landlord has already obtained compensation for the delayed rent through governmental relief, and temporarily enhancing penalties under the City's Tenant Harassment Ordinance to \$15,000; and

WHEREAS, on April 8, 2020, the Director of Emergency Services issued an Eleventh Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency requiring workers and customers at covered businesses (including but not limited to grocery stores, farmers markets, restaurants, hardware stores, transportation providers, and plumbing and similar businesses) to wear face coverings; and

WHEREAS, on April 14, 2020, the City Council ratified the proclamation of local emergency made by the Director of Emergency Services, as well as the Second Revised First, Second, Third, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Supplements thereto, and resolved that the Second Revised First Supplement shall be operative and remain in effect through May 31, 2020, and that the other aforementioned Supplements shall be operative and in effect through May 15, 2020; and

WHEREAS, on April 24, 2020, the Director of Emergency Services issued a Twelfth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency tolling deadlines for reviewing and acting on planning applications, exercising rights under planning entitlements, and expiration of building permits; permitting lodging establishments operating as hotels and motels under Santa Monica's zoning rules to allow stays of greater than 30 days, and waiving the City's rule precluding employees from accepting gifts of any sort to allow City first responders and disaster workers to take advantage of City-approved public or private discount, specials, and subsidies programs; and

WHEREAS, on April 30, 2020, the Director of Emergency Services issued a Third Revised First Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency extending the eviction moratorium to June 30 and modifying it by limiting the commercial tenants subject to the protections of the order to exclude multinational companies, public companies, and companies with more than 500 employees; making clear that notice and documentation that indicates any loss of income or increase in expenses due to COVID-19 is sufficient to trigger the moratorium on eviction for non-payment of rent due to financial impacts related to COVID-19, and that a statement written by the tenant in a single communication may constitute both notice and documentation; and extending the protection against eviction based on rent unpaid due to financial impacts related to COVID-19 from 6 to 12 months; in addition, the Third Revised First Supplement, in accordance with the Governor's Executive Order suspending state law provisions, suspends SMMC 5.45.020 and 5.45.030 to the extent they prohibit retail establishments from providing without charge reusable grocery bags or recycled paper bags or single-use plastic carryout bags to customers at point of sale and adds language to the City's Housing Trust Fund and Affirmative Housing Production Program Guidelines to extend eligibility to individuals who were working in Santa Monica prior to March 1, 2020, but lost employment due to COVID-19 related reasons; and

WHEREAS, as of May 6, 2020, the Los Angeles County of Public Health has confirmed 28,644 cases of COVID-19 in Los Angeles County and has advised that bold and aggressive measures are required to be put in place to prevent the further spread of COVID-19; and

WHEREAS, the City's Housing Trust Fund Guidelines and Affordable Housing Production Program contemplate that the City's affordable housing applicants will be selected from the City's waiting list; and

WHEREAS, the City's Housing Trust Fund Guidelines and Affordable Housing Production Program currently provide a preference for applicants who are either residents of Santa Monica and/or who work at least thirty-six (36) hours per week within the City of Santa Monica; and

WHEREAS, the COVID-19 sheltering orders have adversely impacted part-time workers by causing a reduction in work hours per week within the City of Santa Monica, and thus reduced eligibility for those applicants who would otherwise qualify for a preference on the City's waiting list for affordable housing units in the absence of COVID-19 impacts; and

WHEREAS, a reduction in the work hour requirement from thirty-six (36) to twenty-five (25) work hours per week within the City of Santa Monica would allow those applicants with reduced work hours to qualify for a preference on the City's waiting list during the period that the COVID-19 shelter-in-place orders remain in effect; and

WHEREAS, applicants who were employed within the City of Santa Monica at least twenty-five (25) hours per week as of March 1, 2020 and subsequently experienced reduced work hours or loss of employment due to COVID-19 would be eligible for the preference; and

WHEREAS, on April 22, 2020, the Governor of California issued Executive Order N-54-20, suspending Public Resources Code section 42283 for a period of 60 days to the extent that it prohibits retail establishments from (a) providing without charge reusable grocery bags or recycled paper bags to customers at point of sale or (b) where it is not possible to provide reusable grocery bags or recycled paper bags, providing single-use carryout bags to customers at point of sale; and

WHEREAS, limiting certain loud construction activities to a 5-hour period during the weekdays will facilitate people being able to remain in their homes or places of residences that are near or abut construction projects while the Governor's Stay at Home Order and the County Department of Public Health's Safer at Home Order are in place; and

WHEREAS, California Government Code 8634 empowers the City to promulgate orders and regulations necessary to provide for the protection of life and property during a local emergency, 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, Lane Dilg, 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:

HTF and AHPP Guidelines

1. The guideline at the top of page 13 of the City's Housing Trust Fund Guidelines shall be implemented with the following changes:

(2) Second priority shall be given to persons who are either:

- (a) Residents of Santa Monica, or
- (b) Working in Santa Monica at least 25 hours per week (or did prior to March 1, 2020, but lost employment due to COVID-19-related reasons), or
- (c) Participate in an approved job training program in Santa Monica, or
- (d) Have last worked at least 25 hours per week in Santa Monica and are now receiving unemployment, worker's compensation, vocational rehabilitation benefits, disability benefits, or retirement benefits from the City of Santa Monica.

2. The guideline at the top of page 18 of the City's Affordable Housing Production Program Guidelines shall be implemented with the following changes:

2) Second Priority

Persons who are:

- (a) Residents of Santa Monica, or
- (b) Working in Santa Monica at least 25 hours per week (or did prior to March 1, 2020, but lost employment due to COVID-19-related reasons), or
- (c) Participate in an approved job training program in Santa Monica, or
- (d) Have last worked at least 25 hours per week in Santa Monica and are now receiving unemployment, worker's compensation, vocational rehabilitation benefits, disability benefits, or retirement benefits from the City of Santa Monica.

Point of Sale Paper and Plastic Bags

3. To the extent they prohibit retail establishments from (a) providing without charge reusable grocery bags or recycled paper bags to customers at point of sale or (b) where it is not possible to provide reusable grocery bags or recycled paper bags, providing single-use plastic carryout bags to customers at point of sale, Santa Monica Municipal Code sections 5.45.020 and 5.45.030 are suspended through the period in which this Order remains in effect, after which time the suspensions of Sections 5.45.020 and 5.45.030 shall automatically expire with no further notice or action.

Further Extension of Santa Monica Fire Department Annual Permits of Operation

4. Santa Monica Fire Department annual permits of operation the expiration of which was extended by one month to June 1 by Section 8 of the Ninth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency are hereby extended by one additional month and shall now expire on July 1, 2020.

Loud Construction Activities

5. As used in this Thirteenth Supplement, the following terms are defined as follows:

a. "Construction project" means a site or project where construction work is occurring, including construction of commercial, office, and institutional buildings, construction of housing, and housing improvements. For the purposes of this Thirteenth Supplement, construction project does not include public works construction.

b. "Loud construction activities" means cement cutting or grinding, sandblasting, or activities involving the use of pile drivers, jackhammers, or pavement breakers, or similar equipment.

6. Notwithstanding anything to the contrary in Santa Monica Municipal Code § 4.12.110, loud construction activities may only take place at construction projects between the hours of 10 a.m. and 3 p.m. Monday through Friday.

7. A permit may be issued authorizing loud construction activities during the times prohibited by Section 6 of this Thirteenth Supplement whenever it is found to be in the public interest. The application for and approval of any such permit shall be governed by Santa Monica Municipal Code § 4.12.110(e).

8. The Building Officer may promulgate regulations to implement Sections 5 through 7 of this Thirteenth Supplement, including, but not limited to, expanding the definition of loud construction activities. No person shall fail to comply with any such regulation.

9. Sections 5 through 7 and any regulations promulgated under Section 8 of this Thirteenth Supplement shall be enforceable by the Santa Monica Police Department and any City Officer or employee granted authority to issue written notices to appear pursuant to Santa Monica Municipal Code Section 3.36.090 as misdemeanors pursuant to Government Code Section 8665 and Santa Monica Municipal Code Section 2.16.100 or through the issuance of administrative citations in accordance with Chapter 1.09 of the Santa Monica Municipal Code. Pursuant to Section 1.09.040 of the Santa Monica Municipal Code, the amount of the fine for a violation of any provision of, or any regulations issued under, this Thirteenth Supplement shall be as follows: (a) for violations by individuals: \$100 for the first violation; \$250 for a second violation committed within one year for the first violation; and \$500 for a third violation or subsequent violations committed within one year of the first violation; and (b) for violations by businesses: \$500 for the first violation; \$750 for a second violation committed within one year for the first violation; and \$1000 for a third violation or subsequent violations committed within one year of the first violation. Each day or portion of a day that any person violates or continues to violate any provision of, or any regulations issued under, this Thirteenth Supplement constitutes a separate violation and may be charged and punished separately.

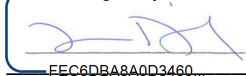
10. Pursuant to Santa Monica Municipal Code 1.09.040(c), a late payment charge of 10% of the applicable fine shall be imposed for the payment of an administrative fine imposed pursuant to Section 9 of this Thirteenth Supplement after its due date.

General Provisions

11. This Order shall take effect immediately and (i) Section 3 of this Order shall remain in effect until May 15, 2020, 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, and (ii) Sections 1, 2, and 5 through 10 of this Order shall remain in effect while the County Department of Public Health’s Safer at Home Order, including any later amendments or successors thereto, is in place, 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.

12. If any section, subsection, sentence, clause, or phrase of this Order is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Order. The Interim City Manager hereby declares that she would have issued this Executive Order, and any Supplement or Revised Supplement to this Executive Order, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

ADOPTED this 8th day of May 2020.

DocuSigned by:

By: _____
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LANE DILG
Interim City Manager
Director of Emergency Services

ATTEST:

DocuSigned by:

E2F85B056A714C3...
DENISE ANDERSON-WARREN
City Clerk

APPROVED AS TO FORM:

DocuSigned by:

ECB444B01A56432
GEORGE S. CARDONA
Interim City Attorney