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**TWENTY-EIGHTH 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; and temporarily prohibited restaurants, bars, and retail food facilities from serving food on-premises; and

WHEREAS, on March 16, 2020, the Governor of the State of California 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 17, 2020, the Governor of the State of California issued Executive Order N-29-20 which, among other things, amended Paragraph 11 of earlier Executive Order N-25-20 to suspend and waive certain provisions of state and local law, including but not limited to those provisions in the Bagley-Keene Act and the Brown Act related to the notice and accessibility requirements for the conduct of public meetings where the physical presence of public attendees or members of the public body seeking to meet are impliedly or expressly required; 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, the Governor of the State of California 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 Safer at Home Order” or “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 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 the State of California 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 Los Angeles County Department of Public Health issued an Addendum to the County Safer at Home Order closing all public trails and trailheads, as well as all public beaches, piers, public beach parking lots, beach bike path that traverse that sanded portion of the beach, and beach access points; 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 March 31, 2020, the Los Angeles County Department of Public Health issued Addendum No. 2 to the County Safer at Home Order clarifying that all government employees are essential workers during the pandemic; 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 Safer at Home Order; and

WHEREAS, on April 6, 2020, the Judicial Council of the State of California 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 10, 2020, the Los Angeles County Department of Public Health issued a revised Safer at Home Order for Control of COVID-19 that amended and superseded the earlier March 16, 19, 21, 27, and 31 County Health Officer Orders and Addendums and continued to prohibit all indoor and outdoor public and private gatherings and events; require all businesses to cease in-person operations and remain closed to the public, unless defined as an Essential Business by the order; require the closure of all indoor malls and shopping centers, all swap meets and flea markets, indoor and outdoor playgrounds, public beaches, piers, public beach parking lots, beach access points, and public trails and trailheads; and prohibit in-person operations of all non-essential businesses; 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, on May 7, 2020, the California State Public Health Officer issued an order that stated that COVID-19 continues to present a significant risk to the health of individuals throughout California, but, consistent with Californians' mitigation efforts and other factors determined that the statewide data supported the gradual movement of the entire state from Stage 1 to Stage 2 of California's Pandemic Resilience Roadmap, while authorizing local health jurisdictions to implement or continue more restrictive public health measures if warranted; and

WHEREAS, on May 8, 2020, the Los Angeles County Department of Public Health issued Addendum No. 2 to the April 10 revised County Safer at Home Order amending that order to permit, subject to specific conditions, the reopening of certain specified types of lower-risk retail business for sales and service transactions made via curbside pick-up or delivery only, and the reopening of all previously closed public trails and trailheads, public and private golf courses, and new and used auto sales dealerships and operations; and

WHEREAS, on May 8, 2020, the Director of Emergency Services issued a Fourth Revised First Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency restating the eviction moratorium and modifying it to define a set of "non-retail commercial tenants" consisting of commercial tenants, other than non-profits, that are tenants in an office building, do not collect sales tax on greater than 50% of their revenue, and do not provide medical, dental, veterinary, fitness, educational, or child, marriage, family, mental health, or substance abuse counseling services; specify that, for non-retail commercial tenants, the protection against eviction will extend only for 30 days after the expiration of the Order; and specify that, with respect to rent unpaid due to financial impacts related to COVID-19, landlords may not charge residential tenants interest on that unpaid rent for a period of 12 months following the expiration of the Order, may not charge commercial tenants (other than non-retail commercial tenants) interest on that unpaid rent for a period of 90 days following the expiration of the Order, and may not charge non-retail commercial tenants interest on that unpaid rent during the duration of the Order; and

WHEREAS, on May 8, 2020, the Director of Emergency Services issued a Thirteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency incorporating the provisions of the Third Revised First Supplement that add 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; incorporating the provisions of the Third Revised First Supplement that, in accordance with the Governor's Executive Order suspending state law provisions, suspend 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; further extending to July 1, 2020 the expiration of Fire Department annual permits of operation; and limiting to between the hours of 10:00 am and 3:00 pm on weekdays the conduct of certain loud construction activities, including cement cutting or grinding, sandblasting, and the

use of pile drivers, jackhammers, or pavement breakers, at construction projects other than public works construction; and

WHEREAS, on May 12, 2020, the City Council ratified the proclamation of local emergency made by the Director of Emergency Services, as well as the Third and Fourth Revised First, Second, Third, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, and Thirteenth Supplements thereto; resolved that the local emergency shall be deemed to continue and exist until its termination is proclaimed by the City Council; and resolved that the Fourth Revised First and Second through Thirteenth Supplements shall be operative and remain in effect through May 15, 2020, or any later date expressly stated within the text of an individual supplement; and

WHEREAS, on May 13, 2020, the Los Angeles County Department of Public Health issued a revised Safer at Home Order for Control of COVID-19 that amended and superseded the earlier March 16, 19, 21, 27, 31, April 10, and May 3 and 8, 2020 County Health Officer Orders and Addendums; recognized that existing community transmission of COVID-19 in Los Angeles County continues to present a substantial and significant risk of harm to residents' health; but took a limited and measured step to partially move the County into Stage 2 of its phased approach to reopening while keeping a low incidence of person-to-person contact and ensuring continued social distancing and adherence to other infection control procedures – accordingly, the order continued to prohibit indoor and outdoor public and private gatherings and events; continued to require the continued closure of higher-risk businesses, recreational sites, commercial properties, and activities, where more frequent and prolonged person-to-person contacts are likely to occur; continued to allow Essential Businesses to operate subject to social distancing requirements; allowed two categories of lower-risk businesses to reopen subject to specified social distancing protocols, retailers not located within an indoor mall or shopping center and manufacturing and logistics sector businesses that supply lower-risk retail businesses; permitted the reopening of beaches, while retaining closures of beach parking lots, beach bike paths, and piers; and authorized local public entities to temporarily close certain streets or areas to automobile traffic to allow for increased space for persons to engage in recreational activity in compliance with social (physical) distancing requirements; and

WHEREAS, on May 13, 2020, the City of Los Angeles issued a revised version of its safer at home order including requirements that all individuals engaging in outdoor activities, except for water activities, and all individuals engaging in essential activities whenever there is or can be contact with other who are non-household members in both public and private places, must wear a cloth face covering; and

WHEREAS, on May 14, 2020, the Director of Emergency Services issued a Fourteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency extending the effective dates of the Fourth Revised First, Second, Third, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, and Thirteenth supplements to June 30, 2020, or any later date expressly stated within the text of an individual supplement; and requiring all persons leaving their residences for the limited purposes allowed by the County Safer at Home Order to strictly comply with the social (physical) distancing requirements stated in that Order or County Department of Public Health



guidance or protocols, including in particular the requirement that cloth face masks must be worn whenever there is or may be contact with others who are non-household members, including while engaging in permitted outdoor activities other than water activities; and

WHEREAS, on May 15, 2020, the Director of Emergency Services issued a Fifteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency authorizing enforcement of preferential parking rules to resume in Zone 3 only beginning May 22, 2020 and authorizing street sweeping to resume with individuals encouraged to comply with posted signs regarding parking prohibitions for street sweeping during the days and times indicated, but only during the first full week of each month, which is when the street sweeping will occur; and

WHEREAS, on May 19, 2020, the Director of Emergency Services issued a Sixteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency authorizing specified Boards, Commissions, and other appointed bodies to resume limited meetings, to be conducted remotely pending further order, for the purpose of exercising specified adjudicative and quasi-adjudicative duties assigned to them by the Charter and/or Municipal code and imposing, effective May 26, 2020, a 15% cap on delivery fees and a 5% cap on other fees charged to restaurants by third-party food delivery companies; and

WHEREAS, on May 22, 2020, the Los Angeles County Department of Public Health issued a revised Safer at Home Order for Control of COVID-19 that amended and superseded the earlier March 16, 19, 21, 27, 31, April 10, May 3, 8, and 13, 2020 County Safer at Home Orders and Addendums; recognized that existing community transmission of COVID-19 in Los Angeles County continues to present a substantial and significant risk of harm to residents' health; but took a limited and measured step to partially move the County into Stage 2 of its phased approach to reopening while keeping a low incidence of person-to-person contact and ensuring continued social distancing and adherence to other infection control procedures – accordingly, the order continued to prohibit indoor and outdoor public and private gatherings and events; continued to require the continued closure of higher-risk businesses, recreational sites, commercial properties, and activities, where more frequent and prolonged person-to-person contacts are likely to occur; continued to allow Essential Businesses to operate subject to social distancing requirements; allowed the conditional reopening of specific retail and other Lower-Risk businesses, including curbside, doorside, or other outdoor or outside pickup from retailers located within an indoor mall or shopping center and manufacturing and logistics sector businesses that supply lower-risk retail businesses; permitted the reopening of beaches, beach parking lots, and beach bike paths, while maintaining the closure of public piers; continued to authorize local public entities to temporarily close certain streets or areas to automobile traffic to allow for increased space for persons to engage in recreational activity in compliance with social (physical) distancing requirements; and authorized participation in Vehicle-Based Parades in compliance with all laws and a specified protocol; and

WHEREAS, on May 25, 2020, the California Department of Health, while recognizing that COVID-19 is still present in State communities and that physical distance, wearing face coverings in public, and washing hands frequently are more important than ever, announced the

statewide opening of in-store retail shopping, under previously issued guidance and subject to approval by county public health departments, and issued guidelines for in-person protests and events designed for political expression; and

WHEREAS, on May 26, 2020, the Los Angeles County Department of Public Health issued a revised Safer at Home Order for Control of COVID-19 that superseded all prior County Safer at Home Orders; while recognizing that existing community transmission of COVID-19 in the County continues to present a substantial and significant risk of harm to residents' health, in light of the progress achieved in slowing the spread of COVID-19 in the County, aligned the County with State Executive Orders and State Health Officer Orders that support phased reopening in accordance with the California Pandemic Resilience Roadmap's four stage framework, while maintaining the goals of limiting close contacts with others outside of residents' households in both indoor and outdoor spaces and ensuring continued social distancing and adherence to other infection control procedures – accordingly, the order continued to prohibit indoor and outdoor public and private gatherings and events except for the limited purposes expressly permitted by the Order; continued to require compliance with social (physical) distancing requirements including wearing a cloth face covering whenever there is or can be contact with others who are non-household members in both public and private spaces; continued to require the closure of higher-risk businesses, recreational sites, commercial properties, and activities, where more frequent and prolonged person-to-person contacts are likely to occur; continued to allow Essential Businesses to operate subject to social distancing requirements; allowed the conditional reopening of four categories of Lower-Risk businesses – lower-risk retail businesses that may now reopen for in-store shopping so long as capacity is kept under 50%, manufacturing and logistics sector businesses that supply lower-risk retail businesses, non-essential office-based businesses (while continuing to strongly encourage telework), and indoor malls and shopping centers; continued to permit the reopening of beaches, beach parking lots, and beach bike paths, while maintaining the closure of public piers; continued to authorize local public entities to temporarily close certain streets or areas to automobile traffic to allow for increased space for persons to engage in recreational activity in compliance with social (physical) distancing requirements; continued to authorize participation in Vehicle-Based Parades in compliance with all laws and a specified protocol; permitted in-person attendance at faith-based services, provided that the gathering of congregants is limited to the lower of 25% of the total maximum building occupancy or a maximum of 100; and permitted participating in in-person protests subject to the same attendance limits and maintenance of physical distancing; and

WHEREAS, on May 29, 2020, the State Public Health Officer approved the request of Los Angeles County to reopen restaurants for sit-down, dine-in meals; and

WHEREAS, on May 29, 2020, the Los Angeles County Department of Public Health issued a revised Safer at Home order that superseded all prior County Safer at Home Orders and was essentially equivalent to the May 26 Safer at Home Order with the exceptions that it: added hair salons and barbershops as a fifth category of Lower-Risk businesses allowed to reopen subject to specified conditions; and permitted restaurants and other food facilities that provide sit-down, dine-in meals to reopen subject to specified conditions, including a limitation to 60% occupancy; and

WHEREAS, on May 29, 2020, the Director of Emergency Services issued a Seventeenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency superseding and replacing the Third Supplement to specify that closures and re-openings of businesses within Santa Monica shall be in accordance with State and County orders, with those imposing stricter regulations controlling in the event of conflict, and continuing to exempt trucks and other vehicles that deliver grocery items to grocery stores from limitations on delivery hours; and

WHEREAS, on May 29, 2020, the Director of Emergency Services issued an Eighteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency authorizing temporary outdoor dining extensions to adjacent sidewalk and/or adjacent parking, courtyard, or other private open space owned by the restaurant, for restaurants that open for in-house dining pursuant to the safety protocols required by the County Safer at Home Order; superseding and replacing Section 5 of the Revised Fourth Supplement and Sections 1 through 3 of the Twelfth Supplement to extend for two years the deadlines for planning, review, and permit-related actions; and superseding and replacing Sections 3 through 6 of the Ninth Supplement to waive and suspend late payment fees, rent payments by City tenants on the Santa Monica pier, and outdoor dining license payments for the months of April, May, and June 2020, and authorize the implementation of a rent deferment program for City commercial tenants whose operations have been closed or significantly restricted by COVID-19 emergency orders; and

WHEREAS, on June 5, 2020, the Director of Emergency Services issued the First Revised Eighteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency extending the authorization for temporary outdoor dining in the Eighteenth Supplement to adjacent private spaces not owned by restaurant with the consent of the owner and to sidewalks in front of adjacent buildings with the consent of the owner and authorizing the Finance Director to extend the delinquency date for business license renewal fees by two months (from September 1 to November 1) for businesses whose ability to pay has been affected by economic impacts related to COVID-19 or the civil unrest; and

WHEREAS, on June 9, 2020, the City Council ratified the proclamation of local emergency made by the Director of Emergency Services, as well as the Fourth Revised First, Second, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, and Eighteenth Supplements thereto; resolved that the local emergency shall be deemed to continue and exist until its termination is proclaimed by the City Council; and resolved that the Fourth Revised First, Second, and Revised Fourth through Eighteenth Supplements shall be operative and remain in effect through June 30, 2020, or any later date expressly stated within the text of an individual supplement; and

WHEREAS, on June 11, 2020, the Los Angeles County Department of Public Health issued a Reopening Safer at Work and in the Community For Control of COVID-19 – Moving the County of Los Angeles Into Stage 3 of California’s Pandemic Resilience Roadmap order that superseded all prior Safer at Home Orders and was essentially equivalent to the May 29 Safer at Home Order with the exception that it permitted outdoor activity to resume at piers and the following business and activities to reopen no earlier than June

12, 2020 subject to conditions and protocols as stated in the Safer at Home Order: music film and television production; day camps; fitness facilities; museums; professional sports without audiences; campgrounds, RV Parks, and associated outdoor activities; swimming pools and splash pads; for-hire fishing, guided fishing, or chartered boat trips; and hotels, motels, shared rental units and similar facilities for tourism travel; and

WHEREAS, on June 17, 2020, the Director of Emergency Services issued a Fifth Revised First Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency that: for residential tenants, restated the existing temporary eviction moratorium and extended the period for which unpaid rent will be subject to that eviction moratorium to July 31, 2020; and, for commercial tenants, substantially modified the temporary eviction moratorium, defining three different categories of commercial tenants, each of which receives varying protections, and encouraging landlords and commercial tenants to negotiate modifications to rental agreements and payment plans to accommodate changed economic circumstances of commercial landlords and tenants arising from the financial impacts of COVID-19; and

WHEREAS, on June 18, 2020, the California Department of Public Health issued Guidance for the Use of Face Coverings mandating the use of cloth face coverings by the general public under specified circumstances when outside the home including when inside of, or in line to enter, any indoor space and 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; and

WHEREAS, on June 18, 2020, the Los Angeles County Department of Public Health issued a revised Reopening Safer at Work and in the Community for Control of COVID-19 – Moving the County of Los Angeles Into Stage 3 of California’s Pandemic Resilience Roadmap order that superseded all prior Safer at Home Orders and was essentially equivalent to the June 11 Safer at Home Order with the exception that it clarified the requirements that individuals leaving their residences must wear face coverings when they are or can be in contact with or walking past others outside of their household and permitted the reopening of the following business and activities no earlier than June 19, 2020 subject to conditions and protocols as stated in the Safer at Home Order: cardrooms, satellite wagering facilities and racetracks with no spectators; personal care services; and bars, wineries, breweries and tasting rooms; and

WHEREAS, on June 22, 2020, the Governor of the State of California issued Executive Order N-70-20 which extended for an additional 60 days the tenth and eleventh paragraphs of Executive Order N-54-20, implementing a waiver that allows retailers to temporarily pause in-store redemption of beverage containers and temporarily suspending the requirement for recycling centers to hold a minimum hours of operation, but did not similarly extend the twelfth paragraph of Executive Order N-54-20, which had suspended Public Resources Code section 42283’s prohibitions relating to retail establishments providing bags to customers at point of sale; and

WHEREAS, on June 23, 2020, the City Council ratified the proclamation of local emergency made by the Director of Emergency Services, as well as the Fifth Revised First, Second, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, and First Revised Eighteenth Supplements thereto; resolved that the local emergency shall be deemed to continue and exist until its termination is proclaimed by the City Council; and resolved that the Fourth Revised First, Second, and Revised Fourth through First Revised Eighteenth Supplements shall be operative and remain in effect through June 30, 2020, or any later date expressly stated within the text of an individual supplement; and

WHEREAS, on June 23, 2020, the Los Angeles County Department of Consumer and Business Affairs issued Revised Guidelines to Aid in the Implementation of the Los Angeles County Eviction Moratorium During the COVID-19 Pandemic that, in accordance with orders issued by the Los Angeles County Board of Supervisors, recognized the extension of the County's eviction through July 31, 2020, but, effective June 1, 2020, excluded from application of the moratorium commercial tenancies where the tenant has more than 100 employees and commercial tenancies where the tenant is a multinational company or a publicly traded company; and

WHEREAS, on June 23, 2020, the Director of Emergency Services issued a Second Revised Eighteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency that modified the First Revised Eighteenth Supplement to: supersede and replace the Second Supplement that closed the Pier, permitting the Pier to begin a phased reopening subject to conditions to ensure social distancing as of June 24, 2020; extend the suspension of outdoor dining license payments for City licensees through August 2020; extend the deadline for applications for extensions of the delinquency date for business license renewals to August 31, 2020; extend the authorization for temporary dining to adjacent private spaces not owned by the restaurant and to sidewalks in front of adjacent buildings with the consent of either the owner or tenant; extend the authorization for temporary dining to areas of the Pier to be specified by the Director of the Community Development Department subject to specified conditions and any additional regulations; extend the authorization for temporary dining to portions of the sidewalk or roadway in the Third Street Promenade to be specified by the Director of the Community Development Department subject to specified conditions and any additional regulations; authorize the temporary use by businesses of adjacent sidewalks, adjacent private outdoor space, and areas of the Pier to be specified by the Director of the Community Development Department for business activities other than temporary dining, subject to specified conditions and any additional regulations; authorize restaurants and other businesses to establish temporary Main Street satellite spaces for business activities and outdoor dining in on-street parking and loading spaces adjacent to the restaurant or business, subject to specified conditions, specified design and safety specifications, and any additional regulations; and specify that for compliance with certain specified mandatory seismic retrofitting requirements, the two-year extension for planning, review, and permit-related actions applies only if an application was pending as of March 13, 2020 or submitted between March 13, 2020 and the expiration of the Order; and

WHEREAS, on June 28, 2020, in light of current rates of disease transmission in some counties and the need to reduce non-essential gatherings where mixing and disease spread occur, the California Department of Public Health ordered the closure in certain counties, including Los Angeles County, of bars, brewpubs, breweries, and pubs not offering sit-down, dine-in meals that had reopened after June 12 in accordance with prior state and local guidance and reemphasized that alcohol can only be sold in such establishments in the same transaction as a meal; and

WHEREAS, on June 28, 2020, Los Angeles County Department of Public Health issued a revised Reopening Safer at Work and in the Community For Control of COVID-19 – Moving the County of Los Angeles Into Stage 3 of California’s Pandemic Resilience Roadmap order that superseded all prior Safer at Home Orders and was essentially equivalent to the June 18 Safer at Home Order with the exceptions that it returned most bars, brewpubs, breweries, tasting rooms, craft distilleries, and wineries to the list of higher-risk businesses whose closure is required; and required restaurants with a moderate risk or high risk permit issued by the County Department of Public Health and other food facilities that provide in-person dining to follow a revised protocol for on-site dining; and

WHEREAS, on June 29, 2020, the Los Angeles County Department of Public Health issued a Reopening Safer at Work and in the Community for Control of COVID-19 order requiring the temporary closure of all public beaches, piers, beach bicycle paths and beach access points between July 3 and July 6; prohibiting all firework shows and events until further notice; noting that the County has recently observed a sharp increase in new COVID-19 cases and hospitalizations demonstrating the reality of increased community transmission of COVID-19; and reemphasizing that State public health directives and the current County Health Officer Order prohibit professional, social, and community mass gatherings, with gatherings defined as meetings or other events that bring together persons from multiple households at the same time for a shared or group experience in a single room, space, or place; and

WHEREAS, on June 29, 2020, the Director of Emergency Services issued a Nineteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency that, with certain specified exceptions, extended the effective dates of the Fifth Revised First, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, and Second Revised Eighteenth Supplements to July 31, 2020, or any later date expressly stated within the text of an individual supplement; specified exceptions permitted impositions of late payment penalties for unpaid or delinquent Transient Occupancy Taxes, Utility Users Taxes, and Parking Facility Taxes to resume as of July 1, 2020; towing for violations of the California Vehicle Code relating to abandoned vehicles to resume as of July 1, 2020; the suspension of the prohibitions of Santa Monica Municipal Code Sections 5.45.020 and 5.45.030 relating to stores providing bags to customers at the point of sale without charge to expire as of July 1, 2020; Santa Monica Fire Department annual permits of operation to expire as of July 1, 2020; and issuance of parking citations associated with street sweeping to resume as of July 1, 2020; and

WHEREAS, on June 30, 2020, the Governor of California issued Executive Order N-71-20, which, among other things, found that minimizing evictions during this period is critical to reducing the spread of COVID-19 in vulnerable populations by allowing those most vulnerable to COVID-19 to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19, and extended through September 30, 2020 Executive Order N-28-20's suspension of 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 July 1, 2020, in a letter to California elected officials, the Governor of the State of California noted the recent increase in COVID-19 cases, including a concerning increase in hospitalizations; reminded Cities and Counties of their power, conferred by the California Constitution, to take action to protect their residents; called on elected officials to remain vigilant in efforts to protect the health and safety of their communities; and emphasized the dire consequences of failing to ensure compliance with public health orders, including a surge of COVID-19 cases and fatalities and an unsustainable burden on health care services that may divert resources from other health needs, further delaying reopening efforts; and

WHEREAS, on July 1, 2020, the Los Angeles County Department of Public Health issued a revised Reopening Safer at Work and in the Community For Control of COVID-19 – Moving the County of Los Angeles Into Stage 3 of California's Pandemic Resilience Roadmap order that superseded all prior Safer at Home Orders and was essentially equivalent to the June 28 Safer at Home Order with the exceptions that it noted the serious recent regression of COVID-19 indicators within the County of Los Angeles, which showed troubling and substantial increases in new daily reported COVID-19 cases, hospitalizations, and testing positivity rate; returned indoor, in-person onsite dining at restaurants, cardrooms, satellite wagering facilities, racetrack onsite wagering facilities, and indoor portions and exhibits of museums, zoos, and aquariums to the list of high-risk businesses required to close for at least 21 days and until further notice; and ordered the closure of indoor mall or shopping center food court dining and seating areas for at least 21 days and until further notice; and

WHEREAS, on July 1, 2020, the Director of Emergency Services issued a Twentieth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency that superseded and replaced the Eleventh and Fourteenth Supplements to, in accordance with the County Safer at Home Orders and the California Department of Health's recent Guidance for the Use of Face Coverings, set out specifics regarding the requirement that all individuals wear face coverings whenever they leave their place of residence and are or may be in contact with non-household members in both public and private spaces; set out exemptions from the face covering requirement; specify that business operators may refuse admission or service to any person who fails to wear a face covering as required or to comply with social distancing requirements imposed by the County Safer at Home Orders; and authorizes administrative citations with specified administrative fines for both individuals and businesses failing to comply with the face covering requirements; and

WHEREAS, on July 10, 2020, the Director of Emergency Services issued a Second Revised Twenty-First Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency that superseded and replaced the Twenty-First Supplement issued July 8, 2020 and the Revised Twenty-First Supplement issued July 9, 2020, to, with respect to the November 3, 2020 general municipal election, reduce the number of nominating signatures for candidates to which Santa Monica Municipal Code Section 11.04.010 would apply from 100 to 30 and to waive the fee of \$1 for each additional set of nomination papers after the first two sets; and

WHEREAS, on July 13, 2020, in light of current data reflecting that community spread of COVID-19 infection is of increasing concern across the state, the California Department of Public Health ordered the statewide closure of all operations, indoors and outdoors, of bars, pubs, brewpubs, breweries, and concert, performance, and entertainment venues, subject to specified exceptions; the statewide closure of indoor operations of dine-in restaurants, wineries and tasting rooms, family entertainment centers and movie theaters, indoor attractions at zoos and museums, and cardrooms; and the closure in certain counties that currently appear on the Department's County Monitoring List and have been on the list for three consecutive days, which included Los Angeles County, all indoor operations of gyms and fitness centers, places of worship, protests, offices for non-critical infrastructure sectors, personal care services (including nail salons, massage parlors, and tattoo parlors), hair salons and barbershops, and malls; and

WHEREAS, on July 14, 2020, the Los Angeles County Department of Public Health issued a revised Reopening Safer at Work and in the Community For Control of COVID-19 – Moving the County of Los Angeles Into Stage 3 of California's Pandemic Resilience Roadmap order that superseded all prior Safer at Home Orders and was essentially equivalent to the July 1 Safer at Home Order with the exceptions that it ordered the closure of indoor operations of hair salons and barbershops, fitness facilities, and personal care establishments; permitted in-person faith-based services and protests so long as they are held outdoors; ordered the closure of indoor portions and operations of indoor malls and shopping centers; required that all indoor portions and operations of any non-essential office-based business cease, subject to the exception for minimum basic operations; and required that essential businesses, healthcare operations, or essential infrastructure whose operations require employees to operate from an office worksite require employees to telework to the extent feasible; and

WHEREAS, on July 14, 2020, the City Council ratified the proclamation of local emergency made by the Director of Emergency Services, as well as the Fifth Revised First, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Twelfth, Thirteenth, Fifteenth, Sixteenth, Seventeenth, Second Revised Eighteenth, Nineteenth, Twentieth, and Revised Twenty-First Supplements thereto; resolved that the local emergency shall be deemed to continue and exist until its termination is proclaimed by the City Council; and resolved that the supplements being ratified above shall be operative and remain in effect through July 31, 2020, or any later date expressly stated within the text of an individual supplement; and



WHEREAS, on July 15, 2020, the Director of Emergency Services issued the First Revised Twentieth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency, which superseded and replaced the Twentieth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency to further clarify the requirement that all persons must wear face coverings whenever they leave their place of residence and are or can be in contact with or walking near or past others who are non-household members in both public and private spaces, including, but not limited to, walking through common areas such as hallways, stairways, elevators, and parking facilities; clarify that having a face covering visible and immediately ready to put on whenever within 30 feet of another non-household member is intended to satisfy the face covering requirement when walking, running, biking, or otherwise exercising or moving in outdoor areas such as sidewalks, parks, paths, and trails; and add provisions permitting limited inquiries to those asserting exemptions from the face covering because of medical condition, mental health condition, or disability to prevent fraudulent assertions of such exemptions; and

WHEREAS, on July 15, 2020, the Director of Emergency Services issued a Twenty-Second Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency, which extended the eviction moratorium for residential tenants implemented by the Fifth Revised First Supplement to September 30, 2020, and extended the eviction moratorium for commercial tenants implemented by the Fifth Revised First Supplement to August 31, 2020; and

WHEREAS, on July 18, 2020, the Los Angeles County Department of Public Health issued a revised Reopening Safer at Work and in the Community For Control of COVID-19 – Moving the County of Los Angeles Into Stage 3 of California’s Pandemic Resilience Roadmap order that superseded all prior Safer at Home Orders and was essentially equivalent to the July 14 Safer at Home Order with the exceptions that it stated its intent to continue to ensure that County residents remain in their residences as much as practicable to limit close contact with others outside their household in both indoor and outdoor spaces; reemphasized that all persons who can telework or work from home should continue to do so as much as possible; restated that all gatherings of people who are not part of a single household or living unit are prohibited except for the limited purposes expressly permitted by the order; recognized that the State Public Health Officer requires all public and private schools within the County of Los Angeles to remain closed to in-person learning until certain criteria are satisfied and issued reopening protocols for schools permitted to reopen to in-person learning; directed that individuals instructed by their medical provider not to wear a face covering should wear a face shield with a drape on the bottom edge as long as their condition permits it; and included revised reopening protocols for various types of businesses; and

WHEREAS, on July 28, 2020, the Director of Emergency Services issued a Twenty-Third Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency, which, subject to the exceptions stated in Section 2 of the Nineteenth Supplement, extended the effective dates of the Fifth Revised First, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Twelfth, Thirteenth, Fifteenth, Sixteenth, Seventeenth, Second Revised Eighteenth, Nineteenth, First Revised Twentieth, Second Revised

Twenty-First, and Twenty-Second Supplements to August 31, 2020, or any later date expressly stated within the text of an individual supplement; and,

WHEREAS, on July 28, 2020, the City Council ratified the proclamation of local emergency made by the Director of Emergency Services, as well as the Fifth Revised First, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Twelfth, Thirteenth, Fifteenth, Sixteenth, Seventeenth, Second Revised Eighteenth, Nineteenth, First Revised Twentieth, Second Revised Twenty-First, and Twenty-Second Supplements thereto; resolved that the local emergency shall be deemed to continue and exist until its termination is proclaimed by the City Council; and resolved that the supplements being ratified above shall be operative and remain in effect through August 31, 2020, or any later date expressly stated within the text of an individual supplement; and

WHEREAS, on August 12, 2020, the Los Angeles County Department of Public Health issued a revised Reopening Safer at Work and in the Community For Control of COVID-19 – Moving the County of Los Angeles Into Stage 3 of California’s Pandemic Resilience Roadmap order that superseded all prior Safer at Home Orders and was essentially equivalent to the July 18 Safer at Home Order with the exception that it provided clarification regarding when elementary schools may seek a waiver to conduct in-person instruction for grades TK-6; updated requirements for childcare facilities to specify childcare must be carried out in stable groups of 12 or fewer children in the same group each day, instead of 10; and aligned with new guidance for institutes of higher education; and

WHEREAS, on August 22, 2020, the Director of Emergency Services issued a Third Revised Eighteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency, which superseded and replaced the prior versions of the Eighteenth Supplement to authorize the specified uses of public and private outdoor spaces through the duration of the County Safer at Home Order, plus an additional 30 days, so long as businesses either enter into an encroachment agreement with or obtain a permit from the City; allow the City to assess a monthly fee for the use of space in the public right-of-way after November 1, 2020, with 30 days’ notice provided to businesses; authorize the use of canopies and propane heaters in private and public outdoor spaces in compliance with specified guidelines; permit tables and chairs to be left secured outside the business overnight and so long as there is at least five (5) feet of unobstructed access on the sidewalk; set standards for decks in both Main Street satellite spaces and private property used for outdoor business; require that any structures put in place in any Main Street satellite space be brought into compliance with the deck standards in the Third Revised Eighteenth Supplement and that any structures for outdoor business activity on private property be brought into compliance with the deck standards or other applicable building standards; set fines for violations of conditions for operating in the public right-of-way and in private outdoor spaces through administrative citations to be issued by Code Enforcement; and authorize the Director of the Community Development Department to enter into temporary license agreements to permit the temporary use of portions of certain public parking facilities or the Santa Monica Pier, as designated by the Director, for temporary use by gyms and fitness establishments; and

WHEREAS, on August 24, 2020, the Director of Emergency Services issued a Twenty-Fourth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency, which made it a strict liability offense punishable as a misdemeanor or by administrative citation for any responsible person to conduct a gathering of 20 or more natural persons who are not part of a single household or living unit at a residence or other private property; extended the eviction moratorium for commercial tenant 1s, as defined in the Fifth Revised First Supplement, through September 30, 2020; subject to the exceptions specified in the Nineteenth and Twenty-Third Supplements, extended the effective dates of the Fifth Revised First, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Twelfth, Thirteenth, Fifteenth, Sixteenth, Seventeenth, Third Revised Eighteenth, Nineteenth, First Revised Twentieth, Second Revised Twenty-First, Twenty-Second, and Twenty-Third Supplements to September 30, 2020, or any later date expressly stated within the text of an individual supplement; and extended the suspensions of the discontinuation or shut off of water service for non-payment of water or sewer bills and of late payment penalties for unpaid or delinquent water and/or sewer bills and refuse and recycling collections bills, as originally implemented by Sections 2, 3(a), and 3(c) of the Revised Fifth Supplement, through December 31, 2020; and

WHEREAS, on August 28, 2020, the California Department of Public Health issued a statewide order that, recognizing that community spread of infection remains a significant concern across the state, and based on the current state of the pandemic in California and current scientific understanding of transmission, further refined the State's approach to gradually reopen businesses and activities while reducing the risk of increased community spread by adopting a targeted system for sector reopenings that relies on a set of tiers corresponding to specific epidemiological profiles based on indicators of disease burden including case rates per capita and percent of positive COVID-19 tests and proportion of testing and other COVID-19 response efforts addressing the most impacted populations within a county; under this revised framework, local health jurisdictions may reopen, or must close, specified sectors according to their county's tier; and

WHEREAS, on August 31, 2020, California passed legislation, Assembly Bill 3088, under which, among other things, no tenant can be evicted before February 1, 2021 as a result of rent owed due to a COVID-19 related hardship accrued between March 4 and August 31, 2020, if the tenant provides a declaration of COVID-19-related financial distress according to specified timelines; no tenant can be evicted for rent that accrues but is unpaid due to a COVID-19 hardship between September 1, 2020 and January 31, 2021 if the tenant submits declarations of COVID-19-related financial distress according to specified timelines and pays 25% of the unpaid rent due by January 31, 2020; and landlords are required to provide tenants a notice detailing their rights under the legislation; and

WHEREAS, on September 2, 2020, as then revised on September 4, 2020, the Los Angeles County Department of Public Health issued a revised Reopening Safer at Work and in the Community For Control of COVID-19 – Moving the County of Los Angeles Into Stage 3 of California's Pandemic Resilience Roadmap order that superseded all prior Safer at Home Orders and was essentially equivalent to the August 12 Safer at Home Order with the exception that it recognized that the daily number of new cases is still high, and COVID-19 remains widespread

in Los Angeles County; cited the State’s August 28, 2020 issuance of its Blue Print for a Safer Economy, which describes the tiered approach to relaxing and tightening restrictions on activities based on specified criteria; allowed barbershops and hair salons to reopen indoor operations at 25% of maximum occupancy and with required modifications, while encouraging operators to provide as many services as possible outside; and, beginning September 14, 2020, allowed K-12 schools to offer in-school services for a small, stable cohort of students with Individualized Education Programs or English Learners needing assessments and/or specialized in-school services, with priority given to students with disabilities; and

WHEREAS, on September 4, 2020, the United States Center for Disease Control and Prevention, recognizing that “in the context of a pandemic, eviction moratoria – like quarantine, isolation, and social distancing – can be an effective public health measure utilized to prevent the spread of communicable disease,” that eviction moratoria “facilitate self-isolation by people who become ill or who are at risk for severe illness from COVID-19 due to an underlying medical condition” and “allow State and local authorities to more easily implement stay-at-home and social distancing directives to mitigate the community spread of COVID-19,” and that “housing stability helps protect public health because homelessness increases the likelihood of individuals moving into congregate settings, such as homeless shelters, which then puts individuals at higher risk to COVID-19” (Federal Register, Vol. 85, No. 173 at page 55292), issued an order, applicable in any State or local area without a moratorium on residential evictions that provides the same or greater level of public-health protections as the requirements in the order, requiring that, through December 31, 2020, subject to further extension, modification, or rescission, a landlord, owner of a residential property, or other person with a legal right to pursue eviction or possessory action shall not evict any covered person (as defined in the order) from any residential property in any State in which there are documented cases of COVID-19; and

WHEREAS, on September 8, 2020, the City Council ratified the proclamation of local emergency made by the Director of Emergency Services, as well as the Fifth Revised First, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Twelfth, Thirteenth, Fifteenth, Sixteenth, Seventeenth, Third Revised Eighteenth, Nineteenth, First Revised Twentieth, Second Revised Twenty-First, Twenty-Second, Twenty-Third, and Twenty-Fourth Supplements thereto; resolved that the local emergency shall be deemed to continue and exist until its termination is proclaimed by the City Council; and resolved that the supplements being ratified above shall, except for those portions of earlier supplements that were not extended by the Seventeenth Supplement, be operative and remain in effect through September 30, 2020, or any later date expressly stated within the text of an individual supplement; and

WHEREAS, on September 10, 2020, the Director of Emergency Services issued a Twenty-Fifth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency, which permitted the Housing Commission and Architectural Review Board to conduct certain meetings for identified purposes;

WHEREAS, on September 18, 2020, the Director of Emergency Services issued a Twenty-Sixth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency, which superseded and replaced Section 1 of the Ninth Supplement to permit some events, activities, programs, and gatherings scheduled in City

facilities by permit or license if they are permitted by and will be conducted in accordance with all requirements of the County Safer at Home Order; authorized the Director of the Community Services Director to implement guidelines and regulations to permit the use of City sites for drive-in movie theaters, vehicle-based parades, concerts, and other events to the extent permitted by and conducted in accordance with all requirements of the County Safer at Home Order; extended the City's moratorium on evictions of residential tenants for reasons other than nonpayment of rent through December 31, 2020; extended the eviction moratorium for nonpayment of rent by commercial tenant 1s (as defined in the Fifth Revised First Supplement) through December 31, 2020, subject to the requirement that for rent due after September 30, 2020, except for rent due for periods in which the commercial tenant 1's business remains closed because the County Safer at Home Order requires it to remain closed, the commercial tenant 1 must pay at least 50% of the rent due in accordance with the terms for payment set out in the tenant's lease; authorized the Director of the Community Services Department to promulgate regulations and issue permits for gym and fitness establishments to engage in commercial fitness activities at City parks, City park parking lots, and City beaches; superseded and replaced Section 5 of the Revised Fifth Supplement so that penalties related to business licenses for fiscal year 2020-2021 will begin to accrue as of September 1, 2020 unless an extension application was timely filed pursuant to the Third Revised Eighteenth Supplement and penalties related to business improvement district assessments for fiscal year 2020-2021 are not suspended and will begin to accrue if the assessments are not timely paid; with the same exceptions specified in the Nineteenth, Twenty-Third, and Twenty-Fourth Supplements (the latter of which extended the expiration of the supplements to September 30, 2020), extends the expiration of prior supplements that remain in place to December 31, 2020 unless a later expiration date is provided in an individual supplement; and

WHEREAS, on October 2, 2020, as revised October 6, 2020, the Los Angeles County Department of Public Health issued a revised Reopening Safer at Work and in the Community For Control of COVID-19 – Moving the County of Los Angeles Into Stage 3 of California's Pandemic Resilience Roadmap order that superseded all prior Safer at Home Orders, recognized that existing community transmission of COVID-19 in Los Angeles County remains widespread, noted that there remains a strong likelihood that increased interactions among members of the public will result in a significant and increasing number of cases of community transmission, noted that the daily number of new cases while not currently substantially increasing is still high, and was essentially equivalent to the September 4 Safer at Home Order with the exception that it added nail salons to the list of Lower-Risk Businesses allowed to reopen for indoor operations at 25% of maximum occupancy and with required modifications, permitted outdoor dining at non-restaurant breweries and wineries in compliance with specified conditions, and permitted children's playgrounds to open subject to access or use restrictions imposed by the Health Officer and local government entities to reduce crowding and the risk of COVID-19; and

WHEREAS, on October 7, 2020, the Director of Emergency Services issued a Twenty-Seventh Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency, which, to ensure compliance with County social distancing requirements and the County's prohibition on live audiences for street performers, suspended the issuance of permits for street performers at the Pier, Third Street Promenade, and Transit Mall, with the result that street performers will not be allowed in those spaces during their most

crowded times, after noon Monday through Friday and on weekends and holidays; prohibited street performers in those spaces at all other times from encouraging any person from gathering to observe the performance while requiring performers to comply with all County social distancing requirements, including the wearing of face coverings; authorized the Director of the Community Development Department to issue regulations authorizing businesses to post curbside pickup signs on parking meters adjacent to or near the business and designating spaces in public parking lots where the City may post curbside pickup signs; temporarily suspended certain Municipal Code requirements regarding procedures relating to HUD Community Development Block Grants that are inconsistent with HUD procedures adopted in light of the COVID-19 pandemic; and authorized the Director of the Community Development Department to issue regulations regarding and issue temporary use permits for certain uses allowed by the County Safer at Home Order, including temporary outdoor sales and special events, for a period longer than 45 days but less than 180 days; and

WHEREAS, on October 9, 2020, the California Department of Public Health, noting that COVID-19 continues to pose a severe risk to communities and requires all people in California to follow necessary precautions and to adapt the way they live and function in light of this ongoing risk, noting that the safest way to gather is to spend time with people in the same household or to gather virtually, and noting that limiting attendance at gatherings is a way to reduce the risk of spread and increase the effectiveness of contact tracing if a positive case is discovered, issued mandatory guidance for private gatherings that, among other things, limited them to no more than 3 households, required them to occur in space sufficient for everyone to maintain at least 6 feet of physical distance from any others not in their own household, and required the wearing of face coverings; and

WHEREAS, on October 14, 2020, the Los Angeles County Department of Public Health issued a revised Reopening Safer at Work and in the Community For Control of COVID-19 – Blueprint for a Safer Economy—Tier 1 order that superseded all prior Safer at Home Orders, recognized that existing community transmission of COVID-19 in Los Angeles County remains widespread and continues to present a substantial and significant risk of harm to residents’ health, noted that there remains a strong likelihood that increased interactions among members of the public will result in a significant and increasing number of cases of community transmission, noted that the daily number of new cases while not currently substantially increasing is still high, and was essentially equivalent to the October 6 Safer at Home Order with the exception that, to align with the California Department of Public Health October 9, 2020 guidance on private gatherings, it defined the term “household” to exclude institutional and commercial group living situations and authorized certain private gatherings of persons from no more than three households, but only in compliance with strict requirements including that they must occur outdoors in a space large enough for everyone to maintain at least 6 feet of physical distance from any others not in their own household, be limited to two hours or less, and be conducted in accordance with social distancing requirements including the wearing of face coverings; and

WHEREAS, on October 23, 2020, the Los Angeles County Department of Public Health issued a revised Reopening Safer at Work and in the Community For Control of COVID-19 – Blueprint for a Safer Economy—Tier 1 order that superseded all prior Safer at Home Orders and was essentially equivalent to the October 14 Safer at Home Order with the exception that it permitted personal care establishments to offer services indoors with modifications; permitted

batting cages, miniature golf, and go cart racing to operate outdoors; clarified that food court dining rooms in an indoor mall or shopping center must remain closed; increased the percentage of students with individual education programs and English learners and other high-need students to return to a K-12 campus; and permitted schools to reopen from TK to second grade for class instruction with a waiver application approved by the Los Angeles County Department of Public Health; and

WHEREAS, on October 27, 2020, the City Council ratified the proclamation of local emergency made by the Director of Emergency Services, as well as the Fifth Revised First, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Twelfth, Thirteenth, Fifteenth, Sixteenth, Seventeenth, Third Revised Eighteenth, Nineteenth, First Revised Twentieth, Second Revised Twenty-First, Twenty-Second, Twenty-Third, Twenty-Fourth, Twenty-Fifth, Twenty-Sixth, and Twenty-Seventh Supplements thereto; resolved that the local emergency shall be deemed to continue and exist until its termination is proclaimed by the City Council; and resolved that the supplements being ratified above shall, except for those portions of earlier supplements that were not extended by the Seventeenth Supplement, be operative and remain in effect through December 31, 2020, or any later date expressly stated within the text of an individual supplement; and

WHEREAS, on November 13, 2020, noting that the incidence of COVID-19 is increasing in many states and countries and that travel itself can be a risk for exposure to COVID-19, the California Department of Health issued a travel advisory, encouraging Californians to stay home or in their region and avoid non-essential travel to other states or countries; and WHEREAS, on November 16, 2020, the California Department of Public Health issued Guidance for the Use of Face Coverings, superseding the face covering guidance it issued on June 18, 2020, that requires persons to wear face coverings when they are outside of their home, unless an enumerated exemption applies;

WHEREAS, on November 19, 2020, the California Department of Public Health, citing the recent, unprecedented rate of rise in increase in COVID-19 cases across California, issued a Limited Stay at Home Order effective from November 21, 2020 at 10 pm PST to 5 am PST on December 21, 2020 in counties under Tier One (Purpose) of California's Blueprint for a Safer Economy requiring that all gatherings with members of other households and all activities conducted outside the residence, lodging, or temporary accommodation with members of other households cease between 10:00 pm PST and 5:00 am PST, except for those activities associated with the operation, maintenance, or usage of critical infrastructure or required by law;

WHEREAS, on November 19, 2020, the Los Angeles County Department of Public Health issued a revised Reopening Safer at Work and in the Community For Control of COVID-19 – Blueprint for a Safer Economy – Tier 1 Surge Response order that superseded all prior Safer at Home Orders and became effective on November 20, 2020 and was essentially equivalent to the October 23 Safer at Home Order with the exception that it limited the number of persons at private outdoor gatherings to 15 persons and made other clarifications on permissible private outdoor gatherings; limited the number of customers at outdoor restaurants, breweries, and wineries to 50% of the establishment's outdoor capacity and prohibited in-person outdoor dining between the hours of 10:00 pm and 6:00 am; limited the number of customers at

outdoor cardrooms, miniature golf, batting cages, and go cart racing to 50% of the establishment's outdoor capacity; limited the number of persons at indoor operations for retail, office, and personal care to 25% capacity; clarified that an essential business must comply with the social (physical) distancing protocol and all other applicable protocols; and specified the type of retail food market that must comply with the new protocol for grocery stores and retail food markets; and

WHEREAS, as of November 23, 2020, the Los Angeles County Department of Public Health has confirmed 370,636 cases of COVID-19 in Los Angeles County and has continued to advise that bold and aggressive measures are required to be put in place to prevent the further spread of COVID-19; and

WHEREAS, the City has an important government interest in maintaining a thriving business community and protecting the health, safety, and economic welfare of its citizens and businesses; and

WHEREAS, permitting certain eligible businesses to temporarily extend their operations to unused portions of the parking lane on Main Street where the City has placed K-Rails in accordance with this Order will enable the businesses to operate safely during the pendency of this COVID-19 emergency; and

WHEREAS, Santa Monica Municipal Code Section 2.72.010 authorizes the imposition of fees for the private commercial use of public property; and

WHEREAS, temporarily allowing businesses to designate on-street parking spaces if no metered spaces are adjacent to the business as a free curbside pickup zone will assist businesses that rely on curbside pickup to facilitate the purchase and sales of goods and food in compliance with the social distancing and infection control protocols imposed by the County Safer at Home Order; and

WHEREAS, in recognition of the unavoidable delays in the City's processing of planning and permit-related applications and in actions required to be taken under planning entitlements and permits that have resulted from the City's implementation of social distancing requirements, the City through the Second Revised and Third Revised Eighteenth Supplements to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency extended deadlines for planning, review, and permit-related actions; and

WHEREAS, in extending the deadlines for planning, review, and permit-related actions, it was the intent of the City that such an extension would apply only to deadlines in Articles VIII and IX of the Santa Monica Municipal Code and related State-law land use provisions and that the deadlines to file an appeal would not be extended; and

WHEREAS, clarifying the extension of the deadlines for planning, review, and permit-related actions is necessary to align with the City's intent; and



WHEREAS, the City's most recently adopted water rate structure includes a fixed rate monthly billing charge that applies to all open water service accounts; and

WHEREAS, as a result of the COVID-19 epidemic, commercial property owners are experiencing high vacancy rates on their properties and are suffering financial hardship by continuing to pay the fixed billing charges for water service accounts that are not being used as a result of tenant vacancies; and

WHEREAS, these commercial property owners are seeking temporary financial relief through disconnection of water service accounts during tenant vacancies; and

WHEREAS, absent an emergency, the City does not have a temporary voluntary disconnection of water service for open water service accounts; and

WHEREAS, during the COVID-19 emergency, City desires to allow temporary disconnection of water service for commercial property accounts, excluding fire service accounts, through the locking of water meters, provided that property owners requesting temporary disconnection pay the City's costs of temporary disconnection, reconnection, and associated administrative costs related to billing adjustments; and

WHEREAS, the City's Water Division has determined that the City's costs associated with temporary disconnection are \$208.00; and

WHEREAS, when the City's Rent Control Board accepts the filing of a Notice of Intent to Ellis a building, by regulations the Rent Control Board must then require that any requisite Notice of Terminations of Tenancy be served on the tenants and then copies filed with Rent Control within five days; and

WHEREAS, the language of Section 3a of the Fifth Revised First Supplement could be interpreted as precluding landlords from serving the required Notice of Terminations of Tenancy in accordance with instructions from the Rent Control Board, which is not its intent, necessitating the revisions as set forth in this Order; 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:

A. Satellite Use of Main Street Parking Lane

1. The definitions in Santa Monica Municipal Code Section 9.52.020 apply to the words and phrases used in Sections 1 through 10 of this Order. In addition, as used in Sections 1 through 10 of this Order:
  - a. “Eligible business” means the business has a current business license with and operates out a physical location in the City and has received any necessary entitlements from the City to operate and the use is a non-residential use classification that is permitted or conditionally permitted in the district, other than an eating and drinking establishment, a liquor store, or an automobile/vehicle service and repair, minor or major, as those terms are defined by Santa Monica Municipal Code Section 9.51.030.
  - b. “Main Street satellite space” means the use of public parking or loading space located in the public right-of-way and adjacent sidewalk on Main Street where the City has installed K-Rail barriers and the public parking or loading space is unoccupied by a business eligible to license the space through the City’s Third Revised Eighteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency (“Eighteenth Supplement”).
2. Sections 1 through 10 of this Order apply to an eligible business that has entered into a temporary outdoor encroachment agreement or obtained a temporary permit for its eligible business for temporary use of the Main Street satellite space as permitted under this Order. The Director of the Community Development Department or designee shall be authorized to draft and enter into a temporary outdoor encroachment agreement with an eligible applicant and may choose to enter into such agreement on such terms as the Director or designee deems necessary and to require the submission of additional information or supporting data to ensure ongoing protection of public health and safety of the City, including, but not limited to, a site plan. The Director of the Community Development Department or designee retains the discretion to decline to enter into a temporary outdoor encroachment agreement for any reason, including, if the location of the proposed Main Street satellite space interferes with a planned or future City project or operation. In lieu of a temporary outdoor encroachment agreement, the Director of the Community Development Department or designee is authorized to issue a permit for Main Street satellite space use as authorized by this Order.
3. An eligible business that seeks to use the Main Street satellite space must comply with all of the following conditions:
  - a. The eligible business must enter into a temporary outdoor encroachment agreement with the City or, if elected by the Director of the Community Development Department or designee pursuant to Section 2, obtain a permit for

use of the Main Street satellite space as authorized by this Order. As part of any application to utilize the Main Street satellite space, the eligible business must submit a letter of support from the Main Street Business Improvement District. The absence of either a letter or support from the Main Street Business Improvement District is a factor that the City may consider in determining whether to enter into a temporary outdoor encroachment agreement with or issue a permit to the eligible business. Any certificate issued by the City for the temporary use of outdoor areas shall be displayed by the eligible business during business hours.

- b. All eligible business activity must be conducted in accordance with all social distancing and infection control protocols imposed by applicable State Executive Orders, State Health Officer Orders, and the County's Safer at Home Order, including any amendments and successors thereto.
- c. Use of the Main Street satellite space shall be conducted as a temporary accessory use to a legally established eligible business. Nothing in this Order shall confer any vested rights to any ongoing or continuing activities beyond the expiration of this Order. The eligible business's use of the Main Street satellite space is temporary and does not constitute an abandonment, whether express or implied, by the City of any of its rights associated with the statutory and customary purposes and use of any operations in the public rights-of-way.
- d. Adequate pedestrian access on the sidewalk adjacent to the Main Street satellite space must be provided and maintained, which is considered to be no less than five (5) feet of unobstructed access.
- e. No alcohol service or consumption is permitted in the Main Street satellite space.
- f. Furnishings utilized in the Main Street satellite space or common area are limited to movable tables, chairs, bookcases, floor covering, exercise equipment, planter boxes, garment racks, displays of merchandise, umbrellas or canopies that are secured and maintain the height clearance for sidewalk or pedestrian passage, electric cordless lighting, and other temporary décor (collectively, "temporary furnishings"). Any canopy must comply with the requirements in subsection g. All temporary furnishings shall be removed every day from the sidewalk portion of the Main Street satellite space upon closing of the eligible business. Temporary furnishings in the parking lane portion of the Main Street satellite space need not be removed each day upon closing; except, however, temporary furnishings shall be (i) secured in the Main Street satellite space and (ii) removed at the close of business during the weekdays of the first full week of each month for street cleaning (e.g., the week December 7). To the extent the eligible business leaves out temporary furnishings overnight in the parking lane portion of the Main Street satellite space, the eligible business bears all risks related to any damage to or loss of temporary furnishings.

- g. The eligible business may utilize a canopy in the Main Street satellite space area so long as there is compliance with the following conditions:
  - i. A canopy with all sides open shall (1) not exceed 700 square feet in the aggregate, (2) be sufficiently secured to meet wind load requirements, (3) if used in connection with a propane or electric heater, provide at least 3 feet of clearance from the heater to top of the canopy or any other combustible material, and (4) not be placed within 12 feet of any building. Multiple canopies placed side by side will be considered a single canopy for purposes of calculating the 700 square feet in the aggregate, unless each canopy is placed at least 12 feet apart from one another. An impermeable barrier not exceeding 7 feet high that separates tables from one another or the Main Street satellite space from pedestrians is not counted as a side down of the canopy.
  - ii. A canopy with one side down shall (1) not exceed 400 square feet in the aggregate, (2) be sufficiently secured to meet wind load requirements, (3) if used in connection with an electric heater, provide at least 3 feet of clearance from the electric heater to the top or sidewall of the canopy or any other combustible material, (4) not be used in close proximity to a propane heater, unless a duct-style propane heater is utilized and is placed outside of and at least 3 feet away from the canopy, and (5) not be placed within 12 feet of any building. Multiple canopies placed side by side will be considered a single canopy for purposes of calculating the 400 square feet in the aggregate, unless each canopy is placed at least 12 feet apart from one another. For purposes of clarity, a canopy may not be utilized if there is more than one side down. An impermeable barrier not exceeding 7 feet high that separates tables from one another or the Main Street satellite space from pedestrians is not counted as a side down of the canopy.
  - iii. Any canopy in compliance with subsections (g)(i) or (g)(ii) that exceeds 120 square feet may not be utilized for more than 180 consecutive days.
  - iv. Any canopy that does not meet the square footage or 12-foot distance from a building requirements set forth in subsections (g)(i) or (g)(ii) may only be utilized if a special event permit is obtained from the Santa Monica Fire Department and there is compliance with the conditions stated in such a permit, which may vary from the terms of this Order. Under no circumstances, however, may an eligible business place a canopy with one side down directly against a building.
- h. Propane or electric heaters may be utilized in the Main Street satellite space so long as the eligible business complies with the heater requirements in subsection g if such heaters are used in connection with a canopy. In addition, propane heaters may only be utilized in the Main Street satellite space so long as the eligible business (i) has an existing or obtains a propane heater permit from the Santa Monica Fire Department, (ii) complies with the Santa Monica Fire Department's Fire Prevention Policy Number 1-9 on Portable Propane Heaters, and (iii) secures

or removes the propane heater(s) every day upon closing of the business. Any use of a propane or electric heater is subject to inspection by the Fire Marshal and the terms of such use may be modified by the Fire Marshal if, in his sole and complete discretion, he determines such modifications are in furtherance of public safety. Table lamps using liquid fuel, candles, or any fixtures other than a propane heater using an open flame are not permitted. Decorative lighting plugged into a legal outlet is also permitted, provided that such lighting is strung overhead, maintains height clearance for sidewalk or pedestrian passage, and the electrical cord is not placed on the sidewalk, or if it is not feasible to string the lighting overhead, any extension cord must be covered with a flat and bright extension cord cover that is ADA accessible.

- i. Except for a 44-inch wide unobstructed exit path, the eligible business may place a temporary impermeable barrier that is at least 6 feet high and no higher than 7 feet to separate the Main Street satellite space from the sidewalk. An eligible business may also place a temporary impermeable barrier to separate tables from one another. Any such barrier must comply with the County Department of Public Health's Guidance on the Use of Barriers as an Engineering Control for Social/Physical Distancing. No other temporary barrier is permitted.
- j. The eligible business must not attach any object, including a temporary barrier, canopy, lighting, or other temporary furnishing, to a public tree.
- k. The eligible business must at all times use due care in its operation of the Main Street satellite space to avoid causing or creating any damage to the parking lane or sidewalk in the Main Street satellite space. The eligible business shall immediately inform the City of any actual or potential damage to the parking lane or sidewalk area, and the eligible business must reimburse the City within 30 days of receiving a written request for any all costs to repair such damage, if caused by the eligible business.
- l. The eligible business must monitor and supervise the Main Street satellite space at all times during the eligible business's business hours, including, but not limited to, ensuring that at least one agent of the eligible business is present at each Main Street satellite space at all times during the eligible business's business hours while the Main Street satellite space is open to patrons.
- m. A single, non-permanent sign with the eligible business's name may be placed within the Main Street satellite space in an area visible to pedestrians on the sidewalk or adjacent pedestrian area. This sign shall be removed upon closing of business each day and must comply with the requirements imposed on use of other furnishings by subsection n below.
- n. Temporary furnishings, signs, propane or electric heaters, and temporary barriers used in the Main Street satellite space shall not block any portion of the full width of any legal exit from the building or any exit path from such legal exit to the

public right of way. A minimum of a 44-inch wide exit path is required to be maintained from each legal exit from the building to the public right of way.

- o. No structure or enclosure to accommodate the storage of trash or garbage shall be erected or placed on, adjacent to, or separate from the Main Street satellite space on the public sidewalk, roadway, or right-of-way. The eligible business must comply with any waste management plan approved by the Director of the Community Development Department or designee through administrative regulations. The Main Street satellite space shall be kept clear of litter at all times and must be cleaned (swept and mopped) with all litter removed each day upon closing of business. The Main Street satellite space shall be maintained by the eligible business, at its sole cost, in a clean and orderly manner at all times. All food or drink spills must be immediately removed from the sidewalk area.
- p. Hours of operation of the Main Street satellite space shall not exceed the hours of operation of the associated eligible business.
- q. All eligible business activity shall be in compliance with the noise restrictions in Chapter 4.12 of the Santa Monica Municipal Code.
- r. All forms of speaker amplification are prohibited.
- s. The Main Street satellite space and any other temporary outdoor space the eligible business is utilizing pursuant to the Eighteenth Supplement may not exceed the area necessary, in accordance with all social distancing and infection control protocols imposed by applicable State Executive Orders, State Health Officer Orders, and the County's Safer at Home order, including any amendments and successors thereto, to permit the combined occupancy of inside eligible business and outdoor eligible business activity to match the maximum occupancy of the eligible business, prior to imposition of the social distancing and infection control protocols.
- t. The eligible business shall obtain prior written consent from the property owner or tenant of the adjacent or neighboring building of the Main Street satellite space and furnish such consent to the City with its application for a temporary outdoor encroachment agreement or permit. If the eligible business is unable to obtain consent from the property owner or tenant of the adjacent or neighboring building, the eligible business shall, with its application for a temporary outdoor encroachment agreement or permit: (i) explain the reason why it was unable to obtain consent and (ii) provide proof that it has provided written notice to the tenant or property owner on a form to be provided by the City of the eligible business's intent to utilize the Main Street satellite space and that the tenant or property owner may contact the City within the next 5 business days after receipt of the notice regarding the proposed use of the Main Street satellite space. The City shall not act on any application to utilize the adjacent or neighboring parking or loading space as the Main Street satellite space until after the 5 business day period has expired. Any decision of the City thereafter to enter into a temporary

outdoor encroachment agreement or, if applicable, issue a temporary permit for the Main Street satellite space in front of an adjacent or neighboring tenant space(s) or building shall be final.

- u. All merchandise or services displayed in the Main Street satellite space shall be of the same types ordinarily sold indoors at the associated eligible business.
  - v. The City maintains the right to verify the square footage of the Main Street satellite space and to make periodic inspections of the Main Street satellite space, at any time and without notice to the eligible business.
  - w. The eligible business shall, (i) in the event of an emergency, as determined by the City, immediately remove any temporary furnishings in the Main Street satellite space; or (ii) if not an emergency, remove any temporary furnishings in the Main Street satellite space within 48 hours of the City's written request. If the eligible business fails to timely remove its temporary furnishings as required by this Section, the City may, at the eligible business's expense, remove such furnishings from the Main Street satellite space and recover its costs for its work from the eligible business.
  - x. The eligible business shall not construct a deck or other structure in the Main Street satellite space.
  - y. Any temporary ramps from the sidewalk to the Main Street satellite space, if required to maintain accessibility to the Main Street satellite space, shall comply with the slope requirements of the California Building Code.
  - z. The City reserves the right to terminate or suspend immediately any temporary outdoor encroachment agreement if the City determines that there is an emergency situation that poses a risk to the public health, safety or welfare. In such a case, City will provide written notice of termination or suspension as soon as reasonably possible.
  - aa. Either the City or the eligible business may at any time, without cause, terminate the temporary outdoor encroachment agreement on 30 days' prior written notice to the other party.
  - bb. Compliance with all applicable laws and regulations, including, but not limited to, the American with Disabilities Act.
  - cc. Compliance with minimum insurance requirements, as set forth in the temporary outdoor encroachment agreement or, if applicable, temporary permit.
  - dd. Compliance with any other condition(s) required by regulations promulgated pursuant to Section 8.
4. No person shall park in any public parking space or loading space that is utilized as the Main Street satellite space.

5. Sections 3.12.360, 4.68.040, 5.06.020, 6.116.010, and provisions of Article IX of the Santa Monica Municipal Code, or any conditions to permits previously issued by the City, including, but not limited to, parking requirements (except for those relating to accessible parking) and maximum floor area ratio, are hereby temporarily suspended to the extent necessary to accommodate temporary Main Street satellite space use authorized by this Order. Notwithstanding the foregoing, eligible businesses shall comply with the requirements of Santa Monica Municipal Code 9.31.060, 9.31.070, 9.31.080, and 9.31.340, to the extent applicable to that eligible business.
6. If a tenant has granted consent under Section 3(t), nothing in this Order relieves that tenant from any obligation or laws relating to any consent required of the property owner.
7. No earlier than March 1, 2021 and after the City has provided 30 days notice to eligible businesses that have entered into a temporary outdoor encroachment agreement or, if applicable, obtained a temporary permit for outdoor eligible business activities as authorized by this Order, the City is authorized to assess a monthly fee for use of the Main Street satellite space to eligible businesses. Such a fee shall (i) be due on the first of each month and, if not received by the City within three days after it is due, be subject to a 10% late charge; (ii) be based on the square footage of the Main Street satellite space, and (iii) comply with the rates for “Outdoor Dining Area without a Barrier,” as adjusted annually in accordance with the Consumer Price Index, as set forth in Resolution No. 10586 (CCS), adopted by the City Council on June 21, 2011, regardless of whether the eligible business is conducting outdoor dining as opposed to other eligible business activities in the Main Street satellite space. Notwithstanding the foregoing, the City may not assess a fee for any month if, as of the first of that month, the County’s Safer at Home Order has not authorized the particular eligible business to resume indoor operations at 50% or greater occupancy. For purposes of clarity, the monthly rate per square foot for “Outdoor Dining Area without a Barrier” on Main Street for 2020 is \$2.12.
8. The Director of the Community Development Department or designee may promulgate regulations to implement Sections 1 through 7 of this Order. Such regulations may include, but are not limited to, the imposition of an application or permit fee, restrictions on hours of operation, and additional conditions for utilizing the Main Street satellite space authorized by this Order. Such regulations may also vary from the conditions set forth in Section 3 to the extent necessary to comply with the County Safer at Home Order, including any protocols or other guidance issued by the County Department of Health.
9. The City, in its sole and complete discretion, may suspend or revoke any Main Street satellite space use authorized by Sections 1 through 10 of this Order, for, among other things, any failure to comply with: (a) the conditions as set forth in Section 3; (b) the payment provision in Section 7; (c) any regulations issued pursuant to Section 8 of this Order, or (d) any other applicable law.



10. In addition to or in lieu of any suspension or revocation pursuant to Section 9, Sections 1 through 4 and any regulations promulgated under Section 8 of this Order (collectively, the “temporary use restrictions”) shall be enforceable by an Enforcement Officer, as that term is defined by Santa Monica Municipal Code Section 1.09.020, through the issuance of an 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 the temporary use restrictions by an eligible business shall be: \$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 the temporary use restrictions constitutes a separate violation and may be charged and punished separately.

B. Santa Monica Fire Department Special Event Permit Fee

11. The permit fee for tents larger than 400 square feet is waived for any special event permit filed with the Santa Monica Fire Department in connection with a temporary use authorized by Sections 1 to 10 of this Order or Sections 19 to 78 of the Third Revised Eighteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency.

C. Expanded Temporary Curbside Pickup Zones

12. Sections 12 through 17 of this Order supersede and replace Sections 9 through 12 of the Twenty-Seventh Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency.

13. As used in Sections 13 through 17, the following terms have the following meanings:

- a. “Business” means a business that has a current business license with the City and is authorized by the County Safer at Home Order to open to the public.
- b. “Curbside pickup sign” is a sign prepared by Director of the Community Development Department or designee that, when (i) posted by the business on a parking meter, as that term is defined by Santa Monica Municipal Section 3.16.020, adjacent to or near the business, authorizes the customers of the business to park, for free, for no longer than 10 minutes at a time during business hours; (ii) posted by the City on spaces in a public parking lot, as that term is defined by Santa Monica Municipal Section 3.04.010, designated by the Director of the Community Development Department or designee, authorizes customers of a business to park, for free, for up to 30 minutes during the hours stated on the sign; or (iii) if no parking meters are adjacent to the business, posted by the business for on-street parking that is adjacent to or near the business in compliance with Section \_\_ of this Order, authorizes the customers of the business to park for no longer than 10 minutes at a time during business hours.

14. A business posting a curbside pickup sign adjacent to on-street parking shall comply with the posting requirements for temporary no parking signs, available at [https://www.smgov.net/uploadedFiles/Departments/PCD/Applications-Forms/TNP\\_Posting\\_Guidelines.pdf](https://www.smgov.net/uploadedFiles/Departments/PCD/Applications-Forms/TNP_Posting_Guidelines.pdf).
15. The Director of the Community Development Department or designee may promulgate regulations to implement Sections 13 to 17 of this Order. Such regulations may include authorization for businesses to share a curbside pickup sign posted by the businesses so that customers visiting either business may park, for free, no longer than 10 minutes during business hours at the metered parking space or on-street parking space with such a posted curbside pickup sign.
16. No person may post a “curbside pickup” sign on an ADA accessible space or in a red or a loading zone.
17. Chapters 3.04, 3.16, and 9.61 and Section 3.12.905 of the Santa Monica Municipal Code are hereby temporarily suspended to the extent necessary to accommodate the posting and use of a curbside pickup sign as authorized by this Order.

D. Extension of Deadlines for Planning, Review, and Permit-Related Actions

18. Sections 18 through 24 of this Order supersede and replace Sections 1 through 6 of the Third Revised Eighteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency.
19. All deadlines for planning, review, and permit-related actions established in the Housing Accountability Act, Permit Streamlining Act, California Environmental Quality Act, the Subdivision Map Act, or Articles VIII or IX of the Santa Monica Municipal Code, including any resolutions or rules or regulations promulgated thereunder, are hereby extended for a period of two years subject to the limitation in Sections 20 through 22 below. For purposes of this Order, “deadlines for planning, review, and permit-related actions” shall include, but not be limited to, the following:
  - a. Deadlines to review, determine the completeness of, or take action on applications pending as of March 13, 2020, or submitted between March 13, 2020 and the expiration of this Order, for planning entitlements, permits, and approvals issued under Article IX of the Santa Monica Municipal Code.
  - b. Deadlines to open or conclude a public hearing on, or to authorize an automatic approval, denial or disapproval of, applications pending as of March 13, 2020, or submitted between March 13, 2020 and the expiration of this Order, for planning entitlements, permits, or approvals issued under Article IX of the Santa Monica Municipal Code.
  - c. Deadlines for review and approval of applications pending as of March 13, 2020, or submitted between March 13, 2020 and the expiration of this Order, for a building permit, plan review and related approvals issued under Article VIII of the Santa Monica Municipal Code.

- d. Deadlines to exercise and continuously pursue the rights granted under planning entitlements, permits and approvals issued and still active as of March 13, 2020, or issued between March 13, 2020 and the expiration of this Order under Article IX of the Santa Monica Municipal Code.
  - e. Deadlines for expiration of issued building permits, plan reviews and related approvals issued and still active as of March 13, 2020, or issued between March 13, 2020 and the expiration of this Order under Article VIII of the Santa Monica Municipal Code.
20. All deadlines for planning, review, and permit-related actions shall be extended for two years as authorized in Section 19 only to the extent consistent with State law and any directives issued by the Governor, and to the extent State law or any directives issued by the Governor require that the extension be limited to a lesser period, this Order shall implement an extension limited to that lesser period.
21. Notwithstanding anything to the contrary in this Order, there shall be no extension of deadlines for planning, review, and permit-related actions relating to compliance with timelines set forth in Chapters 8.58, 8.60, 8.64, 8.76, and 8.80 of the Santa Monica Municipal Code, and, in particular, the time limits for compliance as set forth in Sections 8.58.050, 8.60.040, 8.64.060, 8.76.060, and 8.80.060 of the Santa Monica Municipal Code, unless an application was pending as of March 13, 2020, or submitted between March 13, 2020 and the expiration of this Order. For the sake of clarity, the deadlines for planning, review, and permit-related actions relating to compliance with timelines set forth in Chapter 8.72 for soft story buildings and, specifically, the time limits for compliance in Section 8.72.050 shall be extended as set forth in Section 19.
22. Notwithstanding anything to the contrary in this Order, there shall be no extension of the deadlines for appeal as set forth in Articles VIII or IX of the Santa Monica Municipal Code. For purposes of clarity, this Order does not alter or otherwise modify any deadlines for appeal arising out of any State-law based planning, review, and permit-related actions.
23. The extension implemented by Sections 19 and 20 above shall mean that the date on which action would otherwise have been required to be taken in the absence of this Order shall be extended by two years, or such lesser time as may be required in accordance with Section 20 of this Order, from the later of the expiration of this Order or the date on which action would otherwise have been required to be taken in the absence of this Order.
24. Nothing in Sections 19 through 23 of this Order prohibits the applicable City Departments from continuing to process applications in a reasonable and timely manner. Nothing in Sections 19 through 23 shall be deemed to create any legal entitlement to the extension granted by this Order.

E. Temporary Suspensions of Commercial Water Service

25. The City's Water Division is hereby authorized to discontinue water service and associated monthly billing for fixed water rates on commercial water accounts, excluding fire service accounts, at the request of commercial property owners and provided that such owners pay the City a cost recovery fee in the amount of \$208.00 to cover the City's costs of locking the associated water meters and modifying water billing.

F. Clarification Regarding Temporary Moratorium on No-Fault Evictions of Residential Tenants

26. Section 3a of the Fifth Revised First Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency is hereby replaced with the following:

“3. A temporary moratorium on eviction for no-fault evictions, which includes an eviction occasioned by an Ellis Act withdrawal, of residential tenants is imposed as follows:

a. No landlord shall endeavor to evict a residential tenant in a no-fault eviction; provided, however, that when a landlord files a Notice of Intention to Withdraw Accommodations from Rent or Lease pursuant to the Ellis Act, California Government Code Section 7060, et seq., the landlord may serve any requisite Notices such as a Notice to Terminate Tenancies.

b. No landlord shall file an unlawful detainer action based on removal of a unit from the rental market pursuant to the Ellis Act until sixty days after the expiration of this Order.”

G. Extension of Suspension of Water-Service Shut Off and Late Payment Penalties for Unpaid or Delinquent Utility Bills

27. The suspension of the discontinuation or shut off of water service for residents and businesses in the City for non-payment of water or sewer bills implemented by Section 2 of the Revised Fifth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency (“Revised Fifth Supplement”) is hereby continued and shall remain in effect through March 31, 2021.

28. The suspension of the imposition of late payment penalties for unpaid or delinquent water and/or sewer bills and refuse and recycling collection bills implemented by Sections 3(a) and (c) of the Revised Fifth Supplement is hereby continued and shall remain in effect through March 31, 2021.

H. General Provisions

29. This Order shall take effect immediately and, 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: (a) Sections 1 through 11 shall remain in effect while the County’s Safer at Home Order, including any later amendments or successors thereto, is in place plus an additional 30 days thereafter; (b) Sections 12 through 26 shall remain in effect until December 31, 2020; and (c) Sections 27 and 28 shall remain in effect until March 31, 2021.

30. 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.

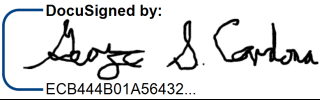
ADOPTED this 24th day of November 2020.

By:   
LANE DILG  
Interim City Manager  
Director of Emergency Services

ATTEST:

  
DENISE ANDERSON-WARREN  
City Clerk

APPROVED AS TO FORM:

  
GEORGE S. CARDONA  
Interim City Attorney