



**Lane Dilg**  
*Interim City Manager*

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## **TWELFTH 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, the City of Santa Monica (the “City”) has a population of over 90,000 residents, is a major tourist destination, has two major hospitals and an airport within its jurisdiction, and is adjacent to and contiguous on three sides with the City of Los Angeles, resulting in high volumes of residents and visitors traveling within and across the City’s borders; 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, before, and after March 4, 2020, the City actively planned and implemented measures to prevent the spread of COVID-19 and to prepare for any and all emergency actions in response to the spread of COVID-19; and

WHEREAS, on March 12, 2020, the City activated its Emergency Operations Center to support ongoing emergency actions in response to the spread of COVID-19; and

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

WHEREAS, on March 13, 2020, the City Manager, in his role as the Director of Emergency Services, (“Director of Emergency Services”) issued an Executive Order of the Director of Emergency Services of the City of Santa Monica Declaring the Existence of a Local Emergency (“Executive Order”) declaring a local emergency pursuant to Chapter 2.16 of the Santa Monica Municipal Code to ensure the availability of mutual aid and an effective response to the novel coronavirus (“COVID- 19”); and

WHEREAS, on March 14, 2020, the City Manager, in his role as the Director of Emergency Services, issued a Revised Executive Order of the Director of Emergency Services of the City of Santa Monica Declaring the Existence of a Local Emergency (“Revised Executive Order”) restating the declaration of local emergency in order to ensure compliance with all digital signature requirements; and

WHEREAS, on March 14, 2020, the Director of Emergency Services issued a First Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency (“First Supplement to the Executive Order”) placing a temporary moratorium on evictions for non-payment of rent and temporarily suspending the discontinuation or shut off of water service for residents and businesses in the City for non-payment of water and sewer bills and the imposition of late payment penalties or fees for delinquent water and/or sewer bills and parking violations; and

WHEREAS, on March 15, 2020, the Director of Emergency Services issued a Second Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency (“Second Supplement to the Executive 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 Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency (“Third Supplement to the Executive Order”) that ordered the temporary closure of bars and nightclubs that do not serve food, movie theaters and entertainment venues, bowling alleys and arcades, gyms and fitness centers, and non-medical physical health and beauty businesses; temporarily prohibited restaurants, bars, and retail food facilities from serving food on-premises; and strongly urged houses of worship to limit large gatherings on their premises and to observe social distancing practices in their services; and

WHEREAS, on March 16, 2020, the Director of Emergency Services issued a Fourth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency (“Fourth Supplement to the Executive Order”), which was expressly withdrawn and restated on March 17, 2020 in the Revised Fourth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency (“Revised Fourth Supplement to the Executive Order”); and

WHEREAS, on March 17, 2020, the Director of Emergency Services issued the Revised Fourth Supplement to the Executive Order to permit public safety facilities, hospitals, clinics, and emergency shelters in all zoning districts and allow the Director of the Department of Planning and Community Development or designee to waive development standards, design review, parking and access requirements, and sign standards related to such uses; to permit limited service and take-out restaurant uses in any zoning district that allows full-service restaurants; to allow drive-through facilities for clinics, convenience markets, farmers markets, general markets, hospitals, pharmacies, and restaurants; to suspend planning deadlines and automatic approvals; to extend interim zoning ordinances now in effect; to direct that street

sweeping not be conducted unless essential for public health and safety and suspend parking citations related thereto; to suspend preferential parking rules; to suspend certain regulations relating to the operation of oversize vehicles; and to suspend Breeze bike share fees; and

WHEREAS, on March 18, 2020, the Director of Emergency Services issued a Revised First Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency (“Revised First Supplement to the Executive Order”) prohibiting residential or commercial evictions for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19 or for a no-fault eviction if any member of the household is sick, in isolation, or under quarantine, and prohibiting the removal of any residential rental unit from the rental market pursuant to the Ellis Act during the local emergency; and

WHEREAS, on March 18, 2020, the Director of Emergency Services issued a Fifth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency (“Fifth Supplement to the Executive Order”), which was expressly withdrawn and restated on March 18, 2020 in the Revised Fifth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency (“Revised Fifth Supplement to the Executive Order”); and

WHEREAS, on March 18, 2020, the Director of Emergency Services issued a Revised Fifth Supplement to the Executive Order 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 in green parking zones and suspending towing related to delinquent parking citations, abandoned vehicles, and expired registration; and suspending penalty assessments related to business licenses and business improvement district assessments; and

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

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

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

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

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

WHEREAS, on April 1, 2020, the Director of Emergency Services issued a Tenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency (“Tenth Supplement to the Executive Order”) (1) requiring the following of all construction projects: (a) handwashing facilities or hand sanitizer to be installed at entrances to construction projects, (b) shared tools and equipment to be sanitized, (d) posting signage instructing workers of the social distancing and sanitation requirements and entrance limitations for ill workers or those in recent close contact with someone diagnosed with COVID-19, and (d) workers not to gather in groups larger than three during breaks and to maintain a six-foot social distance during such breaks; (2) directing that, if construction is taking place within an occupied residential building, steps must be taken to minimize contact with areas within the building but not within the construction site and to clean and sanitize those areas regularly; and (3) authorizing the Building Officer is to issue a stop work order at any construction site operating in violation of the Governor’s “Stay at Home” Order, the County Department of Public Health’s “Safer at Home” Order or the requirements of the Tenth Supplement; 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 (“Second Revised First Supplement to the Executive Order”) 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 (“Eleventh Supplement to the Executive Order”) requiring workers and customers at covered businesses (including but not limited to grocery stores, farmers markets, restaurants, hardware stores, transportation providers, and plumbing and similar businesses) to wear face coverings; and

WHEREAS, on April 14, 2020, the City Council ratified the proclamation of local emergency made by the Director of Emergency Services, as well as the Second Revised First, Second, Third, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Supplements thereto, and resolved that the Second Revised First Supplement shall be operative and remain in effect through May 30, 2020, and that the other aforementioned Supplements shall be operative and in effect through May 15, 2020; and

WHEREAS, the findings included in each Executive Order and Supplement to the Executive Order referenced herein are included herein as if stated in full; and

WHEREAS, the Centers for Disease Control and Prevention, the California Department of Public Health, and the Los Angeles County Department of Public Health have issued increasingly severe public health recommendations that include but are not limited to social distancing between non-family members, staying in one's home if sick, canceling or postponing group events and gatherings, isolation for senior and at-risk populations, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, as of April 22, 2020, the Los Angeles County of Public Health has confirmed 16,435 cases of COVID-19 in Los Angeles County and has advised that bold and aggressive measures are required to be put in place to prevent the further spread of COVID-19; and

WHEREAS, as stated in the Proclamation of Existence of a Local Emergency issued by the Director of Emergency Services on March 13, 2020, and ratified by the City Council on March 19, April 6, and April 14, 2020, the above described events are creating conditions of extreme peril and such conditions are likely to be beyond the control of the services, personnel, equipment, and facilities of the City, requiring the combined forces of other political subdivisions to combat; and

WHEREAS, measures taken to implement social distancing requirements, including the closure of City Hall and other City facilities, have resulted in 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;

WHEREAS, under City Administrative Instruction Number III-2-6 ("City Code of Ethics"), all City of Santa Monica employees are required to decline and not seek gifts, favors, and other special treatment; and

WHEREAS, since the issuance of the Proclamation of Existence of a Local Emergency by the Director of Emergency Services, various public agencies and private companies have offered discounts, specials, and subsidies to assist first-responders and disaster workers as they serve the community; and

WHEREAS, the City does not wish to deny City first-responders and disaster workers who are working long hours under difficult conditions during the declared emergency the ability to accept certain discounts, specials, and subsidies offered on a general basis by various public agencies and private companies to first-responders and disaster workers during the declared emergency; and

WHEREAS, on April 18, 2020, the City Council appointed Lane Dilg as the Interim City Manager, pursuant to which appointment she assumed the position of Director of Emergency Services; 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:

Tolling Periods

1. All deadlines for planning and permit-related actions established by any provisions of laws, ordinances, regulations, resolutions, rules and statutes, including but not limited to provisions contained in the Housing Accountability Act, Permit Streamlining Act, California Environmental Quality Act, the Subdivision Map Act, and Articles VIII and IX of the Santa Monica Municipal Code, are hereby tolled and extended commencing as of March 13, 2020 through the end of the period in which this Order remains effective. For purposes of this order, “deadlines for planning and permit-related actions” shall include, but not be limited to:

- a. Deadlines to review, determine the completeness of, or take action on applications 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 for planning entitlements, permits, or approvals issued under Article IX of the Santa Monica Municipal Code.
- c. Deadlines to exercise and continuously pursue the rights granted under planning entitlements, permits and approvals issued under Article IX of the Santa Monica Municipal Code.
- d. Deadlines for review and approval of applications for a building permit, plan review and related approvals issued under Article VIII of the Santa Monica Municipal Code.
- e. Deadlines for expiration of issued building permits, plan reviews and related approvals issued under Article VIII of the Santa Monica Municipal Code.

2. All deadlines for planning and permit-related actions shall be tolled and suspended consistent with State law and any directives issued by the Governor.

3. Nothing in this Twelfth Supplement to the Executive Order prohibits the applicable City Departments from continuing to process applications in a reasonable and timely manner.

Community Meeting Alternative for Submission of Administrative Approval

4. For projects eligible for an Administrative Approval under 9.39.020(A)(2) or (3) of the Santa Monica Municipal Code, as amended by Emergency Interim Zoning Ordinance Number 2633 (CCS) adopted on March 10, 2020 (“IZO 2633”), an applicant shall conduct a community meeting in accordance with Section 9.39.040(A) of the Santa Monica Municipal Code as amended by IZO 2633 subject to additional guidelines adopted by the Director to allow for conduct of the meeting in accordance with all directives included in Executive Order N-33-20, issued by the Governor of the State of California on March 19, 2020, and in Safer at Home Order for Control of COVID-19, issued by the Los Angeles County Department of Public Health on March 21, 2020, including any later amendments or successors thereto, as adopted by the Eighth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency adopted on March 22, 2020.

Extended Stays at Hotels/Motels

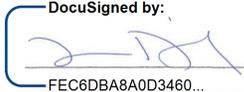
5. Stays of longer than 30 days shall be permitted in lodging establishments lawfully operating as a Hotel and Motel, as that term is defined in 9.51.030(B)(15)(b) of the Santa Monica Municipal Code.

Discounts, Specials, and Subsidies for First Responders and Disaster Workers

6. During the term of the Executive Order, the Gift, Favors and Other Special Treatment section of City Administrative Instruction Number 111-2-6 (Code of Ethics) shall not apply to City first-responders and disaster workers participating in a City-approved public or private discount, specials, and subsidies program. The Emergency Operations Center shall make a list of approved programs available to City first responders and disaster workers. City first responders and disaster workers must still abide by Political Reform Act gift limits and disclosure requirements.

7. This Order shall take effect at 12:01 a.m. on April 25, 2020 shall remain in effect until May 15, 2020, at 11:59 p.m. unless extended or expressly superseded by a duly enacted Ordinance of the City Council or by a further Order by the Director of Emergency Services.

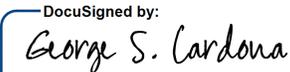
ADOPTED this 24<sup>th</sup> day of April 2020.

By:   
LANE DILG  
Interim City Manager  
Director of Emergency Services

ATTEST:

  
DENISE ANDERSON-WARREN  
City Clerk

APPROVED AS TO FORM:

  
GEORGE S. CARDONA  
Acting City Attorney