



**Lane Dilg**  
*Interim City Manager*

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

**THIRTY-THIRD 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 moratorium 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 Sana 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 Nineteenth 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 September 23, 2020, the Governor of California issued Executive Order N-80-20, which, among other things, noted that numerous local jurisdictions have determined that promoting stability among commercial tenancies is necessary to mitigate the economic impacts of COVID-19 and conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, and extended through March 31, 2021, with respect to commercial evictions only, 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 commercial evictions with respect to COVID19-related rent payment issues; 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 Nineteenth 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, on November 23, 2020, he Director of Emergency Services issued a Twenty-Eighth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency, which authorized, and provided rules and authorized the Director of the Community Development Department to issue regulations regarding, the temporary extension by certain eligible businesses of their operations into unused portions of the parking lane on Main Street where the City has placed K-rails; waived the permit fee for tents larger than 400 square feet 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 the Twenty-Eighth Supplement or Sections 19 to 78 of the Third Revised Eighteenth Supplement; expanded temporary curbside pickup zones by allowing the designation and use of on-street parking spaces where no metered spaces are adjacent to the business; clarified that the two-year extension of deadlines for planning, review, and permit actions implemented by the Third Revised Eighteenth Supplement does not extend the deadlines for appeals as set forth in Articles VIII and IX of the Santa Monica Municipal Code; authorized voluntary temporary disconnection of City water service for commercial property accounts, excluding fire service accounts, upon payment of a temporary disconnection fee of \$208.00; clarified that landlords’ service of required Notices of Terminations of Tenancy in accordance with instructions from the Rent Control Board upon its acceptance of a notice of intent to Ellis a building will not violate the eviction moratorium, while specifying that no unlawful detainer action based on removal of a unit from the rental market pursuant to the Ellis Act may be filed until sixty days after the expiration of the Twenty-Eighth Supplement; and extended the suspensions of water service shut off and imposition of late payment penalties for unpaid or delinquent water, sewer, and/or refuse and recycling collection bills through March 31, 2021; and



WHEREAS, on November 25, 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; recognized the recent steep surge of COVID-19 cases and large increases in hospitalizations and testing positivity rates in the County; noted 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 because even people without symptoms can transmit the virus and because evidence shows the infection is easily spread, preventing, limiting, and placing conditions on various types of gatherings and other direct and indirect interpersonal interactions have been proven to reduce the risk of transmitting the virus; and was essentially equivalent to the November 19 Safer at Home Order with the exceptions that it: aligned the County Safer at Home Order with California’s November 19, 2020 Limited Stay at Home Order (effective November 21 at 10:00 pm PST) by 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 permitted by the Safer at Home Order or required by law; required restaurants, breweries, and wineries to only offer food and beverage via take-out, prohibiting both indoor and outdoor on-site food and beverage service, for the period November 25 through at least December 17, 2020; and

WHEREAS, on November 28, 2020, the Los Angeles County Department of Public Health issued a Temporary Targeted Safer at Home Health Officer Order for Control of COVID-19: Tier 1 Substantial Surge Response, effective from 12:01 am PST on November 30, 2020 to 11:59 pm PST on December 20, 2020, that, for this time period, temporarily replaces the November 25, 2020 Safer at Home Order; recognized the recent substantial rise in COVID-19 cases, hospitalizations, and deaths in Los Angeles County; stated the Health Officer’s expectation that both the number of new cases and hospitalizations will continue to rapidly increase over the next 21 days; and, among other things: directs all persons to stay home, except to travel to and from Essential Businesses, to work at or provide service to a Healthcare Operation or Essential Infrastructure, to work at, perform or obtain services from an Essential Governmental Function, or to participate in permitted individual or household activities while practicing social distancing; prohibits all public and private gatherings and events with people from more than one household except for outdoor faith-based services and outdoor protests, and as permitted in paragraph 9 of the order; requires all persons leaving their residences to strictly comply with Social (Physical) distancing requirements, including wearing a face covering or mask over both the nose and mouth whenever they are or can be in contact with or waking near or past others who are non-household members in both public and private places, whether indoors or outdoors; maintains the requirement that all permitted activities with individuals of other households and all activities conducted outside the residence, lodging, or temporary accommodation with members of other households must cease between 10:00 pm and 5:00 am (PST) except for those activities associated with the operation, maintenance, or usage of an Essential Business, Healthcare Operation, Essential Infrastructure, Essential Government Function, or required by law; maintains the closure of onsite indoor and outdoor dining at all restaurants, allowing them to open only for takeout and delivery; requires the closure of

playgrounds, except for playgrounds located within childcare centers or schools; and imposes stricter capacity and other limitations on many Lower-Risk Businesses and permitted activities; and

WHEREAS, on November 30, 2020, the Director of Emergency Services issued a Twenty-Ninth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency, which extended to January 31, 2021, the moratorium on evictions of residential tenants for reasons other than nonpayment of rent; extended to January 31, 2021, the moratorium on evictions of commercial tenant 1s (as defined in the Fifth Revised First Supplement) for nonpayment of rent, subject to the limitation the moratorium would apply to certain commercial tenant 1s only if they paid 50% of rent due for certain periods after September 30, 2020; extended to January 31, 2021, the authorization for expanded temporary curbside pickup zones; authorized the Housing Commission to meet to review and make recommendations regarding the update to the City's Housing Element; and suspended through March 31, 2021 late payment penalties for unpaid or delinquent Transient Occupancy Taxes collected by hotels for periods beginning on or after November 1, 2020 (an earlier suspension of such penalties expired as of June 30, 2020); and

WHEREAS, on December 3, 2020, as subsequently modified by a Supplement issued December 6, 2020, the California Department of Health, citing the unprecedented surge in the level of community spread of COVID-19, noting current projections showing that without additional intervention to slow the spread of COVID-19 the number of available adult Intensive Care Unit ("ICU") beds in California will be at capacity in mid-December, and finding that because the rate of increases in new cases continues to escalate and threatens to overwhelm the state's hospital system further aggressive action is necessary, imposed, effective December 5, 2020 at 12:59 pm PST, a regional stay at home order that, when adult ICU bed capacity for any region is less than 15% (a threshold currently reached by the Southern California region that includes Los Angeles County), among other things: prohibits all gatherings with members of other household except as expressly permitted by the order; requires all individuals to stay home or at their place of residence except as necessary to conduct activities associated with the operation, maintenance, or usage of critical infrastructure, as required by law, or as specifically permitted by the order; permits worship and political expression outdoors, consistent with existing guidance for those activities; and requires all retailers allowed to operate indoors to do so at no more than 20% capacity in accordance with guidance for retailers; and

WHEREAS, on December 6, 2020, the Los Angeles County Department of Public Health issued a Revised Temporary Targeted Safer at Home Health Officer Order for Control of COVID-19: Tier 1 Substantial Surge Updated Response, effective from 12:01 am PST on December 6, 2020 until at least 11:59 pm PST on December 27, 2020, that, for this time period, temporarily replaces the November 25, 2020 Safer at Home Order and supersedes the November 30, 2020 Safer at Home Order and, among other things: requires lower-risk retail businesses to conduct entrance metering of customers and prohibit eating or drinking inside such businesses; requires indoor and outdoor malls and shopping centers to conduct entrance metering of customers and encourages special hours to be instituted for seniors and those with chronic conditions or compromised immune systems; prohibits recreational overnight stays at campgrounds; prohibits hotels, motels, and shared rental units from accepting or honoring out-

of-state reservations for non-essential travel that are for a period of less than 14 days; and modifies the maximum indoor capacity for essential retail businesses to 20%; and

WHEREAS, on December 8, 2020, the Director of Emergency Services issued a Thirtieth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency, which, to assist with the City's Buy Local initiative that encourages shopping at local businesses, authorized suspension of hourly parking fees for daily short-term visitors in City parking structures 1 through 6 for the period from December 11 through 26, 2020; and superseded and replaced Sections 1 through 3 of the Seventh Supplement with amended rules regarding off-site and retail alcohol sales that, in particular, add the requirement that authorized sales of to-go alcoholic beverages may be delivered to customers only at the same time as the required accompanying meals; and

WHEREAS, on December 15, 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, Twenty-Seventh, Twenty-Eighth, and Twenty-Ninth 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 Nineteenth 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 December 19, 2020, the Los Angeles County Department of Public Health, in response to the sustained and substantial rise in COVID-19 cases, hospitalizations, and deaths, issued a Revised Temporary Targeted Safer at Home Health Officer Order for Control of COVID-19: Tier 1 Substantial Surge Updated Response, effective from 12:01 am PST on December 19, 2020 until at least 11:59 pm PST on December 27, 2020, that, for this time period, temporarily replaces and supersedes the earlier Safer at Home and Temporary Targeted Safer at Home Orders and is substantially equivalent to the December 6, 2020 Temporary Targeted Safer at Home Order with the exceptions, among others, that it specifies that the required closure of personal care establishments does not extend to medical massage that is done based on a referral by a physician or chiropractor; specifies that all employees of any non-retail Lower-Risk Business that is a manufacturing and logistics sector business that supplies Lower-Risk Retail Businesses must wear a face covering over the nose and mouth at all times while present at work; specifies that outdoor seating at indoor and outdoor malls, shopping centers, swap meets, and restaurants is closed to the public; specifies that overnight stays at campgrounds are permissible if used for COVID-19 mitigation and containment measures, providing accommodation for essential workers or those displaced as a result of fire or other emergency, or providing housing solutions to protect homeless populations; and, to align with recent Supreme Court rulings for places of worship, permits attendance at in-person faith-based services or practices, both indoors and outdoors, subject to compliance with physical distancing and infection control requirements; and

WHEREAS, on December 22, 2020, the California Department of Public Health issued a Supplement to its November 19, 2020 Limited Stay at Home Order, extending that order such that it will remain in place until and expire only after the December 3, 2020 Regional Stay at Home Order has terminated in all regions in the State of California; and

WHEREAS, on December 22, 2020, the Director of Emergency Services issued a Thirty-First Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency, which extended the moratorium on evictions of residential tenants for reasons other than non-payment of rent through March 31, 2021; required landlords to report efforts to evict residential tenants by emailing the City Attorney's Office at EMReports@smgov.net unredacted copies of any notices provided in an effort to evict, including any termination notice (for example, the 15-day notice required by the COVID-19 Tenant Relief Act of 2020) or a Summons and Complaint for Unlawful Detainer, within two days of serving any such notice on a tenant; provided that the Annual Taxicab Vehicle Permit Fee for the period beginning February 1, 2020, and ending January 31, 2021, will be based on the actual number of taxicab vehicles in operation rather than the number of taxicab vehicles permitted to operate; with prior specified exceptions, extended the expiration of prior supplements that remained in place to January 31, 2021 -- two new exceptions to the extension were: (a) the suspension of preferential parking enforcement in all zones other than zone 3 was extended only through January 3, 2021, with the result that enforcement of preferential parking would resume in all blocks in all zones in the City as of 12:01 am January 4, 2021; and (b) the limitations on and suspensions of conducting meetings of City Boards, Commissions, and other appointed bodies were lifted as of December 31, 2020, with the result that beginning January 1, 2021, meetings could be conducted in accordance with the direction provided by the City Council at its December 15, 2020 meeting; and

WHEREAS, on December 27, 2020, the Los Angeles County Department of Public Health, in response to the sustained and substantial rise in COVID-19 cases, hospitalizations, and deaths, extended its December 19, 2020 Revised Temporary Targeted Safer at Home Health Officer Order for Control of COVID-19: Tier 1 Substantial Surge Updated Response, effective from 11:59 pm PST on December 27, 2020 to remain in effect for as long as the State Public Health Officer's Regional Stay at Home Order remains in effect in the Southern California Region; and

WHEREAS, on December 29, 2020, the Los Angeles County Department of Public Health, in response to the sustained and substantial rise in COVID-19 cases, hospitalizations, and deaths, issued a Revised Temporary Targeted Safer at Home Health Officer Order for Control of COVID-19: Tier 1 Substantial Surge Updated Response, effective from 11:59 pm PST on December 29, 2020, to remain in effect for as long as the State Public Health Officer's Regional Stay at Home Order remains in effect in the Southern California Region, that was substantially equivalent to the December 19, 2020 Temporary Targeted Safer at Home Order, as extended December 27, 2020, with the exception that it added a requirement that persons arriving in the County of Los Angeles from other states or countries on non-essential travel, including returning County of Los Angeles or California residents, must practice self-quarantine for 10 days after arrival, limiting their interactions to those within their immediate household; and

WHEREAS, on December 30, 2020, the Los Angeles County Department of Public Health, in response to the sustained and substantial rise in COVID-19 cases, hospitalizations, and deaths, issued a Revised Temporary Targeted Safer at Home Health Officer Order for Control of COVID-19: Tier 1 Substantial Surge Updated Response, effective from 11:59 pm PST on December 30, 2020, to remain in effect for as long as the State Public Health Officer's Regional Stay at Home Order remains in effect in the Southern California Region, that was substantially equivalent to the December 29, 2020 Temporary Targeted Safer at Home Order, with the exception that it added an Appendix W: Mandatory Directive on Travel to establish rules for mandatory quarantine after non-essential travel, and modified the requirements for return from travel to provide that, except as provided in Appendix W, persons arriving in the County of Los Angeles from anywhere outside of the Southern California Region on or from non-essential travel, including returning County of Los Angeles residents, must self-quarantine for 10 days after arrival, staying at home or another place of temporary shelter and away from contact with others, including those in one's household (unless they are also under quarantine) for a period of at least 10 days if no COVID-19 symptoms develop; and

WHEREAS, on January 5, 2021, the County of Los Angeles, citing the continued, unprecedented public health and economic crisis due to the COVID-19 pandemic, noting the expiration on January 31, 2021 of both the AB 3088 eviction protections to residential tenants who are unable to pay rent during the COVID-19 emergency and the AB 3088 preemption of actions by local governments to protect residential tenants from eviction for nonpayment of rent due to financial distress related to COVID-19, and noting the critical importance as winter months and colder temperatures arrive of continuing protections that can keep residents in their homes and off the streets, adopted a resolution extending the County's eviction moratorium through February 28, 2021, with further extensions to be reevaluated every thirty days, and applying the moratorium to nonpayment of rent incurred between February 1, 2021 and February 28, 2021 by both commercial and residential tenants so long as the reason for nonpayment is financial impacts related to COVID-19 and the tenants have provided notice to their landlords of their inability to pay within seven days after the date that rent was due; and

WHEREAS, on January 11, 2021, the Los Angeles County Department of Public Health, in response to continuing increases in COVID-19 cases, hospitalizations, and deaths, issued an urgent plea for everybody to be extremely cautious and very careful; to avoid, as much as possible, contact with others that are not in their households; and when they must go out, to work or for essential services, to always wear a mask, keep their distance from others, wash their hand frequently, and bring sanitizing wipes with them to wipe down cell phones, car keys, workstations, door handles, and anything else they touch and other people are touching; and

WHEREAS, on January 19, 2021, the Director of Emergency Services issued a Thirty-Second Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency, which extended the City's moratorium on evictions of residential tenants for non-payment of rent due to the financial impacts of COVID-19 to apply to rent due and unpaid during the period February 1, 2021 through March 31, 2021; extended the moratorium on eviction for nonpayment of rent by a commercial tenant 1 to apply to rent due and unpaid due to the financial impacts of COVID-19 through March 31, 2021, and extended the date by which a commercial tenant 1 may repay unpaid rent from June 30, 2021 to September

30, 2021; subject to exceptions specified in the Nineteenth and Thirty-First Supplements, extended the expiration of prior supplements that remained in place to March 31, 2021; and authorized BBB to modify its existing agreement with the entity that markets advertising on BBB buses; and

WHEREAS, on January 20, 2021, President Biden signed an executive order mandating that the United States Center for Disease Control extend its current eviction moratorium until at least March 31, 2021, and the Director of the CDC, noting that the COVID-19 pandemic has presented a historic threat to our nation's health and also triggered a housing affordability crisis that disproportionately affects some communities, announced that it was extending its order temporarily halting residential evictions until at least March 31, 2021; and

WHEREAS, on January 25, 2021, noting that while there are positive signs that COVID-19 is spreading at a slower rate across the state the COVID-19 pandemic is far from over; that it is still critical that Californians continue to wear masks when they leave their homes, maintain physical distance of at least 6 feet, wash their hands frequently, avoid gatherings and mixing with other households, and follow all state and local health department guidance and get the vaccine when it is their turn; and that the majority of counties remain in the strictest, or purple, tier that indicates which activities and businesses may open based on local case rates and test positivity, the California Department of Health ended the state's Regional Stay at Home Order, allowing all counties statewide to return to the rules and framework of the Blueprint for a Safer Economy; and

WHEREAS, on January 25, 2021, the Los Angeles County Department Public Health, in light of the California Department of Public Health's lifting of the State's Regional Stay at Home Order, reinstated the November 25, 2020 County Safer at Home Order with additional updates, including modified guidance for attending faith-based services; and

WHEREAS, on January 26, 2021, 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, Twenty-Seventh, Twenty-Eighth, Twenty-Ninth, Thirtieth, Thirty-First, and Thirty-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, except for those portions of earlier supplements that were not extended by the Nineteenth and Thirty-First Supplements, be operative and remain in effect through March 31, 2021, or any later date expressly stated within the text of an individual supplement; and

WHEREAS, as of January 27, 2021, the Los Angeles County Department of Public Health has confirmed 1,091,712 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 restaurants to temporarily extend their operations to the roadway on Third Street Promenade in accordance with this Order will enable the restaurants to operate safely during the pendency of this COVID-19 emergency; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many residential and commercial tenants in Santa Monica have experienced sudden and unexpected income loss; and

WHEREAS, individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, continuing economic impacts from COVID-19 and the social distancing measures implemented to address it are anticipated, leaving certain residential and commercial tenants vulnerable to eviction even following the limited reopenings of businesses, often subject to strict occupancy limits, permitted by the County Safer at Home Order; and

WHEREAS, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, to prevent housed individuals from falling into homelessness, and to prevent loss of local businesses; and

WHEREAS, this local emergency includes an economic crisis that could only worsen the existing housing crisis in the City and in Los Angeles County; and

WHEREAS, the City of Santa Monica is committed to protecting housing for all segments of the community, in particular for its most vulnerable residents, as a matter of social justice and human dignity and in order to preserve diversity; and

WHEREAS, a crisis exists in the City of Santa Monica due to the lack of affordable housing, the high number of homeless people, and the high number of people at risk of homelessness; and

WHEREAS, this crisis has been created in part by high rental prices, insufficient production of affordable units, the inability of tenants to afford attorneys to represent them in evictions, and a lack of awareness of tenants' rights; and

WHEREAS, a second and even more dire crisis has been created by the COVID-19 pandemic and its economic fallout with an unemployment rate that has reached as high as 17% in Santa Monica and in which thousands of tenants have lost income to the extent they have difficulty paying all or part of their monthly rent; and

WHEREAS, approximately 71% of Santa Monica households (32,295) rent their homes; and

WHEREAS, Santa Monica renters will not experience this housing and eviction crisis equally; poor and working-class tenants, tenants of color, families with children, and persons with disabilities are disproportionately impacted by the pandemic and housing crisis due to inequities and shortcomings in health care, employment, and housing; and

WHEREAS, this housing emergency destabilizes families and neighborhoods, especially the most vulnerable among us, resulting in homelessness, and harm to social tranquility and the general welfare of Santa Monica, and

WHEREAS, the limited pace of the vaccination program and the continuing spread of COVID-19 suggest that the COVID-19 pandemic and the resulting need, in the interest of protecting the public health and preventing transmission of COVID-19, to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness will extend beyond March 31, 2021; and

WHEREAS, AB 3088, signed into law August 31, 2020, specifically preempts actions by local government to protect residential tenants from eviction based on nonpayment of rent due and unpaid for the period October 1, 2020 through January 31, 2021 based on financial distress related to COVID-19; and

WHEREAS, to date, there have been no additional state protections to cover rent due and unpaid by residential tenants between February 1, 2021 and June 30, 2021 based on financial distress related to COVID-19; and

WHEREAS, AB 3088 does not preempt actions by local government for nonpayment eviction protection for rents due and unpaid by residential tenants after January 31, 2021; 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 Outdoor Dining Extension for Third Street Promenade

1. The definitions in Santa Monica Municipal Code Section 9.52.020 apply to the words and phrases used in Sections 1 through 8 of this Order. In addition, as used in Sections 1 through 8 of this Order:
  - a. “Satellite outdoor dining area” means the portion of the roadway in the Third Street Promenade that is designated pursuant to regulations promulgated by the Director of the Community Development Department or designee for a restaurant to deliver its take out food and beverages and for patrons to consume such food and beverages.
  - b. “Restaurants” mean restaurants, full-service, as that term is defined by Santa Monica Municipal Code Section 9.51.030(B)(8)(b), or restaurants, limited-service and take-out, as that term is defined by Santa Monica Municipal Code Section 9.51.030(B)(8)(c), that have a current business license and operate out of a physical location in the area bounded by the east side of Second Street, south side of Wilshire Boulevard, west side of 4th Street and north side of Broadway.
2. Sections 1 through 8 of this Order apply to legally established restaurants that have entered into a temporary outdoor encroachment agreement or obtained a temporary permit from the Director of the Community Development Department or designee to utilize the satellite outdoor dining area 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 applicant restaurant 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. 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 Satellite outdoor dining area interferes with a planned or future City project or operations. In lieu of a temporary outdoor encroachment agreement, the Director of the Community Development Department or designee is authorized to issue a permit to utilize the satellite outdoor dining area.
3. A restaurant that seeks to use the satellite outdoor dining area must comply with all of the following conditions:
  - a. The restaurant 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 6, obtain a permit for use of the satellite outdoor

dining area as authorized by this Order. As part of any application to utilize the satellite outdoor dining area, the restaurant must submit a letter of support from the Downtown Santa Monica, Inc. (“DTSM”). The absence of either a letter or support from DTSM are factors that the City may consider in determining whether to enter into a temporary outdoor encroachment agreement with or issue a permit to the restaurant. Any certificate issued by the City for the temporary use of outdoor areas shall be displayed by the restaurant during business hours.

- b. Use of the satellite outdoor dining area 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 Safer at Home Order, including any amendments and successors thereto.
- c. Use of the satellite outdoor dining area shall be conducted as a temporary accessory use to a legally established restaurant. Nothing in this Order shall be considered an entitlement or permit for use of an outdoor dining and seating area, as that term is defined by Santa Monica Municipal Code Section 9.51.030(B)(9), or to confer any vested rights to any ongoing or continuing activities beyond the expiration of this Order. The restaurant’s use of the satellite outdoor dining area 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 and roadway in the Third Street Promenade must be provided and maintained, which is considered to be no less than five (5) feet of unobstructed access.
- e. Only to the extent authorized by the ABC, including through issuance of a COVID-19 temporary catering authorization, alcohol may be served in the satellite outdoor dining area by restaurants that: (i) have obtained and are operating under a license to sell alcoholic beverages from ABC; and (ii) have obtained and are operating under a Conditional Use Permit or Alcohol Exemption issued by the City, or are operating as an existing alcohol outlet without a Conditional Use Permit pursuant to Section 9.31.040 of the Santa Monica Municipal Code. Sales shall be conducted in accordance with all requirements and conditions set forth in such licenses and permits, as may be modified by any Notices of Regulatory Relief issued by ABC, the Seventh Supplement to the Executive Order of the Director of Emergency Services Declaring a Local Emergency issued on March 21, 2020, Interim Zoning Ordinance Numbers 2636 (CCS) and 2637 (CCS), adopted by the City Council on May 12, 2020 and amended and extended on November 10, 2020 by Interim Zoning Ordinance Numbers 2657 (CCS) and 2658 (CCS) and any successors thereto.
- f. Furnishings for the satellite outdoor dining area are limited to movable tables, chairs, floor coverings, umbrellas or canopies that are secured and maintain the height clearance for sidewalk or pedestrian passage, and electric cordless lighting (collectively, “temporary furnishings”). Any canopy must comply with the

requirements in subsection g Temporary furnishings need not be removed each day upon closing of business. To the extent the restaurant leaves out such temporary furnishings overnight, the restaurant bears all risks related to any damage to or loss of temporary furnishings.

- g. The restaurant may utilize a canopy in the satellite outdoor dining 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 satellite outdoor dining area from pedestrians is not counted as a side down of the canopy.
  - ii. A canopy with up to two sides 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 two sides down. An impermeable barrier not exceeding 7 feet high that separates tables from one another or the satellite outdoor dining area 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.
- h. Propane or electric heaters may be utilized in the satellite outdoor dining area so long as the restaurant 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 satellite outdoor dining area so long as the restaurant (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 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 restaurant must place a temporary impermeable barrier that is at least 6 feet high and no higher than 7 feet to separate the satellite outdoor dining area from the sidewalk or roadway in the Third Street Promenade. A restaurant 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, except for any temporary barriers required by ABC pursuant to the Fourth Notice of Regulatory Relief issued on May 15, 2020.
- j. The restaurant must not attach any object, including a temporary barrier, canopy, lighting, or other temporary furnishing, to a public tree.
- k. The restaurant must at all times use due care in its operation of the satellite outdoor dining area to avoid causing or creating any damage to the roadway or sidewalk. The restaurant shall immediately inform the City of any actual or potential damage to the roadway or sidewalk area, and the restaurant must reimburse the City within 30 days of receiving a written request for any and all costs to repair such damage, if caused by the restaurant.
- l. The restaurant must monitor and supervise the satellite outdoor dining at all times during the restaurant's business hours, including, but not limited to, ensuring that at least one agent of the restaurant is present at each satellite outdoor dining area at all times during the restaurant's business hours while the satellite outdoor dining area is open to patrons.
- m. A single, non-permanent sign with the restaurant's name and an attached menu may be placed within the satellite outdoor dining area in an area visible to pedestrians on the sidewalk or roadway in the Third Street Promenade or adjacent pedestrian area. This sign 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 satellite outdoor dining area shall not block any portion of the full width of any legal exit from the satellite outdoor dining area 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 satellite outdoor dining area to the public right of way.
- o. Satellite outdoor dining areas are for sit-down food and beverage service only; no stand-up service is permitted.
- p. No structure or enclosure to accommodate the storage of trash or garbage shall be erected or placed on, adjacent to, or separate from the satellite outdoor dining area on the public sidewalk, roadway, or right-of-way. The restaurant must comply with any waste management plan approved by the Director of the Community Development Department or designee through administrative regulations. Satellite outdoor dining areas 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 the outdoor dining service. The satellite outdoor dining area shall be maintained by the restaurant, 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.
- q. Hours of operation of the satellite outdoor dining area shall not exceed the hours of operation of the associated restaurant, subject to limitations on alcohol sales set forth in all applicable permits, license, and regulations.
- r. Any satellite outdoor dining area use shall be in compliance with the noise restrictions in Chapter 4.12 of the Santa Monica Municipal Code.
- s. All forms of speaker amplification are prohibited.
- t. The satellite outdoor dining area and any other temporary outdoor space the restaurant is utilizing pursuant to the Third Revised Eighteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency 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 Safer at Home Order, including any amendments and successors thereto, to permit the combined occupancy of inside dining and outdoor dining to match the maximum occupancy of the restaurant, including any previously permitted outdoor dining areas, prior to imposition of the social distancing and infection control protocols.
- u. The City maintains the right to verify the square footage of the satellite outdoor dining area and to make periodic inspections of the satellite outdoor dining area at any time and without notice to the restaurant.
- v. The restaurant shall, (i) in the event of an emergency, as determined by the City, immediately remove any temporary furnishings, signs, propane heaters, and temporary barriers; or (ii) if not an emergency, remove any temporary

furnishings, signs, propane heaters, and temporary barriers within 48 hours of the City's written request. If the restaurant fails to timely remove its temporary furnishings, signs, propane heaters, or temporary barriers as required by this Section, the City may, at the restaurant's expense, remove the temporary furnishings, signs, propane heaters, and temporary barriers and recover its costs for its work from the restaurant.

- w. The restaurant shall not construct a deck or other structure in the satellite outdoor dining area.
  - x. The City reserves the right to modify, through amending any regulations promulgated pursuant to Section 6, the portions of the roadway in the Third Street Promenade that is designated as satellite outdoor dining area, including eliminating portions for temporary outdoor dining entirely. Any restaurant utilizing such portions of the satellite outdoor dining area, shall, as applicable, modify or cease their temporary outdoor dining operations no later than 5 calendar days after the Director of the Community Development Department or designee has provided written notice to the restaurant of the amended regulations.
  - y. 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
  - z. Either the City or the restaurant may at any time, without cause, terminate the temporary outdoor encroachment agreement on 30 days' prior written notice to the other party.
  - aa. Compliance with all applicable laws and regulations, including, but not limited to, the American with Disabilities Act.
  - bb. Compliance with minimum insurance requirements, as set forth in the temporary outdoor encroachment agreement or, if applicable, temporary permit.
  - cc. Compliance with any other condition(s) required by regulations promulgated pursuant to Section 6.
4. 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 satellite outdoor dining activities authorized by this Order.
5. No earlier than March 1, 2021 and after the City has provided 30 days notice to restaurants that have entered into a temporary outdoor encroachment agreement or, if applicable, obtained a temporary permit for use of the satellite outdoor dining area as

authorized by this Order, the City is authorized to assess a monthly fee for use of the satellite outdoor dining area to restaurants. Such a fee shall (a) 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; (b) be based on the square footage of the satellite outdoor dining area utilized by the restaurant, and (c) 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. Notwithstanding the foregoing, the City may not assess a fee for any month if, as of the first of that month, the County Safer at Home Order has not authorized restaurants 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” in FY2020/2021 for the Third Street Promenade is \$2.66 per square foot. This rate will increase by LA County Consumer Price Index on July 1, 2021.

6. The Director of the Community Development Department or designee may promulgate regulations to implement Sections 1 through 5 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 satellite outdoor dining area 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.
7. The City, in its sole and complete discretion, may suspend or revoke the use of the satellite outdoor dining area authorized by Sections 1 through 8 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 5; (c) any regulations issued pursuant to Section 6 of this Order, or (d) any other applicable law.
8. In addition to or in lieu of any suspension or revocation pursuant to Section 7, Sections 1 through 3 and any regulations promulgated under Section 6 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 a restaurant 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. Extension of Residential Tenant Eviction Moratorium

9. As implemented by the Twenty-Sixth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency: (a) Sections 1, 2, 6 through 11, and 20 through 24 of the Fifth Revised First Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency (the “Fifth Revised First Supplement”), as they apply to nonpayment of rent due to the financial impacts of COVID-19, shall apply to such rent that was due and unpaid between March 14, 2020 and September 30, 2020; and (b) through September 30, 2021, a landlord may not endeavor to evict a covered residential tenant for nonpayment of such rent due to the financial impacts of COVID-19.
10. As implemented by the Thirty-First Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency (the “Thirty-First Supplement”), Sections 1, 4 through 11, and 20 through 24 of the Fifth Revised First Supplement, which implement an eviction moratorium for residential tenants for reasons other than nonpayment of rent due to the financial impacts of COVID-19, as well as Section 3 of the Fifth Revised First Supplement as put in place by Section 26 of the Twenty-Eighth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency, are extended and shall remain in effect through June 30, 2021, unless extended or expressly superseded by a duly enacted Resolution or Ordinance of the City Council or by a further Order by the Director of Emergency Services.
11. Sections 1, 2, 6 through 11, and 20 through 24 of the Fifth Revised First Supplement, as they apply to nonpayment of rent due to the financial impacts of COVID-19, shall apply to such rent that becomes due and remains unpaid between February 1, 2021 and June 30, 2021. As a result, through June 30, 2022, a landlord may not endeavor to evict a covered residential tenant for nonpayment of such rent due to the financial impacts of COVID-19.

C. General Provisions

12. 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 8 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; and (b) Sections 9 through 11 shall remain in effect through June 30, 2021.

///

///



13. 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 Order, the Executive Order, and any Supplement or Revised Supplement to the Executive Order, and each and every section, subsection, sentence, clause, or phrase of this Order, the Executive Order, and any Supplement, or Revised Supplement to the Executive Order not declared invalid or unconstitutional, without regard to whether any portion of this Order, the Executive Order, or any Supplement or Revised Supplement to the Executive Order would be subsequently declared invalid or unconstitutional.

ADOPTED this 28th day of January 2021.

By: \_\_\_\_\_  
LANE DILG  
Interim City Manager  
Director of Emergency Services

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
DENISE ANDERSON-WARREN  
City Clerk

\_\_\_\_\_  
GEORGE S. CARDONA  
Interim City Attorney