

WEST HOLLYWOOD
DIRECTOR OF EMERGENCY SERVICES

EXECUTIVE ORDER NO. 2020-1

EMERGENCY EXECUTIVE ORDER OF THE CITY
MANAGER/DIRECTOR OF EMERGENCY SERVICES OF THE
CITY OF WEST HOLLYWOOD, CALIFORNIA,
IMPLEMENTING EMERGENCY MEASURES TO ASSIST
LOCAL BUSINESSES THROUGH THE COVID-19 CRISIS

SECTION 1. RECITALS

- A. 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 which has been named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”).
- B. 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.
- C. 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 a broader spread of COVID-19.
- D. 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.
- E. On March 16, 2020, the City Council proclaimed the existence of a local emergency to ensure the availability of mutual aid and an effective City response to the novel coronavirus (“COVID-19”).
- F. On March 16, 2020, the Los Angeles County Public Health Officer issued an order countywide that (1) prohibited gatherings where at least 50 or more people are expected to attend, (2) puts limits and regulations on gatherings of 10-49 people, (3) limits restaurants to drive-through/takeout/delivery only, and (4) closes bars (that don’t serve food), gyms, movie theaters, etc.
- G. The Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Department of Public Health have all issued recommendations including but not limited to strict adherence to social distancing guidelines, canceling or postponing group events, working from home, and other

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precautions to protect public health and prevent transmission of this communicable virus. Other counties throughout the state have similar directives.

- H. On March 19, 2020 the Los Angeles County Public Health Officer issued a second countywide order, the Safer at Home For Control of COVID-19 Order, which was further clarified on March 21, 2020. This public health order prohibits all public and private group gatherings and events and requires people to stay in their homes with limited exceptions; and requires closure of all non-essential retail businesses, shopping centers, playgrounds for children, bars, nightclubs, movie theaters and all similar gathering places. The purpose of the order is to further restrict and limit gathering of persons and require closures of non-essential retail businesses in an effort to stem or slow the spread of the virus.
- I. On March 19, 2020, the Governor of the State of California, also issued Executive Order N-33-20, an Order of the State Public Health Officer ordering all individuals living in California to stay home or at their place of residence except as needed to maintain continuity of operations of outlined federal critical infrastructure sectors.
- L. During the pendency of the local emergency and statewide state of emergency, the Director of Emergency Services is empowered: “[to] make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council. . .” under Section 2.80.060 A.(6)(a) of the West Hollywood Municipal Code.
- M. As a result of state and county public health orders, local businesses are experiencing forced closure or major change in operation, or intense increased demand for goods, both of which are challenging during this unprecedented health pandemic. Access to food and essential items has become a major concern because stores are implementing social distancing practices which create long lines and delivery services do not have capacity to meet demand. Additionally, stores are having a hard time maintaining essential items stocked and shoppers are responding by purchasing essential products in large quantities resulting in empty shelves and stores unable to maintain essential products.
- N. The County Health Order and Department of Alcoholic Beverage Control are allowing takeout and delivery of food and alcohol to facilitate continued business operations at restaurants and other establishments, and these important practices require some flexibility in local requirements.
- O. This Order is adopted pursuant to the City’s police powers and powers afforded to the City in time of national, state, county and local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, State law, and the Chapter 2.80 of the West Hollywood Municipal Code to protect the peace, health, and safety of the public, and to protect life and property as affected by the emergency, in that this Order facilitates access to food, essential goods, and medication and assists the local business community in dealing

with the extreme economic challenges it is facing as a result of measures to slow the spread of COVID-19.

NOW, THEREFORE, I, Paul Arevalo, the Director of Emergency Services for the City of West Hollywood, 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:

SECTION 2. Notwithstanding any conflicting W.H.M.C. requirement or license or permit condition, the following rules apply during the period of declared local emergency:

- A. Restaurants within hotels may provide to-go meals to non-guests in accordance with social distancing practices required for other restaurants providing to-go meals under the County's Safer at Home Order.
- B. Restaurants and retail stores that have a valid City license for on-site alcohol sales and a valid ABC license may follow the Notice of Regulatory Relief Issued by the California Department of Alcoholic Beverage Control issued on March 19, 2020, including:
 - 1. Licensees with on-sale privileges may sell alcohol for off-site consumption in manufacturer pre-packaged containers as to which their license permits on-sale consumption.
 - 2. In addition to selling manufacturer pre-packaged containers as provided above, bona eating places (i.e. restaurants) selling beer, wine and pre-mixed drinks or cocktails for consumption may sell those products off the licensed premises when sold in conjunction with meals prepared for pick-up (to-go) or delivery.
 - 3. The Department (ABC) has suspended enforcement of any license condition restricting the hours of sales and service for licensees exercising off-sale privileges consistent with the Notice of Relief. Accordingly, all sales may run from 6:00am to 2:00am.
- C. Any code or permit requirement requiring the closure of restaurants, grocery stores or other essential food-related businesses prior to 2:00 a.m. are suspended. These establishments may now operate between the hours of 6:00am and 2:00am.
- D. Parking and traffic operations plans for restaurants are suspended to allow easier access for customers picking up to-go meals.
- E. Zoning regulations limiting temporary banners and A-Frame signs are suspended to allow businesses the opportunity to notify the public of additional food sales and availability of other essential goods.

- F. Zoning regulations concerning the conversion of restaurants and other commercial uses to a grocery store/market use are suspended to allow commercial establishments to temporarily sell food and other essential goods.
- G. Cannabis dispensaries with a city medical license may remain open in compliance with the County's Safer at Home Order, and may provide curbside sales and delivery, upon submittal of an operations plan to the city demonstrating continued compliance with applicable state and local laws and the County's Safer at Home Order.
- H. The Business Tax Certificate fee associated with opening an e-commerce operation for existing brick and mortar retail stores is waived.
- I. Business license tax payments due to the City are deferred from May 1, 2020 until July 1, 2020.
- J. Upon written request to the City Manager, remittance of February and March 2020 Transit Occupancy Tax from a hotel to the City may be deferred for a period not to exceed 30 days.

SECTION 3. Any businesses that avail themselves to any of these provisions in A-G above shall send an email to the City of West Hollywood Current and Historic Preservation Planning Department: planning@weho.org indicating the name and address of the business and a list of the relief items that they are using.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or word of this order is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this order.

SECTION 5. Effective Date and Termination. This Order shall become effective immediately and shall continue until the earlier to occur of: (1) the conclusion of the local emergency; (2) its termination is ordered by the City Manager/Director of Emergency Services; or (3) it is duly terminated by the City Council. The Order may also be superseded by a duly enacted ordinance or order of the City Council expressly superseding this Order.

ORDERED by the City Manager/Director of Emergency Service this 25th day of March, 2020.

DocuSigned by:

Paul Arevalo

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Paul Arevalo, City Manager and Director of
Emergency Services
City of West Hollywood

DocuSigned by:

YVONNE QUARKER

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Yvonne Quarker, City Clerk