

WEST HOLLYWOOD
DIRECTOR OF EMERGENCY SERVICES

EXECUTIVE ORDER NO. 2020-3

EMERGENCY EXECUTIVE ORDER OF THE CITY
MANAGER/DIRECTOR OF EMERGENCY SERVICES OF THE
CITY OF WEST HOLLYWOOD, CALIFORNIA,
IMPLEMENTING EMERGENCY MEASURES TO PREVENT
THE SPREAD OF COVID-19

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

Executive Order No. 2020-3

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/supplemented on March 21 and April 10, 2020. These public health orders prohibit 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.
- J. As of the date of this Order, the Governor has authorized some limited retail and outdoor recreation venues to reopen and the County of Los Angeles updated its Safer at Home Order on May 13, 2020 to begin the move into stage 2 of the County's roadmap to recovery. As more people leave their homes, even for limited time, face coverings are critical to further prevent the spread of the virus. This is consistent with other cities in the region. Face coverings do not eliminate the need for social distancing.
- 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. The city has received numerous complaints about noise and disturbances form construction sites. In April the Building Official reported 1700 active building permits at 800 separate addresses in the city. While all residents are ordered to stay home, the city must balance the new reality of most residents sheltering in place and working from home, while also supporting the economy and allowing construction to continue in accordance with public health guidance. West Hollywood Executive Order 2020-2 set out the standards for conducting construction activities in a safe manner that is consistent with public health directives and guidance. A limitation on allowable construction hours will achieve both goals of protecting residents from disturbances, especially during this stressful period, while supporting the construction sector of the economy and keeping the construction workers employed during this period of great economic uncertainty.

Executive Order No. 2020-3

- N. Following adoption of the eviction moratorium for failure to pay rent related to COVID-19, the city will waive late fees to landlords who are unable timely pay the rent stabilization registration fee.
- O. The below measures are also intended to provide economic relief to businesses that are experiencing economic uncertainty while preparing for the continuation of the corresponding programs and services. The measures are also intended to reflect the current state of business closures and provide financial relief for those businesses. Businesses are not currently utilizing available Parking Credits and should not be required to pay for use of the program during the period of local emergency when most businesses are closed to in-person patrons. The measures also create opportunities to continue neighborhood meetings to encourage neighborhood input and foster neighborhood engagement in a safe manner.
- P. West Hollywood is a dense, urban environment. This means that residents in multi-family areas may not have the space necessary to be outdoors and practice safe social distancing. Additionally, a majority of residents are sheltering in place at home and working from home and the streets are not experiencing normal levels of traffic. The restrictions have been in place for nearly two months and according to a recent report from Los Angeles County, the Stay at Home Orders are likely to be in place for another three months. There is concern about mental health and wellbeing of residents who are not able to go outdoors with the required space for social distancing. Accordingly, the City will pilot a temporary slow streets program, by closing certain residential street segments in multi-family areas to through traffic, allowing residents to receive the health and wellness benefits of being outdoors with enough space to safely socially distance. The temporary closure of these streets to through traffic is not intended to create gathering places but instead, to create more space for pedestrians and bicyclists to maintain social distancing. The City's traffic engineers and other public works and planning staff used the following criteria to identify appropriate street segments for the pilot program: (1) Two-lane local streets; (2) Residential streets that are not exclusively single-family residential; (3) Blocks that do not intersect with a major street; (4) Blocks that have stop signs on each end; and (5) Street segments with pavement that is in good condition. While time is of the essence in getting this program online quickly, as residents have been primarily indoors since mid-March, this will be a dynamic pilot program, receiving input from the Transportation Commission and City Council, and can be modified quickly in response to any issues or concerns.
- Q. 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 includes measures to provide relief to landlords and businesses financially impacted by COVID-19, mitigates construction noise to promote compatibility while residents are at home,

Executive Order No. 2020-3

and supports physical and mental wellbeing by providing a mechanism for residents in dense, multi-family areas to be safely be outdoors.

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. Emergency Measures.

A. The annual rent stabilization fee (\$144/dwelling unit charged for all units covered by the rent increase limit in the Rent Stabilization Ordinance, also known as the Annual General Adjustment or AGA) will remain due and payable on July 1, 2020; however, any corresponding late fee for late payments are waived if the fee is paid by October 15, 2020.

B. The City is unable to safely open cooling centers for seniors, which is the standard protocol during periods of extreme heat in the warmer months. Accordingly, the City has purchased 75 fans to deliver to senior citizens who request access to a cooling center. This program is available for senior citizens only, as seniors are more susceptible to COVID-19, more susceptible to heat stroke and heat-related illnesses and may no longer drive or have access to a vehicle to cool in the air conditioning of a vehicle.

C. Notwithstanding any conflicting provision in the West Hollywood Municipal Code, or any permit issued by the Building and Safety or Public Works Divisions, during the period of declared local emergency, construction (as defined under WHMC 9.08.030) noise is prohibited during the hours of 5 pm. until 8:00 am, unless authorized through an extended hours permit issued under 9.08.060.d (*special circumstances*). The intent of this provision is to minimize the level of construction noise and disturbances to residents while being ordered to stay home. Construction noise remains prohibited at all other times and days listed in WHMC Sec. 9.08050. This provision does not apply to the City's construction projects deemed by the City Council on April 6, to be an essential function of the City.

D. The annual Parking Credits payments to the city, due in July (for the period of July 2020-2021), is deferred this year and not due until September 2020. The twelve-month fee will be prorated and businesses will only pay for nine months of parking credits.

E. Upon written request to the City Manager each month and throughout the period of declared local emergency, remittance of monthly Transit Occupancy Tax from a hotel to the City may be deferred for a period not to exceed 30 days.

F. For businesses that alter business operations in response to COVID-19 and require a temporary use permit to accomplish those changes in operations, the TUP fee is waived for temporary uses exercised during the period of local emergency.

G. The following street segments will be temporarily closed to through traffic to pilot a slow streets program, creating space for residents to be outside while practicing safe social distancing. This list may be modified through future executive orders in response to feedback

Executive Order No. 2020-3

from the Transportation Commission, City Council, city staff and local residents. Notices shall be provided to the dwelling units on the closed street segments before the closure.

1. Sherwood Drive between Huntley Drive and West Knoll Drive (3 blocks)
2. Hancock Avenue between Holloway Drive and West Knoll Drive (1 block)
3. Gardner Street between Romaine Street and Willoughby Avenue (1 block)
4. Lexington Avenue between Gardner Street and Vista Street (1 block)
5. Cynthia Street between Wetherly Drive and Hilldale Avenue (2 blocks)

H. Neighborhood meetings required for certain development projects under the WHMC or conditions of project approval may be conducted as follows. In lieu of in-person neighborhood meetings, the developer may provide a video presentation of the project and accept written comments and questions for a period of time following transmittal of the video presentation. Comments/questions may be responded to by email communication or posting on the city's website. The link to the video will be provided in the notice of neighborhood meeting. In lieu of in-person neighborhood construction meetings that take place before construction begins, the developer may conduct those meetings virtually using services such as Zoom, which allow for virtual presentation of construction mitigation details and plan and allow for participant questions and comments.

I. Assessments for the businesses included as part of the West Hollywood Design Improvement District are deferred from August 1, 2020 until December 1, 2020, and any late fees and/or penalties are waived.

J. Beginning Saturday May 23, 2020, all persons, including essential workers, shall wear face coverings, such as scarves (dense fabric without holes), bandanas, neck gaiter, or similar coverings of any other material that reduces transmission of germs. when out in public and away from their residence. Face coverings are not required for young children under age 2, anyone who has trouble breathing, or is otherwise unable to remove the face covering without assistance. Children between 2 and 8 years old should only wear face coverings with adult supervision.

SECTION 3. 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 4. 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.

SECTION 5. CEQA. Emergency Measures are exempt from CEQA under 14 CCR 15269. Additionally, the temporary closure of street segments to pilot the slow streets program will not change the physical environment since the County is subject to Safer at Home Order, residents are

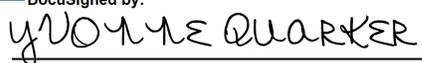
Executive Order No. 2020-3

ordered to stay home with only limited exceptions and the normal traffic flow is in a period of significant reduction. This program is temporary and the City's traffic engineers have chosen appropriate street segments that already have stop signs at each end. This minor change is also exempt under 1304 and 15061(b0(3)). Given the significant reduction in traffic, these temporary closures will not have an impact on permanent traffic circulation and function like a temporary road closure for road work.

ORDERED by the City Manager/Director of Emergency Service this 14th day of May, 2020.

DocuSigned by:

75B38884RB3D4FA
Paul Arevalo, City Manager and Director of
Emergency Services
City of West Hollywood

DocuSigned by:

YVONNE QUARKER
Yvonne Quarker, City Clerk