

WEST HOLLYWOOD
DIRECTOR OF EMERGENCY SERVICES

EXECUTIVE ORDER NO. 2020-13

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. All of the recitals in West Hollywood Director of Emergency Services Executive Order Nos. 2020-1, 2020-2, 2020-3, 2020-4, 2020-7, 2020-8, 2020-9, 2020-10, 2020-11, and 2020-12 remain in effect and are incorporated herein by reference.
- B. 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.
- C. As a result of state and county public health orders, local businesses are experiencing forced closure or major change in operation, both of which are challenging during this unprecedented health pandemic. The County Health Order and Department of Alcoholic Beverage Control are allowing restaurant service to occur outdoors only, and these important practices require some flexibility in local requirements. The City has authorized the use of outdoor space for both restaurants and gyms as part of the existing Temporary Outdoor Expansion Permit (TOEP), which program has been renamed and is also referred to as the Out Zone program. In order to provide additional space to maintain adequate social distancing while dining, in concert with economic development for restaurants, the City recognizes the need to expand the OUT Zone program further into on-street parking spaces. This is balanced with the reduced demand overall that has reduced strain on parking supply citywide. Accordingly, creating more outdoor space for expanded outdoor operations is critical to the City’s COVID response. Outdoor operations are becoming increasingly more important as a means to help the struggling local economy and to provide opportunities for residents to leave their homes and participate in healthy and safe activities.
- D. 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. Beginning on September 11, 2020, the City, in consultation with the City's Traffic Engineer, has expanded the City's OUT Zone Parklet Program, where the City may temporarily close parking lanes to vehicles for the protection and safety of persons using this portion of the City's commercial corridors during the COVID-19 pandemic. This City-run parklet program will allow the City to install concrete barriers with OUT Zone program branding to close the curb side parking lane to allow businesses that obtain appropriate OUT Zone Permits to utilize the space for socially distanced outdoor use. The parking lane closures will continue for a period of twelve months following installation of the concrete barriers, unless the closures are extended for a longer period, or terminated sooner by the City Council or Director of Emergency Services. Use of the closed lanes or parking spaces for any commercial purpose requires an approved OUT Zone Permit and city encroachment permit. Existing parking lane closures established in Executive Order 2020-11, remain in effect. The additional closure locations include portions or all of the following street segments, to be updated by Executive Order as necessary to expand the program to provide additional space for socially distanced outdoor dining in the City of West Hollywood:
1. the eastbound parking lane closest to the curb on the south side of Santa Monica Boulevard, between Havenhurst Drive and La Jolla Drive (in front of 8200 Santa Monica Boulevard, generally);
 2. the westbound parking lane closest to the curb on the north side of Santa Monica Boulevard, between Harper Avenue and Sweeter Avenue (in front of 8279 Santa Monica Boulevard, generally);
 3. the westbound parking lane closest to the curb on the south side of Santa Monica Boulevard, between Harper Avenue and Sweetzer Avenue (in front of 8264 Sunset Boulevard, generally);
 4. the westbound parking lane closest to the curb on the north side of Melrose Avenue, between Westbourne Drive and Westmount Drive (in front of 8565 Melrose Avenue, generally);
 5. the eastbound parking lane closest to the curb on the south side of Melrose Avenue, between La Peer Drive and Almont Drive (in front of 8906 Melrose Avenue, generally);
 6. the westbound parking lane closest to the curb on the north side of Melrose Avenue, between La Peer Drive and Almont Drive (in front of 8905 Melrose Avenue, generally);


7. the westbound parking lane closest to the curb on the north side of Santa Monica Boulevard, between Larrabee Street and Palm Avenue (in front of 8803 Santa Monica Boulevard, generally); and

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.

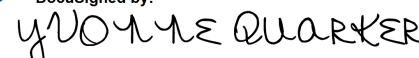
SECTION 4. Effective Date and Termination. This Order shall become effective immediately and shall continue until the earlier to occur of: (1) the conclusion of the local emergency; (2) its termination is ordered by the City Manager/Director of Emergency Services; or (3) it is duly terminated by the 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. Environmental Review. The parking lane closures effectuated by this Order are necessary to facilitate outdoor economic and recreational activity in compliance with County Health Officer Orders to reduce the spread of COVID-19. Implementation of the Order is thus exempt from the California Environmental Quality Act ("CEQA") under the statutory exemption for actions necessary to prevent or mitigate an emergency (Public Resources Code § 21080(b)(4); CEQA Guideline § 15269(c)) and the categorical exemption for minor temporary use of land (CEQA Guideline § 15304(e)). The OUT Zone Parklet Program is a temporary measure, that is created in direct response to County Health restrictions on indoor dining, personal care, and fitness activities and is needed to provide space for businesses to operate in the dense, built out environment. The Program retains parking opportunities for customers and provides space for pedestrians and people bicycling to safely travel and maintain physical distance. In response to COVID-19, businesses have experienced unprecedented and ongoing closures and limitations, and the ability of local businesses to survive (and to mitigate the effects of this emergency) depend on creation of additional outdoor and expanded spaces to provide for physical distancing. The City is not closing traffic lanes and the City Engineer has reviewed and approved the parking lane closures as a safe place to accommodate more outdoor business activity. The use of concrete K-rail will provide a safe space clearly delineated and physically separated from traffic. Further, the k-rail will provide a clear barrier that will not impact the traffic lanes directly adjacent, thus not having any impact to traffic flow or circulation in these area. Finally, as this is a temporary measure during a period of reduced use of streets by vehicular traffic (with many people working from home), and as the improvements can be removed, there is no possibility that the parking lane closures will have a permanent effect on the environment.

ORDERED by the City Manager/Director of Emergency Service this 11th day of September, 2020.

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

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Yvonne Quarker, City Clerk