

WEST HOLLYWOOD
DIRECTOR OF EMERGENCY SERVICES

EXECUTIVE ORDER NO. 2020-16

EMERGENCY EXECUTIVE ORDER OF THE CITY
MANAGER/DIRECTOR OF EMERGENCY SERVICES OF THE
CITY OF WEST HOLLYWOOD, CALIFORNIA, IMPLEMENTING
EMERGENCY MEASURES 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, 2020-12, 2020-13, 2020-14 and 2020-15 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 of the date of this Order, the state and County are experiencing a surge of COVID-19 cases. Unfortunately, new COVID-19 cases in LA County remain at alarming levels and the number of people hospitalized continues to increase. In response to the increasing trends, the LA County Department of Public Health has revised its Health Officer Order. The State of California has, additionally, issued a Limited Stay at Home order, which is effective in counties under Tier One (Purple) of California’s Blueprint for a Safer Economy, such as Los Angeles County. The state order requires that all gatherings with members of other households and all activities conducted outside of residences with members of other households cease between 10 p.m. and 5 a.m.; it took effect on Saturday, November 21, 2020, at 10:00 p.m. and will be in place through Monday, December 21, 2020, at 5:00 a.m. and may be extended or revised. The County has reported that it will be issuing another amendment to the Health Officer Order that effective Wednesday, November 25, 2020 at 10:00 p.m., dining at restaurants, breweries and wineries will be restricted to only take-out, drive-thru and delivery services. In-person dining will not be allowed, at minimum, for a period of at least three weeks. Based on the COVID numbers, additional changes to the Health Officer Order are expected in the coming weeks. Ordinance 20-1121U provides that OUT Zones must be used in accordance with all applicable health laws and orders. During periods of closure by the County or state, OUT Zones must be properly secured to ensure they are kept in safe manner, and can be immediately reopened when authorized to do so by the Health Officials.
- 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 clarifies that use

of the OUT Zones must be secured when the Health Officer orders closure of activities due to the surge and allows the businesses to easily and swiftly reopen the OUT Zones as soon as the Health officials allow for reopening.

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. During periods of time that the County or State health officials require closure of outdoor business activities and restrict the use of OUT Zones, the holder of an OUT Zone permit shall secure the area as necessary to prevent theft, trespass and loitering while the area is closed. Notwithstanding anything in the WHMC, chain link fences may be used to secure OUT Zones on private property during periods of required closures. OUT Zone permit holders will be notified by email of the current restrictions on the use OUT Zones and recommendations for securing the site while not in use.

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.

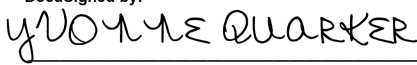
SECTION 4. Effective Date and Termination. This Order shall become effective immediately and shall continue until the earlier to occur of: (1) the conclusion of the local emergency; (2) its termination is ordered by the City Manager/Director of Emergency Services; or (3) it is duly terminated by the 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. Implementation of the Order is 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 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 City has fully implemented the program. In anticipation of multiple and fluid changes to the Health Officer Order in the coming months, this order is intended to ensure that the OUT Zones are properly and safely secured during periods of closure, which will help businesses quickly reopen. This action is administrative and temporary in nature, in response to an emergency, intended to reduce the spread of COVID and makes administrative clarifications to an existing program. Accordingly, there will be no change to the physical environment.

ORDERED by the City Manager/Director of Emergency Services this 25th day of November 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