

WEST HOLLYWOOD
DIRECTOR OF EMERGENCY SERVICES

EXECUTIVE ORDER NO. 2021-6

EMERGENCY EXECUTIVE ORDER OF THE CITY
MANAGER/DIRECTOR OF EMERGENCY SERVICES FOR
THE CITY OF WEST HOLLYWOOD, CALIFORNIA
IMPLEMENTING AND MEMORIALIZING CITY COUNCIL
DIRECTION FOR LIVE ENTERTAINMENT TO RESUME
INDOORS AND NOT IN THE OUT ZONES.

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, 2020-15, 2020-16, 2020-17, 2021-1, 2021-2, 2021-3, 2021-4, and 2021-5 remain in effect and are incorporated herein by reference.
- B. On March 16, 2020, the City Council of the City of West Hollywood proclaimed the existence of a local emergency in response to new cases of COVID-19, authorizing the City Manager to exercise the emergency powers necessary to take extraordinary measures to prevent death or injury of persons and to protect the public peace, safety and welfare, and alleviate damage, loss, hardship or suffering.
- C. 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.
- D. On May 7, 2020, Governor Newsom, announced a four-staged framework, titled “Resilience Roadmap” that was intended to guide the state’s gradual modification of its Safer at Home Order to reopen California. The State also issued industry specific guidance to help specified businesses reopen under new restrictions, which require businesses to, among other things, implement social distancing measures.
- E. To assist in the safe and healthy reopening of business establishments during the time of limited capacities and social distancing requirements for businesses as a result of State and County Health Orders in response to COVID-19, the City adopted Urgency Ordinance No. 20-1121U on September 21, 2020. Ordinance No. 20-1121U established the City’s “OUT ZONE Permit Program” (originally referred to as the “Temporary Outdoor Expansion Program” and originally adopted in 20-1106U and 20-1110U) to offer streamlined approval for eligible businesses to use public and private property,

including but not limited to sidewalks, on-street parking spaced in approved locations and private parking lots as areas to expand outdoor businesses operations.

- F. Effective August 31, 2020, Governor Newsom’s “Blueprint for a Safer Economy” replaced the County Data Monitoring List that had been used to regulate permitted activities at the County level. Under the new framework, every County is assigned to a tier based on its COVID-19 adjusted case rate and test positivity from the last two weeks. Counties can progress through four tiers, ranging from “widespread” (Purple Tier 1) to “minimal” (Yellow Tier 4) community disease transmission.
- G. Recent County public health data demonstrates that the rate of COVID-19 community transmission, hospitalizations and testing positivity rates have substantially declined. Additionally, there now exists several COVID-19 vaccines proven to help combat the disease and that are being made available to the public in phases. As a result, State and local health orders have loosened COVID-19 related restrictions to allow a growing number of establishments to resume operations.
- H. On March 12, 2021, the Los Angeles County Department of Public Health issued a revised County Health Officer Order in light of increasing numbers of vaccinated individuals and the County’s move into the Red Tier, effective March 15, 2021.
- I. On April 2, 2021, the County of Los Angeles entered the Orange Tier of the State’s Blueprint for a Safer Economy framework. Under this order, capacity limits for specified establishments, including but not limited to restaurants, breweries and wineries, fitness facilities, cardrooms and places of worship were increased subject to the County’s Social (Physical) Distancing Protocol and the Los Angeles County Department of Public Health Officer Order applicable for business sectors. This order also permitted bars that possess a low risk public health permit issued by the County of Los Angeles to reopen for outdoor operations subject to modifications in compliance with Appendix Y-1 “Protocols for Bars” of the Revised Order and the County’s Social (Physical) Distancing Protocol, as these protocols may be amended from time to time. As a result, the City Manager/Director of Emergency Services issued Executive Order No. 2021-3 on April 8, 2021, to among other things, expand the City’s OUT ZONE Permit Program to temporarily allow bars to reopen for outdoor operation subject to State and County Health Orders as they may be amended from time to time.
- J. On April 17, 2021, the Los Angeles County Department of Public Health Officer updated Appendix I “Protocol for Restaurants” of its “Reopening Safer at Work and in the Community for Control of COVID-19” order, to allow restaurants to host live outdoor entertainment subject to the Los Angeles County Department of Public Health Officer Order, Physical Distancing Protocol, and Appendix I, as this order and protocols may be updated from time to time.
- K. As of May 20, 2021, the County of Los Angeles is in Tier 4—Yellow. Tier 4 is the least restrictive tier of the State’s Blueprint. The spread of COVID-19 however continues to present a threat to health and safety of the City residents. The disease can still spread

rapidly from person-to person contact and those in close proximity. The Los Angeles County Department of Public Health Officer's more recent order issued on May 14, 2021, continues to urge residents to take precautions such as mask wearing and social distancing measures to reduce the risk of spread of the disease. Further, there are new variants of the virus that may spread more easily or cause more severe illness that are present in the County.

- L. On May 21, 2021, the City Manager/Director of Emergency Services issued Executive Order No. 2021-4, to expand the City's OUT ZONE Permit Program to temporarily allow the outdoor resumption of Live Entertainment in restaurants and bars in certain commercial zones and subject to specified conditions.
- M. On June 8, 2021, the Los Angeles County Department of Public Health provided a news release that the County of Los Angeles will align with the State in order to allow businesses to fully re-open on June 15, 2021, when the State will be lifting most capacity limits and distancing restrictions at businesses. This will essentially allow restaurants and bars to resume full indoor operations including live entertainment. Specific requirements will continue for large capacity events, schools, day cares, day camps, high-risk congregant settings and health care facilities. The County of Los Angeles will also follow the State on lifting current travel restrictions on June 15, 2021, to align with CDC travel recommendations. Businesses must still comply with all Cal/OSHA requirements at worksites past the June 15, 2021, re-opening.
- N. On June 11, 2021, the Governor of the State of California issued Executive Order No. N-07-21 that rescinded the Statewide Safer at Home Order issued on March 19, 2020, and the State's Blueprint for a Safer Economy that set forth the tier based framework for reopening the economy. Also on June 11, 2021, the Governor issued Executive Order No. N-08-21 that identifies specified provisions adopted in previous State Executive Orders that will continue to remain in place for a specific period of time set forth in said Order No. N-08-21.
- O. City Council ratification of Executive Order 2021-4 was scheduled for June 7, 2021. However, the June 7th City Council meeting was cut short due to a technical internal outage and was not able to be ratified that night. There have been changed circumstances in the interim that warranted a revision to this Order.
- P. On June 14, 2021, the City Manager/Director of Emergency Services issued Executive Order No. 2021-5, amending the City's OUT ZONE Permit Program again to temporarily allow Live Entertainment in the OUT ZONE Robertson Closure Pilot Program only. All other OUT ZONE locations and businesses were to otherwise resume indoor live entertainment and not conduct such activities in their respective OUT ZONE areas. Accordingly, the OUT ZONES will remain in place for the time being as certain indoor operations return back to pre-COVID capacity limits. This will be a time of transition and this revised Order allowed businesses in other areas of the City to resume those activities indoors in alignment with State and County guidance.

- Q. On June 21, 2021, the City Council directed rescission of Executive Order 2021-5, determining that all permitted live entertainment should resume indoors, and not be permitted in the Robertson Closure Pilot Program Area. The City Council will consider a more holistic review of the Robertson Closure Pilot Program later this summer.
- R. 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. This Order has direct impacts on the health and well-being of City residents, visitors, and local businesses because it assists in the safe and healthy resumption of live entertainment indoors, while maintaining the OUT ZONES for expanded outdoor capacity during this transition period. This order confirms that indoor live entertainment should resume as the County Department of Public Health evolves its Order to allow restaurants and bars to resume full indoor operations including live entertainment.

NOW, THEREFORE, I, Paul Arevalo, the City Manager/Director of Emergency Services for the City of West Hollywood, do hereby issue the following order to become effective immediately, and reflects and memorializes the City Council direction from June 21, 2021:

SECTION 2. Emergency Measures.


- A. Executive Orders 2021-4 and 2021-5 are rescinded. Live Entertainment shall resume indoors and shall not be permitted in the OUT ZONES (in accordance with the Los Angeles County Department of Public Health Order allowing restaurants and bars to resume full indoor operations). The rest of the OUT ZONE program remains unchanged.

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. Since this Order only rescinds earlier Executive Orders and reflects direction from the City Council on June 21, 2021, and does not grant any emergency authorization for any activities, City Council ratification is not required.

ORDERED by the City Manager/Director of Emergency Services this 25th day of June 2021.

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

DocuSigned by:



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Melissa Crowder, City Clerk