

RESOLUTION NO. 2021_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, CONFIRMING THE THIRTY-SEVENTH SUPPLEMENT TO PUBLIC ORDER [(1) EXTENSION OF TEMPORARY USE PERMITS ISSUED DURING THE COVID-19 PANDEMIC TO EXPAND OUTDOOR DINING ON CITY SIDEWALKS TO DECEMBER 31, 2021; AND (2) EXTENSION OF WAIVER OF OUTDOOR DINING LICENSE FEES AND VALET PARKING LICENSE FEES TO DECEMBER 31, 2021] ISSUED BY THE CITY MANAGER, AS DIRECTOR OF EMERGENCY SERVICES, UNDER CITY OF CULVER CITY EMERGENCY AUTHORITY, DUE TO THE CORONAVIRUS RESPIRATORY DISEASE (COVID-19) PANDEMIC.

WHEREAS, pursuant to the authority granted by Culver City Municipal Code (CCMC) Section 3.09.020, on March 14, 2020, the City Manager, as the Director of Emergency Services, issued a Proclamation of Local Emergency due to the Coronavirus (COVID-19) pandemic, which was ratified by the City Council on March 18, 2020 by Resolution No. 2020-R015. Such action followed the Los Angeles County Department of Public Health's and the Chair of the Board of Supervisor's declarations of a local health emergency and the State of California's declaration of a State of Emergency on March 4, 2020, and the declaration of a National Emergency on March 13, 2020; and

WHEREAS, as of August 1, 2021, 2021, Johns Hopkins University reported 198,179,097 confirmed COVID-19 cases globally and 4,222,302 deaths; 34,989,431 confirmed cases in the United States, with 613,198 deaths. In California, there have been 3,840,364 confirmed cases, with 69,935 deaths. Further, as of August 1, 2021, the Los Angeles County Department of Public Health (LACDPH) reported 1,300,313 cases in Los Angeles County with 24,682 deaths, which includes 2449 cases and 110 deaths in Culver City; and

WHEREAS, on March 16, 2020, under the authority of CCMC Section 3.09.020, the City Manager issued a Public Order enacting new City measures to protect members of the

1 public and City workers from undue risk of COVID-19 ("March 16 Order"). The March 16 Order
2 included, among other things, temporary restrictions on certain establishments throughout
3 Culver City, in which large numbers of people tend to gather and remain in close proximity; and

4 WHEREAS, on March 20, 2020, the City Manager issued a First Supplement to
5 Public Order enacting further City measures to protect members of the public and City workers
6 from undue risk of COVID-19 ("March 20 Order"). The March 20 Order was enacted after the
7 City of Los Angeles and Los Angeles County Department of Public Health issued a similar
8 public order. The March 20 Order issued, and incorporated by reference, any and all orders set
9 forth in *Public Order Under City of Los Angeles Emergency Authority, Subject: SAFER AT*
10 *HOME*, issued by Los Angeles Mayor Eric Garcetti on March 19, 2020; and

12 WHEREAS, since the March 19 *SAFER AT HOME* Order, Los Angeles Mayor
13 Garcetti issued revised *SAFER AT HOME* Orders on April 1, April 10, and April 27, 2020. In
14 step with the City of Los Angeles, on April 7, 2020, April 11, 2020, and May 1, 2020
15 respectively, the City Manager issued a Fourth Supplement to Public Order (incorporating the
16 April 1 *SAFER AT HOME* Order), a Seventh Supplement to Public Order (incorporating the
17 April 10 *SAFER AT HOME* Order), and a Ninth Supplement to Public Order (incorporating the
18 April 27 *SAFER AT HOME* Order); and

19 WHEREAS, beginning in May 2020, the City Manager issued supplemental public
20 orders consistent with the Los Angeles County Roadmap to Recovery orders, including:

- 21 • *Tenth Supplement to Public Order on May 7, 2020* (safe reopening of limited
22 businesses with strict physical distancing and infection control protocols in
23 place; additional curbside pick-up);
- 24 • *Eleventh Supplement to Public Order on May 14, 2020* (extension of previous
25 orders; safe reopening of additional businesses with curbside pick-up;
26 extension of relaxation of parking and signage restrictions; extension of
27 outdoor dining and valet parking fee waivers);
- 28 • *Thirteenth Supplement to Public Order on May 20, 2020* (conditional
reopening of pet grooming, pet training and car washes);

- *Fourteenth Supplement to Public Order on May 22, 2020* (additional curbside pick-up for lower risk retailers located in interior of indoor mall or shopping center; vehicle-based parades permitted);
- *Fifteenth Supplement to Public Order on May 27, 2020* (phased safe reopening of lower risk businesses at 50% capacity, non-essential office-based businesses, and faith based in-person services at the lower of 25% capacity or 100 persons; reopening of pools/hot tubs in multi-unit residence; further extension of outdoor dining and valet parking fee waivers);
- *Sixteenth Supplement to Public Order on June 1, 2020* (safe reopening of additional businesses, subject to restrictions, including hair salons and barber shops, and in-person dining at 60% capacity; allowing restaurants and retailers to temporarily expand into public right-of-way, subject to approval of the Public Works Director/City Engineer);
- *Seventeenth Supplement to Public Order on June 10, 2020* (suspend or modify certain provisions of the Zoning Code to provide relief from parking requirements for outdoor dining areas; provide reduced parking requirements for new restaurant uses; create an expedited process for establishing outdoor dining and retail areas in private parking lots; allow takeaway alcohol services; and temporarily suspend legal non-conforming use provisions);
- *Eighteenth Supplement to Public Order on June 12, 2020* (permitting reopening in compliance with all County protocols of music, television and film production; day camps, gyms and fitness establishments; museums, galleries, botanical gardens, zoos, and aquariums; professional sports leagues and facilities opening for training sessions and spectator-free events; campgrounds and RV parks; hotels, lodging, and short-term rentals; public swimming pools; visiting a physician or child's pediatrician for routine care and wellness visit; outdoor and indoor photography; and in-person behavioral health or substance use disorder support in therapeutic small groups meetings);
- *Nineteenth Supplement to Public Order on June 19, 2020* to allow for personal care establishments, bars, wineries and tasting rooms, to reopen, as well as clarify that there was no attendee limit on outdoor faith-based services and outdoor protests. The Order reiterated the higher risk businesses that were required to remain closed; and

WHEREAS, due to increases in the daily reported COVID-19 cases, hospitalizations, and the testing positivity rates, the Los Angeles County Public Health Officer issued revised orders on June 28, 2020 and July 1, 2020, in alignment with the California Governor's announcements requiring the closure of specific activities and business sectors, in effect superseding certain previous orders, including those in Culver City that were more lenient than the new restrictions, to address the serious regression of COVID-19 indicators within Los Angeles County; and

1 WHEREAS, on July 7, 2020, to align with the County of Los Angeles, the City
2 Manager issued the Twentieth Supplement to Public Order, to reiterate which higher risk
3 businesses, recreational sites, and commercial properties must be closed under the County of
4 Los Angeles recent Public Health orders; additionally, to acknowledge the financial hardship
5 experienced by hotels and motels in the City, the July 7 Order waived penalties and interest
6 due to the City on any past due transit occupancy taxes ("TOT"), provided the payment of all
7 outstanding TOT is remitted to the City within 30 days, and further providing that for those
8 operators who have already paid their past due TOT, all outstanding penalties and interest
9 accrued between March 1, 2020 and July 7, 2020 were waived; and
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11 WHEREAS, beginning in late July 2020, to support the safe operations and
12 recovery of the City's business sectors and educational activities within the City during COVID-
13 19, and consistent with the State Orders and guidance as well as County Orders and protocols,
14 the City Manager issued the following supplemental public orders:
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- 16 • *Twenty-First Supplement to Public Order on July 21, 2020* (allowing the safe
17 outdoor operation of gyms, fitness centers and personal care services,
18 pursuant to a Temporary Use Permit, provided all operations were in
19 compliance with State, County, and local protocols);
- 20 • *Twenty-Third Supplement to Public Order on August 13, 2020* (allowing gyms
21 and fitness establishments to temporarily use Culver City parks facilities,
22 subject to obtaining a temporary park use permit);
- 23 • *Twenty-Fourth Supplement to Public Order on August 21, 2020* (allowing
24 youth sports programs to resume, and to address the expanded use of outdoor
25 park spaces for therapeutic small group meetings and in-person faith-based
26 services, subject to a park permit and following the applicable County of Los
27 Angeles protocols);
- 28 • *Twenty-Fifth Supplement to Public Order on September 3, 2020* (allowing the
safe indoor operation of hair salons and barbershops, at 25% of maximum
occupancy, in compliance with the applicable County protocols; and further
allowing K-12 schools to offer in-school services as of September 14, 2020, for
students with individualized Education Programs or English Learners needing
assessments and/or specialized in-school services, with priority given to
students with disabilities, limited to 10% or less of the total student body);
- *Twenty-Seventh Supplement to Public Order on October 2, 2020* (safe
reopening of nail salons for limited indoor services at 25% capacity, cardrooms

for outdoor operations only, indoor shopping malls at 25% capacity, and outdoor playgrounds; the requirement for businesses to post Community Workforce Resources poster; the continued waiver of outdoor dining and valet parking license fees through December 31, 2020; and permitting of outdoor operation of certain personal care establishments in the public right-of-way); and

- *Twenty-Eighth Supplement to Public Order on October 16, 2020* (private outdoor gatherings of persons from no more than three households, subject to public health protocols; provided further definition of “household” and “private gathering;” and established various requirements for such gatherings, including, but not limited to, requirements relating to attendance, location, duration, and physical distancing and hand hygiene).
- *Twenty-Ninth Supplement to Public Order on October 30, 2020* (modified indoor operation of personal care establishments; clarified the closure of food court dining areas in indoor malls and shopping centers; allowed the conditional outdoor operation of miniature golf, batting cages, and go cart racing; increased the percentage of students permitted on K-12 Campus with IEPs and Els and to 25%; allowed the conditional opening of wineries and breweries for outdoor dining operations; and put a limit on the delivery fees, as well as other fees, commissions and costs that third party food delivery service providers may charge retail food establishments).
- *Thirty-First Supplement to Public Order issued on November 23, 2020*. The November 23 Order addresses the Los Angeles County Surge Response orders and directives issued by Los Angeles County Public Health on November 19 and November 22. This Order also extended the outdoor dining license fee waiver and the valet parking license fee waiver to March 31, 2021.
- *Thirty-Second Supplement to Public Order issued on November 30, 2020*. The November 30 Order addresses the Los Angeles County Public Health Officer’s Temporary Targeted Safer at Home: Tier 1 Substantial Surge Response Order (“Temporary Surge Response Order”) issued November 28, 2020 and effective November 30, 2020 through December 20, 2020. The Temporary Surge Response Order was issued as a response to the recent substantial rise in COVID-19 cases, hospitalizations, and deaths. The Temporary Surge Response Order was issued to ensure that County residents remain in their residences as much as practicable, and to limit close contact with others outside of their household in both indoor and outdoor spaces, to further reduce the risk of community transmission of COVID-19. This Order prohibits gatherings except for church services and protests, limits occupancy for permitted activities and businesses, and closes non-essential businesses and activities. This order supersedes any previous order where there is a conflict between the Orders.
- *Thirty-Third Supplement to Public Order issued on January 26, 2021*: On January 25, 2021, the State of California lifted the Regional Stay at Home Order that was instituted in December 2020 due to a holiday surge, and a substantial rise in COVID-19 cases, hospitalizations and deaths, and in turn, the County of Los Angeles lifted its Temporary Surge Response Orders and returned to its November 25, 2020 Blueprint for a Safer Economy-Tier 1 Surge

Response Order, with modifications, and issued the County January 25 Order. Accordingly, the City Manager issued the Thirty-Third Supplement (January 26 Order), aligning the City with the County January 25 Order, and also any new subsequent County of Los Angeles Order, unless the City Manager issues a new City order with restrictions specific to Culver City, and also extended the City's limitations on Third Party Food Delivery Service fees, to March 31, 2021;

- *Thirty-Fourth Supplement to Public Order issued February 25, 2021*: modified and extended the Commercial Tenant Eviction Moratorium to the end of the Local Emergency;
- *Thirty-Fifth Supplement to Public Order issued March 25, 2021*: extended the waiver of outdoor dining license fees and valet parking license fees to June 30, 2021, and extended the limit of third-party food delivery service fees to the end of the local emergency;
- *Thirty Sixth Supplement to Public Order issued April 20, 2021*: gave authority to the Public Works Director to issue Temporary Use Permits to bars to operate outdoors in the public right of way, and amended the 17th Supplement to grant authority to the Community Development Director to issue Temporary Use Permits for bars to operate outdoors on private property; and

WHEREAS, the Public Orders listed hereinabove issued by the City Manager have been confirmed by the City Council; and

WHEREAS, on May 24, 2021, at the regular City Council meeting, the City Council extended the waiver of outdoor dining license fees and valet parking permit fees (both of which were expiring June 30, 2021), through Labor Day (September 6, 2021), and also extended Temporary Use Permits for the use of the public right of way (i.e., public sidewalks and streets) for expanded outdoor dining, through Labor Day; and

WHEREAS, on June 15, 2021, the State of California and County of Los Angeles, removed the face mask requirement in most circumstances, except as specified, and "reopened" the State and County with certain limited exceptions; and

WHEREAS, on July 15, 2021, due to the rapid rise in community transmission of COVID-19 in Los Angeles County since the State and County reopened on June 15, 2021, the City Manager issued the Thirty-Seventh Supplement to Public Order, extending the Temporary Use Permits issued during the ongoing COVID-19 pandemic to expand outdoor dining on City

1 sidewalks to December 31, 2021, and also extended the waiver of outdoor dining license fees
2 and valet parking license fees to December 31, 2021; and

3 WHEREAS, effective July 17, 2021, Los Angeles County reinstated a universal
4 indoor mask mandate for all persons, regardless of vaccination status, due to the continued
5 rapid rise of community transmission of COVID-19, especially the Delta variant.

6 WHEREAS, even though reduced indoor occupancy limits are no longer in effect,
7 the recent increase in COVID-19 cases makes it important to continue to promote social
8 distancing by facilitating outdoor dining; and

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10 WHEREAS, while eating and drinking, patrons spend significant periods of time
11 unmasked in close proximity to others; thus, extending the use of City sidewalks for outdoor
12 dining to continue to provide additional outdoor space for restaurants is in the interest of the
13 public health, safety, and welfare.

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1 NOW, THEREFORE, the City Council of the City of Culver City, California, DOES
2 HEREBY RESOLVE as follows:

3 1. Pursuant to CCMC Section 3.09.020.B.1.h(2), the City Council hereby
4 confirms the Thirty-Seventh Supplement to Public Order issued by the City Manager, in
5 his capacity as Director of Emergency Services, on July 15, 2021, attached hereto as
6 Exhibit A and incorporated herein as though fully set forth.

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8 2. The City Council finds that this Resolution is not subject to the California
9 Environmental Quality Act ("CEQA") pursuant to CEQA guidelines, California Code of
10 Regulations, Title 14, Chapter 3, §15060(c)(2) [the activity will not result in a direct or
11 reasonably foreseeable indirect physical change in the environment] and §15060(c)(3)
12 [the activity is not a project as defined in §15378] because it has no potential for
13 resulting in physical change to the environment, directly or indirectly.

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15 3. This Resolution shall take effective immediately upon its adoption.

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17 APPROVED and ADOPTED this _____ day of _____ 2021.

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ALEX FISCH, MAYOR
City of Culver City, California

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22 ATTEST:

23 APPROVED AS TO FORM:

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25 _____
JEREMY GREEN
City Clerk

26
27 _____
CAROL A. SCHWAB
City Attorney

Exhibit A



JOHN M. NACHBAR
CITY MANAGER

CITY MANAGER'S OFFICE

CITY OF CULVER CITY

9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507

(310) 253-6000

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Thirty-Seventh Supplement to Public Order Under City of Culver City Emergency Authority

Issue Date: July 15, 2021

Subject: (1) Extension of Temporary Use Permits Issued During the COVID-19 Pandemic to Expand Outdoor Dining and Other Uses on City Sidewalks to December 31, 2021; and (2) Extension of Waiver of Outdoor Dining License Fees and Valet Parking License Fees to December 31, 2021.

This Thirty-Seventh Supplement to Public Order is for the purpose of extending Temporary Use Permits (TUPs) for the temporary expansion of outdoor dining and other uses on City sidewalks to December 31, 2021, and extending the waiver of outdoor dining license fees and valet parking license fees to that same date.

Background of Local Emergency and Authority Granted for the Issuance of Temporary Use Permits and Fee Waivers to Assist Businesses During the Pandemic.

On March 14, 2020, the City Manager, as Director of Emergency Services, issued a Proclamation of Local Emergency, due to the outbreak and spread of the Coronavirus Respiratory Disease (COVID-19), which was ratified by the City Council on March 18, 2020 by Resolution No. 2020-R015. Beginning on March 16, 2020, the City Manager issued a number of public orders, closing many businesses and significantly restricting the operations of others, consistent with various supplemental orders that were issued by the State of California and the Los Angeles County Department of Public Health, as well as a number of neighboring communities.

From March 2020 through the "reopening" of California by the State on June 15, 2021, the City Manager has issued Public Orders under the authority conveyed to him during a Local Emergency by the CCMC. The First Supplement to Public Order, issued on March 20, 2020, waived outdoor dining fees and valet permit fees for a short period of time. As the pandemic persisted, these fees were waived through subsequent Public Orders, most recently to June 30, 2021.

Additionally, the 16th Supplement to Public Order, issued June 1, 2020, permitted restaurants to expand dining operations outdoors into the public right-of-way, or expand existing outdoor dining facilities further into the public right-of-way, including the City streets, all subject to the approval of the Public Works Director/City Engineer.

Thirty-Seventh Supplement to Public Order

Issue Date: July 15, 2021

Page 2 of 3

On May 24, 2021, at the regular City Council public meeting, the City Council extended the waiver of outdoor dining license fees and valet parking permit fees (both of which were expiring June 30, 2021), through Labor Day (September 6, 2021). The City Council also extended TUPs for the use of the public right-of-way (i.e., public sidewalks and streets) for expanded outdoor dining and other uses, through Labor Day.

On June 15, 2021, the State of California discontinued the color-coded “Tier” system, and “re-opened” the California economy. In alignment with the State of California, Los Angeles County discontinued its “Blueprint for a Safer Economy” series of Public Health Orders and for the most part discontinued its program of issuing specific sector protocols. The County issued a new order effective June 15, 2021, entitled “A Safer Return Together at Work in the Community: Beyond the Blueprint for a Safer Economy – Encouraging COVID-19 Vaccination Coverage with Limited Risk Reduction Measures.” Four sector protocols have been updated and remain in effect: Day Camps, Overnight Organized/Children’s Camps, TK-12 Schools, and TK-12 Schools: Exposure Management Plan. Face coverings/masks remain required on public transit, in transportation hubs, indoors in K-12 schools, childcare and other youth settings, in healthcare settings, including long term care facilities, in correctional facilities, and in homeless shelters and emergency shelters.

Per the language of the City’s April 21, 2021 36th Supplement to Public Order, Culver City automatically aligned with the terms of the June 15th County Order, and the subsequent June 28th Order, which added businesses or governmental offices serving the public that requires everyone to wear a mask to the list of mask requirements for all persons, regardless of vaccination status. In addition to being aligned with the County, the City has City-specific Orders that remain in place, including those discussed in this Order.

The June 15th and June 28th County Orders also reiterate that there remains a risk that people may come in contact with COVID-19 positive individuals outside of their residence. At the time of the June 15th Order, there was a 7-day average of approximately 200 new reported COVID-19 positive cases in Los Angeles County. As of July 15, 2021, however, the Los Angeles County 5-day average has risen to over 1000 new reported positive cases of COVID-19 per day, and nearly all of these new cases are among unvaccinated persons. This rapid increase coincides with the rise of the virus mutation referred to as the Delta variant.

Due to the rapid increase in positive COVID-19 cases, and the approximately 40% of persons in Los Angeles County over the age of 16 who remain unvaccinated, the County of Los Angeles Public Health Department had strongly recommended that unvaccinated persons continue to wear face coverings, and further recommended that all persons, regardless of vaccination status, wear face coverings indoors. A new Los Angeles County Public Health Order regarding indoor mask requirements is expected to take effect beginning July 18, 2021.

Thirty-Seventh Supplement to Public Order

Issue Date: July 15, 2021

Page 3 of 3

Public Order

By virtue of authority vested in me as the Director of Emergency Services, pursuant to the provisions of CCMC Section 3.09.020.B.1.h(2), to make and issue rules and regulations on matters reasonably related to the protection of persons, property, and the environment as affected by such emergency, I hereby order:

1. TUPs issued by the Public Works Director for the expansion of outdoor dining and other uses on City sidewalks only, are further extended through December 31, 2021.
2. The waiver of outdoor dining license fees and valet parking license fees is further extended through December 31, 2021.
3. The City of Culver City will continue to align with the County of Los Angeles Health Officer Orders, including the most recent June 28, 2021 Public Order, and will automatically align with any new or subsequent County of Los Angeles Public Health Order or Directive, unless a new City Order is issued with Culver City specific restrictions or requirements.
4. Additional social distancing, infection control, and health and safety measures and guidelines may be imposed at any time, in my sole discretion, in order to ensure the protection of the public's health and safety, and the intent of each and every Public Order is carried out.

Any violation of this Thirty-Seventh Supplement to Public Order may be enforced under the Culver City Municipal Code, which provides for fines not to exceed \$1,000 or imprisonment not to exceed six months. Each individual officer and City official should use their discretion in enforcing this order and always keep the intent of the order in mind.

Except as otherwise expressly provided herein, this Thirty-Seventh Supplement to Public Order shall be effective immediately and shall remain in effect until superseded, amended, modified, rescinded, or expired by its terms.

Date: 7/15/2021

A handwritten signature in blue ink, appearing to read "John", is written over a horizontal line.

John M. Nachbar, City Manager
Director of Emergency Services
City of Culver City