

RESOLUTION NO. 2021_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, CONFIRMING THE DECEMBER 7, 2021 THIRTY-NINTH SUPPLEMENT TO PUBLIC ORDER: (1) FURTHER EXTENSION OF TEMPORARY USE PERMITS ISSUED DURING THE COVID-19 PANDEMIC TO EXPAND OUTDOOR DINING AND OTHER USES ON CITY SIDEWALKS TO APRIL 30, 2022; (2) FURTHER EXTENSION OF TEMPORARY USE PERMITS ISSUED DURING COVID-19 PANDEMIC TO EXPAND OUTDOOR DINING AND OTHER USES ON CERTAIN CITY ROADWAYS TO APRIL 30, 2022; AND (3) EXTENSION OF WAIVER OF OUTDOOR DINING LICENSE FEES AND VALET PARKING LICENSE FEES TO APRIL 30, 2022, 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, beginning on March 16, 2020, under the authority of CCMC Section 3.09.020, the City Manager issued an initial Public Order and 38 previous Supplements to Public Order, that included at various times business closures, restrictions on non-essential activities, advising residents they should remain at home, mask and distancing requirements when around persons not in one's immediate family, capacity requirements for businesses, as well as refraining from social gatherings, and, at

1 times, closing of indoor portions of non-essential businesses, and most recently, requiring
2 proof of vaccination to enter indoor portions of certain categories of businesses and
3 indoor portions of City facilities; and

4 **WHEREAS**, the First Supplement to Public Order, issued on March 20, 2020,
5 waived outdoor dining fees and valet permit fees for a short period of time, and these
6 waivers were periodically extended through subsequent Orders; and

7 **WHEREAS**, the 16th Supplement to Public Order, issued June 1, 2020,
8 permitted restaurants to expand dining operations outdoors into the public right-of-way, or
9 expand existing outdoor dining facilities further into the public right-of-way (i.e., public
10 sidewalks and streets), all subject to the approval of a Temporary Use Permit (TUP)
11 approved by the Public Works Director/City Engineer; and

12 **WHEREAS**, on May 24, 2021, at the regular City Council public meeting, the
13 City Council extended TUPs for the use of the public right-of-way for expanded outdoor
14 dining and other uses, through Labor Day (September 6, 2021), and further extended the
15 waiver of outdoor dining license fees and valet parking permit fees through that same
16 date; and

17 **WHEREAS**, on July 15, 2021 the City Manager issued the 37th Supplement to
18 Public Order, extending the TUPs issued by the Public Works Director for the expansion
19 of outdoor dining and other uses on City sidewalks only, through December 31, 2021, and
20 also extended the waiver of outdoor dining license fees and valet parking license fees
21 through that same date; and

22 **WHEREAS**, the Public Orders issued by the City Manager have all been
23 confirmed by the City Council; and
24

1 **WHEREAS**, the extension of TUPs and continued waiver of license fees were
2 actions taken to support business use of outdoor spaces, due to the rapid increase in
3 positive COVID-19 cases following the June 15, 2021 “reopening” of the California
4 economy, and the recognition that the public was becoming increasingly reluctant to dine,
5 shop and conduct business indoors; and

6 **WHEREAS**, on September 27, 2021, the City Council extended certain TUPs
7 in the City roadway to December 31, 2021, including those in the form of parklets, and
8 areas protected from traffic by City-installed barriers; and

9
10 **WHEREAS**, due to the continuing community transmission of COVID-19 in
11 the country, the State of California, and the County of Los Angeles, the ongoing concerns
12 about the Delta variant, and the recent transmission of the new Omicron variant to the
13 United States, including in California, assisting businesses to continue to operate
14 outdoors is a reasonable measure to protect the public health and safety during the
15 ongoing and ever-changing pandemic to mitigate the spread of COVID-19.
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17 **NOW, THEREFORE**, the City Council of the City of Culver City, California,
18 **DOES HEREBY RESOLVE** as follows:

19 1. Pursuant to CCMC Section 3.09.020.B.1.h(2), the City Council
20 hereby confirms the Thirty-Ninth Supplement to Public Order issued by the City
21 Manager, in his capacity as Director of Emergency Services, on December 7,
22 2021, attached hereto as Exhibit A and incorporated herein by reference.

23 2. The City Council finds that this Resolution is not subject to the
24 requirements of the California Environmental Quality Act (CEQA) pursuant to
25 CEQA guidelines, California Code of Regulations, Title 14, Chapter 3, Section
26 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable
27 indirect physical change in the environment] and Section 15060(c)(3) [the activity
28

1 is not a project as defined in Section 15378] because it has no potential for
2 resulting in physical change to the environment, directly or indirectly.

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

4 APPROVED and ADOPTED this _____ day of _____ 2021.
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7 _____
8 ALEX FISCH, MAYOR
9 City of Culver City, California

10 ATTEST:

11 APPROVED AS TO FORM:

12 _____
13 JEREMY GREEN
14 City Clerk

15 _____
16 HEATHER BAKER
17 Acting City Attorney
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JOHN M. NACHBAR
CITY MANAGER

CITY MANAGER'S OFFICE
CITY OF CULVER CITY

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

Issue Date: December 7, 2021

Subject: (1) Further Extension of Temporary Use Permits Issued During the COVID-19 Pandemic to Expand Outdoor Dining and Other Uses on City Sidewalks to April 30, 2022; (2) Further Extension of Temporary Use Permits Issued During COVID-19 Pandemic to Expand Outdoor Dining and Other Uses on Certain City Roadways to April 30, 2022; and (3) Extension of Waiver of Outdoor Dining License Fees and Valet Parking License Fees to April 30, 2022.

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, due to the outbreak and spread of the Coronavirus Respiratory Disease (COVID-19), the City Manager, as Director of Emergency Services, issued a Proclamation of Local Emergency, 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, that included at various times business closures, restrictions on non-essential activities, advising residents they should remain at home, mask and distancing requirements when around persons not in one's immediate family, capacity requirements for businesses, as well as requiring that persons refrain from social gatherings, and, at times, closing of indoor portions of non-essential businesses, all consistent with various Executive orders that were issued by the State of California and Health Officer Orders issued by the Los Angeles County Department of Public Health, as well as a number of neighboring communities.

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; the waiver was periodically extended through subsequent orders. 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 (i.e., public sidewalks and streets), all subject to the approval of the Public Works Director/City Engineer.

On May 24, 2021, at the regular City Council public meeting, the City Council extended TUPs for the use of the public right-of-way for expanded outdoor dining and other uses, through Labor Day (September 6, 2021). The City Council also extended the waiver of

outdoor dining license fees and valet parking permit fees, both of which were expiring June 30, 2021, through that same date.

On July 15, 2021 the City Manager issued the 37th Supplement to Public Order, extending the TUPs issued by the Public Works Director for the expansion of outdoor dining and other uses on City sidewalks only, through December 31, 2021. The waiver of outdoor dining license fees and valet parking license fees were extended through that same date. These actions were taken to support business use of outdoor spaces, due to the rapid increase in positive COVID-19 cases following the June 15, 2021 “reopening” of the California economy, and the recognition that the public was becoming increasingly reluctant to dine, shop and conduct business indoors. Shortly thereafter, TUPs for roadway use were extended administratively until October 31, 2021; the date was selected primarily in response to the MOVE Culver City project construction which began in November 2021 and has since been completed.

Certain areas of the City where roadway TUPs had been issued were not affected by the MOVE Culver City construction. In light of concerns of the spread of the Delta variant and customer preference to conduct business outdoors, where feasible, on September 27, 2021, the City Council extended certain TUPs in the roadway to December 31, 2021, including those in the form of parklets, and areas protected from traffic by City-installed barriers including Main Street, the portion of Culver next to K-ZO Restaurant, the portion of Irving Place next to Rush Street, sections of Washington Boulevard between Hargis Street and Melvil Street and the closed section of Melvil between Washington Boulevard and the alley north of Washington Boulevard.

As of July 18, 2021 the mask requirement was reinstated in Los Angeles County, as the daily average of positive COVID-19 cases increased dramatically, coinciding with the rise of the virus mutation referred to as the Delta variant. More recently, to attempt to stem the ongoing transmission of the virus, the City and the County have issued orders requiring the public to show proof of vaccination to enter the indoor portions of certain covered businesses as well as City facilities.

Due to the continuing community transmission of COVID-19 in the country, the state, and the County of Los Angeles, the ongoing concerns about the Delta variant, and the recent transmission of the new Omicron variant to the United States, including in California, assisting businesses to continue to operate outdoors is a reasonable measure to protect the public health and safety during the ongoing and ever-changing pandemic.

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:

Thirty-Ninth Supplement to Public Order

Issue Date: December 7, 2021

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1. TUPs issued by the Public Works Director for the expansion of outdoor dining and other uses on City sidewalks, as set forth in the 16th Supplement and extended pursuant to the 37th Supplement, are further extended through April 30, 2022.
2. TUPs issued by the Public Works Director for expansion of outdoor dining and other uses in City roadways, in the form of parklets, and in areas protected from traffic by City-installed barriers that were unaffected by the MOVE Culver City construction project, including Main Street, the portion of Culver next to the K-ZO Restaurant, a portion of Irving Place next to Rush Street, and sections of Washington Boulevard between Hargis Street and Melvil Street, are further extended through April 30, 2022, subject to the City's right to terminate or modify the TUPs prior that date, with thirty days written notice to the affected TUP holder.
3. The waiver of outdoor dining license fees and valet parking license fees is further extended through April 30, 2022.
4. The City of Culver City will continue to align with the County of Los Angeles Health Officer Orders, including the most recent September 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.
5. 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-Ninth 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-Ninth Supplement to Public Order shall be effective immediately and shall remain in effect until superseded, amended, modified, rescinded, or expired by its terms.

Date: 12/7/2021



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