

RESOLUTION NO. 2020-R_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, CONFIRMING (1) THE JUNE 19, 2020 NINETEENTH SUPPLEMENT TO PUBLIC ORDER (REOPENING SAFER AT WORK AND IN THE COMMUNITY: MOVING INTO STAGE 3 TO ALLOW PERSONAL CARE ESTABLISHMENTS, BARS, WINERIES AND BREWERY TASTING ROOMS), EXCEPT AS SUPERSEDED BY LOS ANGELES PUBLIC HEALTH ORDERS; AND (2) THE JULY 7, 2020 TWENTIETH SUPPLEMENT TO PUBLIC ORDER (CONDITIONAL TOT PENALTY WAIVER UPON PAYMENT OF OUTSTANDING TOT WITHIN 30 DAYS), 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 July 7, 2020, Johns Hopkins University reported 11,662,574 confirmed COVID-19 cases globally and 539,057 deaths; 2,995,223 cases nationally, with 131,599 deaths; and 277,774 cases in California, with 6,448 deaths. Further, as of July 7, 2020, the Los Angeles County Department of Public Health reported 120,539 cases in Los Angeles County with 3,579 deaths, which includes 232 cases and 27 deaths in Culver City. As there is a rapid increase in cases and ongoing significant risk of infection throughout the

1 United States and the State of California, the California Department of Public Health and the
2 Los Angeles County Department of Public Health continue to actively address the COVID-19
3 pandemic and implement measures to prevent the spread of COVID-19; and

4 WHEREAS, on March 16, 2020, under the authority of CCMC Section 3.09.020,
5 the City Manager issued a Public Order enacting new City measures to protect members of the
6 public and City workers from undue risk of COVID-19 ("March 16 Order"). The March 16 Order
7 included, among other things, temporary restrictions on certain establishments throughout
8 Culver City, in which large numbers of people tend to gather and remain in close proximity; and

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

17
18 WHEREAS, since the March 19 *SAFER AT HOME* Order, Los Angeles Mayor
19 Garcetti issued revised *SAFER AT HOME* Orders on April 1, April 10, and April 27, 2020. In
20 step with the City of Los Angeles, on April 7, 2020, April 11, 2020, and May 1, 2020
21 respectively, the City Manager issued a Fourth Supplement to Public Order (incorporating the
22 April 1 *SAFER AT HOME* Order), a Seventh Supplement to Public Order (incorporating the
23 April 10 *SAFER AT HOME* Order), and a Ninth Supplement to Public Order (incorporating the
24 April 27 *SAFER AT HOME* Order); and
25
26
27
28

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

- 3 • *Tenth Supplement to Public Order on May 7, 2020* (safe reopening of limited
4 businesses with strict physical distancing and infection control protocols in
5 place; additional curbside pick-up);
- 6 • *Eleventh Supplement to Public Order on May 14, 2020* (extension of previous
7 orders; safe reopening of additional businesses with curbside pick-up;
8 extension of relaxation of parking and signage restrictions; extension of
9 outdoor dining and valet parking fee waivers);
- 10 • *Thirteenth Supplement to Public Order on May 20, 2020* (conditional
11 reopening of pet grooming, pet training and car washes);
- 12 • *Fourteenth Supplement to Public Order on May 22, 2020* (additional curbside
13 pick-up for lower risk retailers located in interior of indoor mall or shopping
14 center; vehicle-based parades permitted);
- 15 • *Fifteenth Supplement to Public Order on May 27, 2020* (phased safe
16 reopening of lower risk businesses at 50% capacity, non-essential office-
17 based businesses, and faith based in-person services at the lower of 25%
18 capacity or 100 persons; reopening of pools/hot tubs in multi-unit residence;
19 further extension of outdoor dining and valet parking fee waivers); and
- 20 • *Sixteenth Supplement to Public Order on June 1, 2020* (safe reopening of
21 additional businesses, subject to restrictions, including hair salons and barber
22 shops, and in-person dining at 60% capacity; allowing restaurants and
23 retailers to temporarily expand into public right-of-way, subject to approval of
24 the Public Works Director/City Engineer); and
- 25 • *Seventeenth Supplement to Public Order on June 10, 2020* (suspend or
26 modify certain provisions of the Zoning Code to provide relief from parking
27 requirements for outdoor dining areas; provide reduced parking requirements
28 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; and
- *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.

26 WHEREAS, on June 19, 2020 the City Manager issued the Nineteenth
27 Supplement to Public Order, to comply with the County of Los Angeles June 18, 2020 Revised
28

1 Order, allowing additional businesses to conditionally reopen, including personal care
2 establishments, bars, wineries and brewery tasting rooms, unlimited faith-based services that
3 are held outdoors, unlimited attendees at outdoor protests; and swimming pools and splash
4 pads in any non-residential setting; and

5 WHEREAS, due to increases in the daily reported COVID-19 cases,
6 hospitalizations, and the testing positivity rates, the Los Angeles County Public Health Officer
7 issued revised orders on June 28, 2020 and July 1, 2020, in alignment with the California
8 Governor's announcements requiring the closure of specific activities and business sectors,
9 including but not limited to bars, breweries, tasting rooms, distilleries that possess a low risk
10 public health restaurant permit, indoor restaurant dining, cardrooms, satellite wagering
11 facilities, and indoor portions of museums, zoos and aquariums, in effect superseding certain
12 previous orders, including those in Culver City that were more lenient than the new restrictions,
13 to address the serious regression of COVID-19 indicators within Los Angeles County; and
14

15 WHEREAS, on July 7, 2020, to acknowledge the financial hardship experienced
16 by hotels and motels in the City, the City Manager issued the Twentieth Supplement to Public
17 Order, waiving penalties and interest due to the City on any past due transit occupancy
18 taxes ("TOT"), provided the payment of all outstanding TOT is remitted to the City within 30
19 days, and further providing that for those operators who have already paid their past due TOT,
20 all outstanding penalties and interest accrued between March 1, 2020 and July 7, 2020 are
21 waived.
22

23 NOW, THEREFORE, the City Council of the City of Culver City, California,
24 DOES HEREBY RESOLVE as follows:
25
26
27
28

1 1. Pursuant to CCMC Section 3.09.020.B.1.h(2), the City Council hereby
2 confirms the Nineteenth Supplement to Public Order issued by the Director of Emergency
3 Services on June 19, 2020, attached hereto as Exhibit A and incorporated herein as though
4 fully set forth, except as superseded by Los Angeles Public Health Orders.

5 2. Pursuant to CCMC Section 3.09.020.B.1.h(2), the City Council hereby
6 confirms the Twentieth Supplement to Public Order issued by the Director of Emergency
7 Services on July 7, 2020, attached hereto as Exhibit B and incorporated herein as though
8 fully set forth.

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

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

16 APPROVED and ADOPTED this _____ day of _____ 2020.

17
18
19
20
21
22 _____
GÖRAN ERIKSSON, MAYOR
City of Culver City, California

23
24 ATTEST:

25 APPROVED AS TO FORM:

26 _____
JEREMY GREEN
City Clerk

27 _____
CAROL A. SCHWAB
City Attorney

28 A20-00273

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

FAX (310) 253-6010

Nineteenth Supplement to Public Order Under City of Culver City Emergency Authority

Issue Date: June 19, 2020

Subject: Reopening Safer at Work and in the Community: Moving into Stage 3 to Allow Personal Care Establishments, Bars, Wineries and Brewery Tasting Rooms, and Other Changes

On June 18, 2020, the Los Angeles County Department of Public Health revised its June 11, 2020 Order and issued a new "Reopening Safer at Work and in the Community for Control of COVID 19: Moving the County of Los Angeles into Stage 3 of California's Pandemic Resilience Roadmap" (June 18 Revised County Order), to allow additional activities to resume and to allow additional businesses to conditionally reopen. The County of Los Angeles is following the State of California's phased reopening that progressively designates sectors, businesses, establishments or activities that may reopen or resume, with necessary modifications to protect the public health and safety, and to lower the risk of transmission of Novel Coronavirus Disease (COVID-19).

To allow certain activities to resume, and Culver City businesses to safely reopen as the County permits, effective as of the date of this Order, and 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, effective June 19, 2020, I hereby order the following:

1. All persons are required to wear a cloth face covering over both their nose and their mouth whenever they leave their place of residence and are, or can be, in contact with or walking near or past others who are non-household members in both public and private places, whether indoors or outdoors. This includes wearing a cloth face covering when patronizing a business. Wearing a cloth face covering reduces the risk of transmission to others from people who do not have symptoms and do not know they are infected.
2. Personal care establishments, including nail salons and tanning salons; esthetician, skin care, and cosmetology services; electrology, body art professionals, tattoo parlors, piercing shops; and massage therapy (in non-healthcare settings), may reopen on June 19, 2020, provided that the number of persons admitted to these establishments is limited to 50% of the total maximum occupancy (or occupant load) of that building or room on its Certificate of

Occupancy, or as determined by Section 1004 of the 2019 California Building Code. The owner, manager or operator of a personal care establishment must, prior to reopening, prepare, implement and post the most recent version of the required Los Angeles County Department of Public Health Reopening Protocol for Personal Care Establishments (Appendix R) posted at <http://publichealth.lacounty.gov/media/Coronavirus/>.

3. Bars, wineries and brewery tasting rooms may reopen on June 19, 2020, provided that the owner, operator or manager of a bar, winery or brewery tasting room, must, prior to reopening, prepare, implement and post the most recent version of the required Los Angeles County Department of Public Health Reopening Protocol for Bars, Winery and Brewery Tasting Rooms (Appendix S) posted at <http://publichealth.lacounty.gov/media/Coronavirus/>.
4. As an update to my May 27, 2020 Order, attending in-person faith based services continued to be permitted, provided that any indoor gathering of congregants where a service is held is limited to the lower of 25% of the total maximum occupancy (or occupant load) assigned for that building or room, on its Certificate of Occupancy, or as determined by Section 1004 of the 2019 California Building Code), or a maximum of 100 people. There is no maximum for faith-based services that are held *outdoors*, provided that the attendees have enough space to observe strict physical distancing, including a minimum of six feet between attendees from different households. Faith based organizations holding in-person services both indoor and outdoor, must follow the Los Angeles County Public Health Places of Worship Protocol (Appendix F) posted on <http://publichealth.lacounty.gov/media/coronavirus/>.
5. As a further update to my May 27, 2020 Order, participating in in-person protests continue to be permitted as long as, *for indoor protests*: (1) attendance is limited to 25% of the relevant area's maximum occupancy, as defined by the local permitting authority or other relevant authority, or a maximum of 100 attendees, whichever is lower; and (2) physical distancing of six (6) feet between persons or groups of persons from different households is maintained at all times. Outdoor protests are permitted without a limit on attendees. Persons participating in a protest must wear a cloth face covering and maintain physical distancing of at least six feet between persons or groups of persons from different households at all times, as well as observe the Los Angeles County Department of Public Health Protocol for Public Demonstrations posted at <http://publichealth.lacounty.gov/media/Coronavirus/>.
6. As an update to my June 12, 2019 Order, swimming pools and splash pads in any *non-residential* setting may reopen. The owner, manager or operator must prepare, implement and post the most recent version of the required Los Angeles County Department of Public Health Protocol for Swimming Pools posted at


<http://publichealth.lacounty.gov/media/Coronavirus/>. All hot tubs, saunas, and steam rooms located on *non-residential* property remain closed.

7. In accordance with the June 18, 2020 Revised County Order, Section 7, the following types of higher risk businesses, recreational sites, commercial properties, and activities, where more frequent and prolonged person-to-person contacts are likely to occur, shall continue to be closed:
 - a. Lounges and nightclubs;
 - b. [Intentionally Omitted]
 - c. Public entertainment venues such as movie theaters, live performance theaters, concert venues, theme parks and festivals;
 - d. Family entertainment centers such as bowling alleys, arcades, miniature golf, and batting cages;
 - e. [Intentionally omitted];
 - f. [Intentionally Omitted]
 - g. Indoor and outdoor playgrounds for children, except those located within a school or childcare center;
 - h. Hot tubs, steam rooms, and saunas not located on a residential property;
 - i. All events and gatherings, except specifically permitted by this Order or a previous order.
8. This Nineteenth Supplement to Public Order supersedes any provision in a previous Order where there is a conflict between the Orders; otherwise all Stay at Home orders remain in place. Except as specifically provided herein, or in previous orders, public and private gatherings of any number of people occurring outside of a single household or living unit continue to be prohibited.
9. 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.

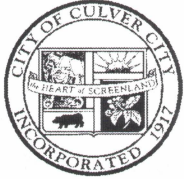
Any violation of this Nineteenth Supplement to Public Order may be enforced under the CCMC, which provides for fines not to exceed \$1,000 or imprisonment not to exceed six months. Each individual officer should use their discretion in enforcing this order and always keep the intent of the order in mind.

This Nineteenth Supplement to Public Order shall be effective immediately and shall remain in effect until superseded, amended, modified or rescinded.

Date: 6/19/2020



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



JOHN M. NACHBAR
CITY MANAGER

CITY MANAGER'S OFFICE

CITY OF CULVER CITY

9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507

(310) 253-6000

FAX (310) 253-6010

**Twentieth Supplement to Public Order Under
City of Culver City Emergency Authority**

Issue Date: July 7, 2020

**Subject: COVID-19 Reopening Safer at Work and in the Community:
(1) Conditional Waiver of Transit Occupancy Tax ("TOT") Penalties
upon Payment of Past Due TOT within 30 days; and (2) Clarification of
Previous Orders Superseded by Los Angeles County Public Health
Order**

This Twentieth Supplement to Public Order is issued to address two issues: (1) a conditional waiver of outstanding penalties and interest related to transit occupancy taxes owed to the City; and (2) recent County of Los Angeles Orders closing certain businesses due to increases in COVID-19 cases in Los Angeles County, which supersede certain provisions in previous Culver City orders.

Waiver of Penalties Upon Payment of Past Due Transit Occupancy Tax Within 30 Days:

Under the provisions of Culver City Municipal Code(CCMC) Subchapter 11.02.100 *et seq.*, hotels and motels, and any lodging or dwelling occupied, intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, as defined by CCMC Subchapter 11.02 ("hotels and motels"), must pay to the City of Culver City ("City") a transient occupancy tax ("TOT") of 14% of the rent charged by the operator. This tax shall be collected by the operator and remitted to the City. During the course of the COVID-19 Local Emergency, hotels and motels subject to the City's TOT have experienced financial hardship and/or have temporarily closed for business due to Stay at Home and Safer at Home Orders issued by the State of California, the County of Los Angeles and Culver City. As a result, some hotel/motel operators have not remitted all TOT owed to the City and have accrued penalties and interest on the unpaid TOT.

Effective as of the date of this Order, and 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, effective July 7, 2020, I hereby order the following:

1. Penalties and interest due to the City on any past due TOT will be waived, provided payment of all outstanding TOT is remitted to the City within 30 days from the date of this Order.

2. For those operators who have already paid their past due TOT, as of the date of this Order, all outstanding penalties and interest that have accrued between March 1, 2020 and July 7, 2020 is hereby waived.
3. This Order shall not apply to TOT remittals that are governed by a voluntary collection agreement with the City.

Previous Orders Superseded by the County of Los Angeles July 1, 2020 Public Health Order:

Over the past weeks, various business sectors and activities were permitted to reopen, subject to complying with Los Angeles County Public Health protocols for each activity or business sector. However, due to the increases in daily reported COVID-19 cases, hospitalizations, and the testing positivity rates, the June 28, 2020 and July 1, 2020 Revised County of Los Angeles Public Health Orders closed certain activities and business sectors, superseding previous reopening orders. Accordingly, in compliance with Section 7 of the July 1 County Revised Order, the following types of higher risk businesses, recreational sites, commercial properties, and activities, where more frequent and prolonged person-to-person contacts are likely to occur, shall close or continue to be closed:


- a. Lounges and nightclubs;
- b. Bars, breweries, tasting rooms, craft distilleries and wineries that possess a valid low risk restaurant public health permit issued by the County of Los Angeles;
- c. Brewpubs, craft distilleries and breweries and wineries, with premises set aside for beer and/or wine tasting that are exempt from the definition of a food facility by California Health and Safety Code Section 113789(c)(5) and do not hold a health permit for preparing and serving food on site;
- d. Public entertainment venues: movie theaters, live performance theaters, concert venues, theme parks and festivals;
- e. Family entertainment centers such as bowling alleys, arcades, miniature golf, and batting cages;
- f. All restaurants, but only for indoor, in-person onsite dining, until further notice;
- g. Cardrooms, satellite wagering facilities, and racetrack onsite wagering facilities, until further notice;
- h. Indoor and outdoor playgrounds for children, except those located within a school or childcare center;
- i. Indoor portions and exhibits of museums, zoos and aquariums, are closed to the public until further notice;
- j. Hot tubs, steam rooms, and saunas not located on a residential property;
- k. All events and gatherings, unless specifically permitted under the July 1, 2020 Public Health Order.

4. Food court dining and seating areas located in indoor malls or indoor shopping centers must close until further notice. Restaurants located within an indoor mall or shopping center may offer food for delivery, carry out, and outdoor table dining only.
5. This Twentieth Supplement to Public Order supersedes any provision in a previous Order where there is a conflict between the Orders; otherwise all Stay at Home orders remain in place. Except as specifically provided herein, or in previous orders, public and private gatherings of any number of people occurring outside of a single household or living unit continue to be prohibited.
6. 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 Twentieth Supplement to Public Order may be enforced under the CCMC, which provides for fines not to exceed \$1,000 or imprisonment not to exceed six months. Each individual officer should use their discretion in enforcing this order and always keep the intent of the order in mind.

This Twentieth Supplement to Public Order shall be effective immediately and shall remain in effect until superseded, amended, modified or rescinded.

Date: 7/7/2020



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