

RESOLUTION NO. 2020_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, CONFIRMING THE JULY 21, 2020 TWENTY-FIRST SUPPLEMENT TO PUBLIC ORDER (TEMPORARY ZONING CODE MODIFICATIONS TO SUPPORT THE SAFE OUTDOOR OPERATION OF GYMS, FITNESS CENTERS AND PERSONAL CARE SERVICES TO AID IN THE REOPENING AND RECOVERY OF BUSINESSES DURING COVID-19; AND AUTHORIZATION TO USE DONATED FACE MASKS) 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 23, 2020, Johns Hopkins University reported 15,301,530 confirmed COVID-19 cases globally and 625,005 deaths; 3,998,259 cases nationally, with 143,701 deaths; and 413,576 cases in California, with 7,870 deaths. Further, as of July 23, 2020, the Los Angeles County Department of Public Health reported 165,134 cases in Los Angeles County with 4,215 deaths, which includes 299 cases and 27 deaths in Culver City. As there is a rapid increase in cases and ongoing significant risk of infection throughout the United States and the State of California, the California Department of Public Health and the

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

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

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

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

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25 WHEREAS, beginning in May 2020, the City Manager issued supplemental
26 public orders consistent with the Los Angeles County Roadmap to Recovery orders, including:
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- *Tenth Supplement to Public Order on May 7, 2020* (safe reopening of limited businesses with strict physical distancing and infection control protocols in place; additional curbside pick-up);
- *Eleventh Supplement to Public Order on May 14, 2020* (extension of previous orders; safe reopening of additional businesses with curbside pick-up; extension of relaxation of parking and signage restrictions; extension of outdoor dining and valet parking fee waivers);
- *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

1 WHEREAS, due to increases in the daily reported COVID-19 cases,
2 hospitalizations, and the testing positivity rates, the Los Angeles County Public Health Officer
3 issued revised orders on June 28, 2020 and July 1, 2020, in alignment with the California
4 Governor's announcements requiring the closure of specific activities and business sectors,
5 including but not limited to bars, breweries, tasting rooms, distilleries that possess a low risk
6 public health restaurant permit, indoor restaurant dining, cardrooms, satellite wagering
7 facilities, and indoor portions of museums, zoos and aquariums, in effect superseding certain
8 previous orders, including those in Culver City that were more lenient than the new restrictions,
9 to address the serious regression of COVID-19 indicators within Los Angeles County; and
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11 WHEREAS, on July 7, 2020, to acknowledge the financial hardship experienced
12 by hotels and motels in the City, the City Manager issued the Twentieth Supplement to Public
13 Order, waiving penalties and interest due to the City on any past due transit occupancy
14 taxes ("TOT"), provided the payment of all outstanding TOT is remitted to the City within 30
15 days, and further providing that for those operators who have already paid their past due TOT,
16 all outstanding penalties and interest accrued between March 1, 2020 and July 7, 2020 are
17 waived; and
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19 WHEREAS, on July 21, 2020, the City Manager issued the Twenty-First
20 Supplement to Public Order (July 21 Order), allowing the safe outdoor operation of gyms,
21 fitness centers and personal care services, pursuant to a Temporary Use Permit (TUP),
22 provided all operations are in compliance with State, County and local protocols, rules and
23 regulations, and consistent with the June 10, 2020 Seventeenth Supplement to Public Order
24 which modified certain Culver City Zoning Code requirements to allow for the expansion of
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1 outdoor dining areas and outdoor display of retail goods on private property, subject to a TUP;
2 and

3 WHEREAS, the July 21 Order also authorized the use of a donation of 25,000
4 face masks from Nike, Inc., pursuant to Culver City Municipal Code Section 3.09.020.B.1.h(4).

5 NOW, THEREFORE, the City Council of the City of Culver City, California,
6 DOES HEREBY RESOLVE as follows:
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8 1. Pursuant to CCMC Section 3.09.020.B.1.h(2), the City Council hereby
9 confirms the Twenty-First Supplement to Public Order issued by the Director of Emergency
10 Services on July 21, 2020, attached hereto as Exhibit A and incorporated herein as though
11 fully set forth.

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

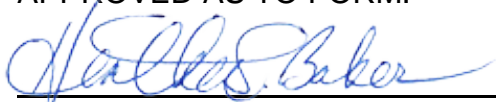
APPROVED and ADOPTED this _____ day of _____ 2020.

GÖRAN ERIKSSON, MAYOR
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

JEREMY GREEN
City Clerk



for CAROL A. SCHWAB
City Attorney

A20-00280

EXHIBIT A



JOHN M. NACHBAR
CITY MANAGER

CITY MANAGER'S OFFICE

CITY OF CULVER CITY

9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507

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Twenty-First Supplement to Public Order Under City of Culver City Emergency Authority

Issue Date: July 21, 2020

Subject: (1) Temporary Zoning Code Modifications to Support the Safe Outdoor Operation of Gyms, Fitness Centers and Personal Care Services to Aid in the Reopening and Recovery of Businesses During COVID-19; and (2) Authorization to Use Donated Face Masks

This Twenty-First Supplement to Public Order addresses two distinct issues: (1) outdoor operation on private property of gyms, fitness centers, personal care services, and other business sectors as may be authorized by the State of California and County of Los Angeles; and (2) authorization to use 25,000 donated face coverings necessary for the protection of persons in the City, as provided in Culver City Municipal Code Section 3.09.020.B.1.h(4).

Outdoor Operation of Gyms, Fitness Centers, and Personal Care Services

Over the past months, various business sectors and activities were permitted to reopen, subject to compliance with Los Angeles County Public Health protocols for each activity or business sector. Recently, however, in response to the increases in daily reported COVID-19 cases, hospitalizations, and the testing positivity rates, and in compliance with the State of California Orders, the County of Los Angeles issued revised Public Health Orders closing certain activities and business sectors.

As required by the July 13, 2020 Statewide Public Health Officer Order, on July 14, 2020, the Los Angeles County Public Health Officer issued a Revised Order, stating that gyms and fitness centers, and personal care services (such as hair salons, barbershops, nail salons, and non-therapeutic massage) must suspend all indoor operations.

In my June 10, 2020 Seventeenth Supplement to Public Order (June 10 Order), I modified certain Culver City Zoning Code requirements to allow for the expansion of outdoor dining areas and outdoor display of retail goods on private property, subject to a Temporary Use Permit (TUP) issued by the City, to facilitate physical distancing requirements while allowing these businesses to operate outdoors safely. Similarly, due to the new State and County Orders closing the indoor operations of gyms, fitness centers, and personal care services, to support the safe operations and recovery of these business sectors within the City during COVID-19, and consistent with the State and County Orders, 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. Gyms and fitness centers may open to operate outdoors only, on private property. Any gym or fitness center operating outdoors shall comply with all State of California Public Health Orders and guidance, industry guidance, local laws and regulations, and the most recent version of the required Los Angeles County Department of Public Health Protocol for Gyms and Fitness Establishments (Appendix L), posted at <http://publichealth.lacounty.gov/media/Coronavirus/>.
2. Hair salons and barbershops may open to operate outdoors only, on private property. Any hair salon or barbershop operating outdoors shall comply with all State of California Public Health Orders and guidance, industry guidance including but not limited to State Board of Cosmetology rules and regulations, local laws and regulations, and the most recent version of the required Los Angeles County Department of Public Health Protocol for Hair Salons and Barbershops (Appendix H), posted at <http://publichealth.lacounty.gov/media/Coronavirus/>.
3. Personal care services, including nail salons, esthetician, skin care, cosmetology services, and massage therapy (in non-healthcare settings), may open to operate outdoors only, on private property. Any personal service establishment opening outdoors shall comply with all State of California Public Health Orders and guidance, industry guidance including but not limited to State Board of Cosmetology rules and regulations, local laws and regulations, and 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/>.
4. In order to assist with social distancing and to protect the public health and economic vitality of area businesses, the business sectors listed above in Sections 1 through 3 shall be permitted to operate outdoors on privately owned parking lots through a Temporary Use Permit (TUP). Culver City Zoning Code Section 17.320.020, which requires a loss of parking stalls to be replaced, and an expansion of area dedicated to conducting business to be parked in accordance with Tables 3-3B, 3-3C, and 3-3D, shall be suspended for the sole purpose of effectuating this Public Order. Replacement parking or net new parking associated with the increased area for outdoor use approved through a TUP in accordance with this Public Order shall not be required.
5. To the extent the State of California and County of Los Angeles permit additional business sectors to operate outdoors, including office worksites, these businesses may apply for a TUP from the City to operate outdoors, on private property, as set forth in Section 4, provided the business shall comply with all State of California Public Health Orders and guidance, industry guidance, local laws and regulations,

and the most recent version of the required Los Angeles County Department of Public Health Reopening Protocol for that particular business sector posted at <http://publichealth.lacounty.gov/media/Coronavirus/>.

6. In order to effectuate this Public Order, the Community Development Director shall have the authority and discretion to establish procedures, standards, conditions, rules and regulations for the processing and issuance of Temporary Use Permits, as he may deem appropriate and necessary to protect the public health, safety and welfare.

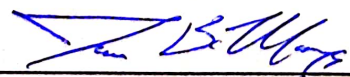
Authorization to Use Donated Face Masks

7. Pursuant to Culver City Municipal Code Section 3.09.020.B.1.h(4), the City's Emergency Operations Center (EOC) may accept and use the donation of 25,000 face masks from Nike, Inc., to provide for the protection of employees and persons in the City. The donation is deemed duly accepted by the City Council in accordance with California Government Code section 37354 or its successor provision. This donation will be reported to the City Council as required at its next regular meeting.
8. This Twenty-First 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, 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 Twenty-First 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 Twenty-First Supplement to Public Order shall be effective immediately and shall remain in effect until superseded, amended, modified or rescinded.

Date: 7/21/20


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