

RESOLUTION NO. 2020\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, CONFIRMING THE OCTOBER 30, 2020 TWENTY-NINTH SUPPLEMENT TO PUBLIC ORDER (MODIFIED INDOOR OPERATION OF PERSONAL CARE ESTABLISHMENTS; CLARIFICATION REGARDING FOOD COURT DINING AREAS IN INDOOR MALLS AND SHOPPING CENTERS; CONDITIONAL OUTDOOR OPERATION OF MINIATURE GOLF, BATTING CAGES, AND GO CART RACING; PERCENTAGE OF STUDENTS PERMITTED ON K-12 CAMPUS WITH IEPS AND ELS AND OTHER HIGH NEEDS INCREASED TO 25%; CONDITIONAL OPENING OF WINERIES AND BREWERIES FOR OUTDOOR DINING OPERATIONS; AND TEMPORARY LIMIT ON THIRD PARTY FOOD DELIVERY SERVICE FEES) 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 October 20, 2020, Johns Hopkins University reported 40,635,759 confirmed COVID-19 cases globally and 1,121,758 deaths; 8,260,459 cases nationally, with 220,824 U.S. deaths; and 882,562 cases in California, with 17,009 deaths. Further, as of October 20, 2020, the Los Angeles County Department of Public Health (LACDPH) reported 289,366 cases in Los Angeles County with 6,877 deaths, which includes 408 cases and 28 deaths in Culver City (LACDPH information includes data through 8 p.m. on

1 10/18/2020). As there is a continued increase in cases and ongoing significant risk of infection  
2 throughout the United States and the State of California, the California Department of Public  
3 Health and the Los Angeles County Department of Public Health continue to actively address  
4 the COVID-19 pandemic and implement measures to prevent the spread of COVID-19; and

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

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

- *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 facilities,  
7 and indoor portions of museums, zoos and aquariums, in effect superseding certain previous  
8 orders, including those in Culver City that were more lenient than the new restrictions, to  
9 address the serious regression of COVID-19 indicators within Los Angeles County; and  
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11 WHEREAS, on July 7, 2020, to align with the County of Los Angeles, the City  
12 Manager issued the Twentieth Supplement to Public Order, to reiterate which higher risk  
13 businesses, recreational sites, and commercial properties must be closed under the County of  
14 Los Angeles recent Public Health orders; additionally, to acknowledge the financial hardship  
15 experienced by hotels and motels in the City, the July 7 Order waived penalties and interest  
16 due to the City on any past due transit occupancy taxes ("TOT"), provided the payment of all  
17 outstanding TOT is remitted to the City within 30 days, and further providing that for those  
18 operators who have already paid their past due TOT, all outstanding penalties and interest  
19 accrued between March 1, 2020 and July 7, 2020 were waived; and  
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21 WHEREAS, beginning in late July 2020, to support the safe operations and  
22 recovery of the City's business sectors and educational activities within the City during COVID-  
23 19, and consistent with the State Orders and guidance as well as County Orders and protocols,  
24 the City Manager issued the following supplemental public orders:  
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- 26 • *Twenty-First Supplement to Public Order on July 21, 2020* (allowing the safe  
27 outdoor operation of gyms, fitness centers and personal care services,  
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pursuant to a Temporary Use Permit, provided all operations were in compliance with State, County, and local protocols);

- *Twenty-Third Supplement to Public Order on August 13, 2020* (allowing gyms and fitness establishments to temporarily use Culver City parks facilities, subject to obtaining a temporary park use permit);
- *Twenty-Fourth Supplement to Public Order on August 21, 2020* (allowing youth sports programs to resume, and to address the expanded use of outdoor park spaces for therapeutic small group meetings and in-person faith-based services, subject to a park permit and following the applicable County of Los Angeles protocols);
- *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).

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

WHEREAS, On October 23, 2020, the Los Angeles County Public Health Officer issued two updated Safer at Work and in the Community Orders: a Blueprint for a Safer Economy – Tier 1, permitting various modified reopenings, and

WHEREAS, neighboring cities, including Beverly Hills, Santa Monica, West Hollywood, and the City of Los Angeles, have set maximum fees that Third Party Food Delivery Services may charge to Retail Food Establishments; and

1 WHEREAS, on October 26, 2020, City Council directed the City Manager to  
2 include in a Public Order a limit on the Third Party Food Delivery Services fees, consistent with  
3 neighboring cities; and

4 WHEREAS, on October 30, 2020, the City Manager issued the Twenty-Ninth  
5 Supplement to Public Order, which allowed the modified indoor operation of personal care  
6 establishments; clarified the closure of food court dining areas in indoor malls and shopping  
7 centers; allowed the conditional outdoor operation of miniature golf, batting cages, and go cart  
8 racing; increased the percentage of students permitted on K-12 Campus with IEPs and Els and  
9 to 25%; allowed the conditional opening of wineries and breweries for outdoor dining  
10 operations; and put a limit on the delivery fees, as well as other fees, commissions and costs  
11 that third party food delivery service providers may charge retail food establishments.  
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13 NOW, THEREFORE, the City Council of the City of Culver City, California, DOES  
14 HEREBY RESOLVE as follows:  
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16 1. Pursuant to CCMC Section 3.09.020.B.1.h(2), the City Council hereby  
17 confirms the Twenty-Ninth Supplement to Public Order issued by the Director of  
18 Emergency Services on October 30, 2020, attached hereto as Exhibit A and  
19 incorporated herein as though fully set forth.

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

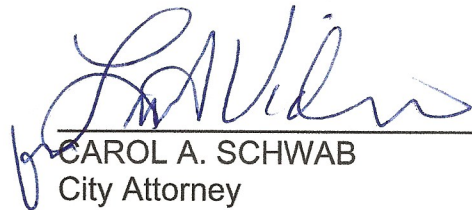
APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
GÖRAN ERIKSSON, MAYOR  
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
JEREMY GREEN  
City Clerk

  
\_\_\_\_\_  
CAROL A. SCHWAB  
City Attorney