

RESOLUTION NO. 2021_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, CONFIRMING THE MARCH 25, 2021 THIRTY-FIFTH SUPPLEMENT TO PUBLIC ORDER ((1) CONTINUED ALIGNMENT WITH THE LOS ANGELES COUNTY PUBLIC HEALTH ORDER: REOPENING SAFER AT WORK AND IN THE COMMUNITY - BLUEPRINT FOR A SAFER ECONOMY; (2) FURTHER EXTENSION OF WAIVER OF OUTDOOR DINING LICENSE FEES AND VALET PARKING LICENSE FEES TO JUNE 30, 2021; AND (3) EXTENSION OF THE LIMIT ON THIRD PARTY FOOD DELIVERY SERVICE FEES TO THE END OF THE LOCAL EMERGENCY) 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 April 5, 2021, Johns Hopkins University reported 131,612,552 confirmed COVID-19 cases globally and 2,856,790 deaths; 30,769,369 confirmed cases in the United States, with 555,377 deaths. In California, there have been 3,675,272 confirmed cases, with 59,614 deaths. Further, as of April 5, 2021, the Los Angeles County Department of Public Health (LACDPH) reported 1,222,114 cases in Los Angeles County with 23,275 deaths, which includes 2164 cases and 104 deaths in Culver City; and

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

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

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

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

- 22 • *Tenth Supplement to Public Order on May 7, 2020* (safe reopening of limited
23 businesses with strict physical distancing and infection control protocols in
24 place; additional curbside pick-up);
- 25 • *Eleventh Supplement to Public Order on May 14, 2020* (extension of previous
26 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

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, including but not limited to bars, breweries, tasting rooms, distilleries that possess a low risk

1 public health restaurant permit, indoor restaurant dining, cardrooms, satellite wagering facilities,
2 and indoor portions of museums, zoos and aquariums, in effect superseding certain previous
3 orders, including those in Culver City that were more lenient than the new restrictions, to
4 address the serious regression of COVID-19 indicators within Los Angeles County; and

5 WHEREAS, on July 7, 2020, to align with the County of Los Angeles, the City
6 Manager issued the Twentieth Supplement to Public Order, to reiterate which higher risk
7 businesses, recreational sites, and commercial properties must be closed under the County of
8 Los Angeles recent Public Health orders; additionally, to acknowledge the financial hardship
9 experienced by hotels and motels in the City, the July 7 Order waived penalties and interest
10 due to the City on any past due transit occupancy taxes ("TOT"), provided the payment of all
11 outstanding TOT is remitted to the City within 30 days, and further providing that for those
12 operators who have already paid their past due TOT, all outstanding penalties and interest
13 accrued between March 1, 2020 and July 7, 2020 were waived; and
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16 WHEREAS, beginning in late July 2020, to support the safe operations and
17 recovery of the City's business sectors and educational activities within the City during COVID-
18 19, and consistent with the State Orders and guidance as well as County Orders and protocols,
19 the City Manager issued the following supplemental public orders:

- 20 • *Twenty-First Supplement to Public Order on July 21, 2020* (allowing the safe
21 outdoor operation of gyms, fitness centers and personal care services,
22 pursuant to a Temporary Use Permit, provided all operations were in
23 compliance with State, County, and local protocols);
- 24 • *Twenty-Third Supplement to Public Order on August 13, 2020* (allowing gyms
25 and fitness establishments to temporarily use Culver City parks facilities,
26 subject to obtaining a temporary park use permit);
- 27 • *Twenty-Fourth Supplement to Public Order on August 21, 2020* (allowing
28 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).
- *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; and

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

WHEREAS, on March 19, 2021, the County of Los Angeles issued a new Public Health Officer Order, which moved the County from the Purple Tier into the Red Tier of the state's color-coded four tier system, due to the steady decline in testing positivity rates, hospitalizations and deaths; and

WHEREAS, on March 25, 2021, the City Manager, in his capacity as Director of Emergency Services, issued the Thirty-Fifth Supplement to Public Order (March 25 Order), to continue to align with the County of Los Angeles, and to extend the waiver of outdoor dining license fees and valet parking license fees, to June 30, 2021, as well as extend the limitations established on October 30, 2020 pertaining to Third Party Food Delivery Service Fees to the end of the Local Emergency.

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

1 Pursuant to CCMC Section 3.09.020.B.1.h(2), the City Council hereby
2 confirms the Thirty-Fifth Supplement to Public Order issued by the City Manager, in his
3 capacity as Director of Emergency Services, on March 25, 2021, attached hereto as
4 Exhibit A and incorporated herein as though fully set forth.

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

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

12 APPROVED and ADOPTED this _____ day of _____ 2021.
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17 _____
18 ALEX FISCH, MAYOR
19 City of Culver City, California

20 ATTEST:

21 APPROVED AS TO FORM:

22 _____
23 JEREMY GREEN
24 City Clerk

25 _____
26 CAROL A. SCHWAB
27 City Attorney
28



JOHN M. NACHBAR
CITY MANAGER

CITY MANAGER'S OFFICE
CITY OF CULVER CITY

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

Issue Date: March 25, 2021

Subject: (1) City of Culver City Continued Alignment with the Los Angeles County Public Health Order: Reopening Safer at Work and in the Community - Blueprint for a Safer Economy; (2) Further Extension of Waiver of Outdoor Dining License Fees and Valet Parking License Fees to June 30, 2021; and (3) Extension of the Limit on Third Party Food Delivery Service Fees to the End of the Local Emergency.

This Thirty-Fifth Supplement to Public Order continues to align the City of Culver City (City) with the County of Los Angeles Public Health Officer Order, most recently updated and issued on March 19, 2021 (County March 19 Order), which outlines the Blueprint for a Safer Economy - Red Tier Risk Reduction Measures. After a post-holiday surge and restrictions in place under the previous Purple Tier, those measures, along with the increase in vaccinations in the County, have produced a steady decline of COVID-19 cases, hospitalizations, testing positivity rates and deaths.

This Public Order also extends the waiver of outdoor dining license fees and valet parking license fees, to June 30, 2021, and extends the limitations established on October 30, 2020 pertaining to Third Party Food Delivery Service Fees to the end of the Local Emergency.

Background on State, County and City Public Orders

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.

In May 2020, the County of Los Angeles announced its Roadmap to Recovery, A Phased Approach to Reopening Safely, which allowed certain businesses and activities to slowly reopen and resume, subject to strict public health protocols. Although this phased reopening allowed some businesses to open and some activities to resume, many other businesses remained closed and activities were not permitted.

In late June and early July 2020, 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, in alignment with the California Governor's announcements, requiring the closure of specific activities and business sectors, superseding previous orders (which had allowed many businesses to reopen), to address the serious regression of COVID-19 indicators within Los Angeles County. Such closures of certain higher risk businesses, recreational sites, commercial properties, and activities, where more frequent and prolonged person-to-person contacts are likely to occur, superseded any previous openings permitted in Culver City.

The State of California issued a Limited Stay at Home Order ("Stay at Home Order") on November 19, 2020 for all counties under Tier One of California's Blueprint for a Safer Economy, including Los Angeles County, and strengthened that Order with December 3, 2020 and December 6, 2020 Regional Stay at Home Orders. To align with State Orders and Directives issued throughout December 2020, the County of Los Angeles issued additional Temporary Tier 1 Substantial Surge Response Orders through December 30, 2020, to address the lack of Intensive Care Unit (ICU) beds in the Southern California Region, and the alarming surge in COVID-19 positive cases, hospitalizations, and deaths.

On January 25, 2021, Governor Newsome announced that the State of California was lifting the Regional Stay at Home Order. 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. Since January 25th, the County has revised its Public Order based on the declining COVID-19 indicators, and the placement of the County in the State's Blueprint for a Safer Economy framework. The County of Los Angeles is in the Red Tier, which is less restrictive than the previous Purple Tier.

Blueprint for a Safer Economy-Red Tier-March 19, 2021

To align with the County of Los Angeles Public Health Officer's March 19 Order, and to support the safe reopening of businesses and safe participation in recreational activities within the City, 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. The City of Culver City will continue to align with the County of Los Angeles Health Officer Orders, effective immediately, and will automatically align with any subsequent County of Los Angeles Public Health Order or Directive, unless a new City Order is issued with Culver City specific restrictions or requirements.*** Current Public Orders specific to Culver City, including all unexpired Orders pertaining to the City's eviction moratoria, the temporary waiver of outdoor dining and valet parking fees and the temporary limitations on third-party food delivery services fees, which are each addressed further hereinbelow, signage and sandwich board provisions, and temporary use

permits for outdoor operations of businesses and outdoor recreational activities, shall remain in effect, unless otherwise stated in this or a future Public Order.

2. Continued Waiver of Outdoor Dining and Valet Parking License Fees. As set forth in the March 20, April 11, May 14, May 27, August 21, October 2, and November 23, 2020 Supplements to Public Orders, outdoor dining license fees and valet parking license fees will continue to be waived through June 30, 2021.

3. Third Party Food Delivery Service Fees. The limitations established on October 30, 2020 pertaining to Third Party Food Delivery Service Fees in the City and extended on January 26, 2021, are hereby extended to the end of the Local Emergency, or until modified or rescinded in a future Public Order. All provisions of the October 30, 2020 Order pertaining to Third Party Food Delivery Service Fees remain in effect.

4. Face coverings continue to be required at all times while out in public, covering the nose and mouth when in or likely to be in contact with others who do not live in their household.

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.

6. This Thirty-Fifth Supplement to Public Order supersedes any provision in a previous Public Order where there is a conflict between the Public Orders; otherwise, all Stay at Home orders remain in place. Except as specifically provided in this Public Order, or existing County reopening protocols, all other public and private gatherings continue to be prohibited.

Any violation of this Thirty-Fifth 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-Fifth Supplement to Public Order shall be effective immediately and shall remain in effect until superseded, amended, modified, rescinded, or expired by its terms.

Date: 03/25/2021



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