



# City of Culver City

## Staff Report

File #: 21-861, Version: 1

Item #: C-3.

**CC - Adoption of a Resolution 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.**

**Meeting Date:** April 12, 2021

**Contact Person/Dept:** Jesse Mays/City Manager's Office  
Lisa Vidra/City Attorney's Office

**Phone Number:** (310) 253-5660  
(310) 253-6000

**Fiscal Impact:** Yes  No  **General Fund:** Yes  No

**Public Hearing:**  **Action Item:**  **Attachments:**

**Commission Action Required:** Yes  No  **Date:**

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (04/07/2021);

**Department Approval:** John M. Nachbar, City Manager (04/07/2021)

### **RECOMMENDATION**

Staff recommends the City Council adopt a Resolution confirming the March 25, 2021 Thirty-Third Supplement to Public Order [(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] 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.

## **BACKGROUND**

After the City Manager declared a Local Emergency on March 14, 2020, on March 16th, he issued a Public Order enacting new City measures to protect members of the public and City workers from undue risk of COVID-19. ("March 16 Order"). The March 16 Order included, among other things, temporary restrictions on certain establishments throughout Culver City, in which large numbers of people tend to gather and remain in close proximity.

Since the issuance of the March 16 Order, a number of supplemental orders have been issued, to follow the lead of the State of California and to be consistent with the Los Angeles County Department of Public Health, as well as a number of our neighboring communities, including the City of Los Angeles, while addressing Culver City specific issues where needed.

On May 29, 2020, the Los Angeles County Department of Public Health revised its "Reopening Safer at Work and in the Community for Control of COVID 19: Moving the County of Los Angeles through Stage 2 of California's Pandemic Resilience Roadmap", to allow additional businesses to conditionally re-open. The County of Los Angeles is following the State of California's phased re-opening 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 COVID-19.

Additional Los Angeles County Orders were issued in June 2020, to continue to align with the State of California as it moves through Stage 2 of the Resilience Roadmap, by allowing activities to resume and businesses to safely re-open. The City Manager issued further supplemental orders through June 19, 2020, in alignment with the County orders, as well as orders unique to Culver City. to assist with the recovery of existing businesses and help new businesses establish themselves.

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.

In early October 2020, the County of Los Angeles Public Health Officer revised its Order and protocols to phase in various limited reopenings and recreational activities. On October 14, 2020, the County of Los Angeles Public Health Officer revised its Order to allow private gatherings of persons from no more than three households, subject to public health protocols.

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, and an Order specific to the conditional reopening of wineries and breweries for outdoor dining operations. Additionally, on October 26, 2020, City Council directed the City Manager to include in a Public Order a limit on the fees consistent with neighboring cities.

On October 30, 2020, the City Manager issued the Twenty-Ninth Supplement to Public Order

(October 30 Order). The October 30 Order allowed the 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%; and the conditional opening of wineries and breweries for outdoor dining operations. Additionally, the October 30 Order placed a temporary limit on third party food delivery service fee, or other fees, commissions, or costs, that Third Party Food Delivery Service providers may charge a Retail Food Establishment. Delivery Fees may not total more than 15% of the purchase price of an online order, and any combination of fees, commissions, or costs, may not be greater than 5% of the purchase price of each online order.

Throughout November, the number of new COVID-19 cases began to escalate. 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. The Stay at Home Order requires that all gatherings with members of other households and all activities conducted outside the residence with members of other households cease between the hours of 10:00 p.m. and 5:00 a.m., except for those activities associated with the operation, maintenance, or usage of critical infrastructure or required by law. The County of Los Angeles issued a Tier 1 Surge Response Order on November 19, 2020, and on November 22, 2020 announced further limitations on that order as to prohibiting outdoor dining operations beginning November 25th.

On November 23, 2020, the City Manager issued the Thirty-First Supplement to Public Order (November 23 Order) to align with the County of Los Angeles Surge Response Orders. This order limited the number of persons permitted to gather at outdoor private gatherings, and temporarily suspended outdoor dining at restaurants, bars, wineries, and breweries as of November 25, 2020. Additionally, limitations were placed on the capacity for lower risk retail (25%), essential office-based businesses (25%), personal care establishments (25%), and outdoor operations of cardrooms, miniature golf, batting cages and go cart racing (50%). Activities between 10:00 p.m. and 6:00 a.m. were restricted. The November 23 Order also extended the waiver of outdoor dining license fees and valet parking license fees, through March 31, 2021.

Due to the continued escalation of the number of new COVID cases, the increased hospitalizations, and the increasing positivity rate, the County of Los Angeles issued a Temporary Surge Response Order on November 28, 2020 which outlined a number of safety measures that were to stay in place for three weeks, until December 20, 2020. All public and private gatherings were prohibited with persons not in the same household, except for church services and protests. Occupancy was reduced for permitted activities, and all activities must cease during the state curfew hours of 10:00 p.m. to 5:00 a.m. except for essential activities and those required by law. On November 30, 2020, the City Manager issued the Thirty-Second Supplement to Public Order effective until December 20, 2020, to mirror the November 28<sup>th</sup> County Surge Response Order.

On December 6, 2020, due to the sustained and substantial rise in COVID-19 cases, hospitalizations and deaths, the County of Los Angeles issued a Revised Temporary Targeted Safer at Home Health Officer Order, which temporarily superseded all other Orders including all orders in Culver City that were in conflict. This Order was issued in response to the total available adult ICU bed capacity falling below 15% in the Southern California region of 11 counties, which includes Los Angeles County, as mandated by the State of California. This Temporary Targeted Order was in effect through December 27, 2020, and imposed further restrictions, including the closure of personal care services,

indoor and outdoor playgrounds, and family entertainment centers. Businesses are further required to conduct entrance metering of customers, to ensure that the limitations on occupancy capacity are met.

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. As a further response to the sustained and substantial rise in COVID-19 cases, hospitalizations, and deaths, on December 30, 2020, the County of Los Angeles Health Officer issued an Updated Tier 1 Substantial Surge Response Order, which was to remain in effect as long as the State of California Regional Stay at Home Order was in effect.

## **DISCUSSION**

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. The following day, January 26, 2021, the City Manager, in his capacity as Director of Emergency Services, issued the Thirty-Third Supplement to Public Order (January 26 Order)

On March 19, 2021, the County of Los Angeles issued a new Public Health Officer Order, which moved the County into the Red Tier of the state's color-coded four tier system. 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.

Accordingly, 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.

The County of Los Angeles as of Monday April 5, 2021 has moved to the less restrictive Orange Tier.

### ***Confirmation of Public Orders***

Pursuant to CCMC Section 3.09.020.B.1.h(2), staff recommends the City Council adopt the proposed Resolution confirming the March 25 Order.

## **FISCAL ANALYSIS**

There may be staff costs associated with the enforcement of the March 25 Order; however, it is not estimated to be material at this time. If staff incurs any overtime with the enforcement of the Order, the overtime will be tracked and included with the FEMA reimbursement requests.

## **ATTACHMENTS**

2021-04-12\_ATT\_Proposed Resolution Confirming March 25 Public Order

**MOTION**

That the City Council:

Adopt a Resolution confirming the Confirming the March 25, 2021 Thirty-Fifth Supplement to Public Order [(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] 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.