Staff Report Details (With Text)

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Type:	Resolution			**Status:**	Action Item
File created:	6/10/2020			**In control:**	City Council Meeting Agenda
On agenda:	6/22/2020			**Final action:**	
Title:	CC - Adoption of a Resolution Confirming June 10, 2020 Seventeenth Supplement to Public Order (Zoning Code Modifications) and June 12, 2020 Eighteenth Supplement to Public Order (Safe Reopening of Additional Businesses and Activities Moving into Stage 3), 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.				
Sponsors:					
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Attachments:	1. 2020-06-22_ATT Resolution_June 10 and 12 Orders_Zoning Modifications and Additional Reopenings_FINAL.pdf				

Date	Ver.	Action By	Action	Result
6/22/2020	1	City Council Meeting Agenda		

CC - Adoption of a Resolution Confirming June 10, 2020 Seventeenth Supplement to Public Order (Zoning Code Modifications) and June 12, 2020 Eighteenth Supplement to Public Order (Safe Reopening of Additional Businesses and Activities Moving into Stage 3), 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: June 22, 2020

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

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

Fiscal Impact: Yes [] No [x] **General Fund:** Yes [X] No []

Public Hearing: [] **Action Item:**[X] **Attachments:** [X]

Commission Action Required: Yes [] No [X] **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (06/18/2020);

Department Approval: John M. Nachbar, City Manager (06/15/2020)

RECOMMENDATION

Staff recommends the City Council adopt a Resolution confirming the June 10, 2020 Seventeenth Supplement to Public Order (Zoning Code Modifications) and the June 12, 2020 Eighteenth Supplement to Public Order (Safe Reopening of Additional Businesses and Activities Moving into Stage 3), 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/DISCUSSION

On March 14, 2020, pursuant to the authority granted by Culver City Municipal Code ("CCMC") Section 3.09.020.B.1.a, the City Manager, as the Director of Emergency Services, issued a Proclamation of Local Emergency due to the outbreak and spread of the coronavirus respiratory disease ("COVID-19") pandemic.

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 Novel Coronavirus Disease (COVID-19).

On June 1, 2020, to continue to align with the County of Los Angeles as it moves through Stage 2 of the Resilience Roadmap, by allowing activities to resume and Culver City businesses to safely re-open as the County permits, the City Manager issued a Sixteenth Supplement to Public Order allowing hair salons and barbershops to reopen with conditions; allowing restaurants and other food facilities to reopen for in-person dining at 60% capacity; and allowing restaurants and retailers to temporarily expand into the public right-of-way, subject to the approval of the Public Works Director/City Engineer, who was granted the discretion to establish procedures, standards, conditions, rules and regulations to protect the public health, safety and welfare.

Seventeenth Supplement

On June 9, 2020, the City Council received a progress update from the Economic Recovery Task Force including, among other things, potential temporary modifications to or relaxation of

requirements of Title 17, Zoning, of the Culver City Municipal Code ("Zoning Code"), in order to assist with the recovery of existing businesses and help new businesses establish themselves in Culver City. The City Council provided direction to the City Manager as follows:

- *Legal Nonconforming Uses:* Due to COVID-19, the ability of businesses to operate on a continuous basis is yet to be determined. Many businesses may have to resume and continue operations intermittently in response to economic demand or additional health concerns. Discontinuance of a legal non-conforming use will be allowed to extend beyond the one-year period, before it is considered extinguished, in order to help businesses that face uncertainty during the pandemic.

- *Exclude Outdoor Dining Area from Parking Calculations:* In order to meet social distancing requirements, outdoor dining will be necessary to assist restaurants with the space and capacity needed to remain profitable. In order to facilitate establishment of outdoor dining to protect the public health and economic vitality of area businesses, the City will waive the parking requirements for outdoor dining areas.

- *Include Only Indoor Dining in Parking Calculations:* To help new restaurant uses establish themselves in Culver City, parking requirements will be applied to the square footage of the dining area only. It can be assumed that dining area drives the most trip generation as part of a restaurant and areas such as walk-in freezers and bathrooms do not generate their own parking demand. This modification will assist new businesses that intend to occupy space previously held by retail or office uses with a less intensive standard.

- *Allow Takeaway Alcohol Services:* Alcoholic beverage offerings help to bring in additional revenue for businesses. During the COVID-19 pandemic, California State Alcoholic Beverage Control has relaxed regulations to allow restaurants that usually sell alcohol for in place dining to sell it as part of takeaway orders, if the alcohol is in a secure beverage container, such as a cup with a lid. Culver City will support local restaurants by further addressing alcoholic beverage takeaway.

- *Dining and Retail Sales in Private Parking Lot Areas:* The requirement of a conditional use permit for outdoor dining and outdoor retail displays on private property should be temporarily waived. An alternate Temporary Use Permit (TUP) process has been utilized for restaurants to allow outdoor dining in privately owned parking lots to assist with social distancing. This TUP process should be extended to retail businesses for outdoor retail displays in order to assist with social distancing within retail locations.

To support the safe reopening and recovery of restaurants and retail businesses during COVID-19, on June 10, 2020, the City Manager issued the Seventeenth Supplement to Public Order, consistent with City Council's June 9th direction (June 10 Order).

Eighteenth Supplement

On June 11, 2020, the Los Angeles County Department of Public Health issued a revised public order "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" (Revised County Order), allowing the safe reopening of additional businesses and activities, subject to applicable health and

safety protocols.

On June 12, 2020, to continue to align with the County of Los Angeles as it moves through Stage 3 of the Resilience Roadmap, the City Manager issued an Eighteenth Supplement to Public Order consistent with the Revised County Order, to allow the following:

- 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 visits.

In addition, and consistent with prior County orders, outdoor and indoor photography is permitted, as well as obtaining in-person behavioral health or substance use disorder support in therapeutic small groups meetings, such as Alcoholics Anonymous. All business reopening and all activities must be conducted with strict adherence to all applicable Los Angeles County Public Health protocols.

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 June 10 and June 12 Orders (Attachment 1).

FISCAL ANALYSIS

There may be staff costs associated with the enforcement of the June 10, 2020; however, it is not estimated 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

1. 2020-06-22_ATT_Proposed Resolution Confirming June 10 and June 12 Orders

MOTION

That the City Council:

Adopt a Resolution confirming June 10, 2020 Seventeenth Supplement to Public Order (Zoning Code Modifications) and June 12, 2020_ Eighteenth Supplement to Public Order (Safe Reopening of Additional Businesses and Activities Moving into Stage 3), 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.

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