



City of Culver City

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Staff Report

File #: 21-37, **Version:** 1

Item #: C-19.

CC - Adoption of a Resolution Confirming (1) the June 19, 2020 Nineteenth Supplement to Public Order (Reopening Safer at Work and in the Community: Moving into Stage 3 to Allow Personal Care Establishments, Bars, Wineries and Brewery Tasting Rooms), Except as Superseded by Los Angeles Public Health Orders; and (2) the July 7, 2020 Twentieth Supplement to Public Order (Conditional TOT Penalty Waiver Upon Payment of Outstanding TOT within 30 Days), 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: July 13, 2020

Contact Person/Dept: Jesse Mays/City Manager's Office
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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 (07/08/2020);

Department Approval: John M. Nachbar, City Manager (07/xx/2020)

RECOMMENDATION

Staff recommends the City Council adopt a Resolution confirming (1) the June 19, 2020 Nineteenth Supplement to Public Order (Reopening Safer at Work and in the Community: Moving into Stage 3 to Allow Personal Care Establishments, Bars, Wineries and Brewery Tasting Rooms) except as superseded by Los Angeles Public Health Orders; and (2) the July 7, 2020 Twentieth Supplement to Public Order (Conditional TOT penalty waiver upon payment of outstanding TOT within 30 Days), 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

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 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 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. 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.

DISCUSSION

Nineteenth Supplement to Public Order

On June 18, 2020, the Los Angeles County Department of Public Health revised its previous and

issued a new “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” (June 18 Revised County Order), to allow additional activities to resume and to allow additional businesses to conditionally reopen. On June 19, 2020, the City Manager issued similar orders, including the following:

1. All persons are required to wear a cloth face covering over both their nose and their mouth whenever they leave their place of residence and are, or can be, in contact with or walking near or past others who are non-household members in both public and private places, whether indoors or outdoors.
2. Personal care establishments, including nail salons and tanning salons; esthetician, skin care, and cosmetology services; electrology, body art professionals, tattoo parlors, piercing shops; and massage therapy (in non-healthcare settings), may reopen with 50% capacity and compliance with County protocols;
3. Bars, wineries and brewery tasting rooms may reopen in compliance with County protocols [subsequently superseded by the County];
4. There is no maximum for faith-based services that are held *outdoors*, provided that the attendees have enough space to observe strict physical distancing, including a minimum of six feet between attendees from different households, and in compliance with County protocols;
5. In-person protests continue to be permitted as long as, *for indoor protests*: (1) attendance is limited to 25% of the relevant area's maximum occupancy, as defined by the local permitting authority or other relevant authority, or a maximum of 100 attendees, whichever is lower; and (2) physical distancing of six (6) feet between persons or groups of persons from different households is maintained at all times. Outdoor protests are permitted without a limit on attendees, with physical distancing and observance of County protocols;
6. As an update to my June 12, 2019 Order, swimming pools and splash pads in any *non-residential* setting may reopen in compliance with County protocols;

On June 28, 2020 and July 1, 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, to address the serious regression of COVID-19 indicators within Los Angeles County.

These closures automatically superseded any order in the City that was more lenient than the County order. The City may issue orders that are stricter than the County, but not more lenient. These June 28 and July 1 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, included the following that supersede any previous opening permitted in Culver City:

- Bars, breweries, tasting rooms, craft distilleries and wineries that possess a valid low risk restaurant public health permit issued by the County of Los Angeles;

- Brewpubs, craft distilleries and breweries and wineries, with premises set aside for beer and/or wine tasting that are exempt from the definition of a food facility by California Health and Safety Code Section 113789(c)(5) and do not hold a health permit for preparing and serving food on site;
- All restaurants, but only for indoor, in-person onsite dining, until further notice;
- Cardrooms, satellite wagering facilities, and racetrack onsite wagering facilities, until further notice;
- Indoor portions and exhibits of museums, zoos and aquariums, are closed to the public until further notice.

Thus, the above categories that were previously permitted to reopen are required to close until further notice by the County.

Twentieth Supplement to Public Order

Under the provisions of Culver City Municipal Code(CCMC) Subchapter 11.02.100 *et seq.*, hotels and motels, as defined by CCMC Subchapter 11.02 (“hotels and motels”), must pay to the City of Culver City (“City”) a transient occupancy tax (“TOT”) of 14% of the rent charged by the operator. This tax shall be collected by the operator and remitted to the City. During the course of the COVID-19 Local Emergency, hotels and motels subject to the City’s TOT have experienced financial hardship and/or have temporarily closed for business due to Stay at Home and Safer at Home Orders issued by the State of California, the County of Los Angeles and Culver City. As a result, some hotel/motel operators have not remitted all TOT owed to the City and have accrued penalties and interest on the unpaid TOT.

On July 7, 2020, in order to acknowledge the financial hardships experienced by hotels and motels in the City, the City Manager, in consultation with the Chief Financial Officer, issued the following orders:

1. Penalties and interest due to the City on any past due TOT will be waived, provided payment of all outstanding TOT is remitted to the City within 30 days from the date of the Order.
2. For those operators who have already paid their past due TOT, as of the date of the Order, all outstanding penalties and interest that have accrued between March 1, 2020 and July 7, 2020 is hereby waived.
3. The Order shall not apply to TOT remittals that are governed by a voluntary collection agreement with the City.

Additionally, in the July 7 Order, the list of higher risk closures was reiterated, to be clear on which businesses and activities are not permitted:

- a. Lounges and nightclubs;
- b. Bars, breweries, tasting rooms, craft distilleries and wineries that possess a valid low risk restaurant public health permit issued by the County of Los Angeles;
- c. Brewpubs, craft distilleries and breweries and wineries, with premises set aside for beer and/or wine tasting that are exempt from the definition of a food facility by California Health and Safety Code Section 113789(c)(5) and do not hold a health permit for preparing and serving food on site;

- d. Public entertainment venues: movie theaters, live performance theaters, concert venues, theme parks and festivals;
- e. Family entertainment centers such as bowling alleys, arcades, miniature golf, and batting cages;
- f. All restaurants, but only for indoor, in-person onsite dining, until further notice;
- g. Cardrooms, satellite wagering facilities, and racetrack onsite wagering facilities, until further notice;
- h. Indoor and outdoor playgrounds for children, except those located within a school or childcare center;
- i. Indoor portions and exhibits of museums, zoos and aquariums, are closed to the public until further notice;
- j. Hot tubs, steam rooms, and saunas not located on a residential property;
- k. All events and gatherings, unless specifically permitted under the July 1, 2020 Public Health Order.

In addition, food court dining and seating areas located in indoor malls or indoor shopping centers must close until further notice. Restaurants located within an indoor mall or shopping center may offer food for delivery, carry out, and outdoor table dining only.

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 19 Order, except as superseded by the County of Los Angeles orders, and the July 7 Order (Attachment 1).

FISCAL ANALYSIS

There may be staff costs associated with the enforcement of the orders, however, it is not estimated at this time. If staff incurs any overtime with the enforcement of the orders, the overtime will be tracked and included with the FEMA reimbursement requests. The fiscal impact of the waiver for TOT penalties and interest is currently unknown. This amount cannot be calculated until all outstanding monthly TOT reports have been filed.

ATTACHMENTS

1. 2020-07-13_ATT_Proposed Resolution Confirming June 19 and July 7 Orders

MOTION

That the City Council:

Adopt a Resolution confirming (1) the June 19, 2020 Nineteenth Supplement to Public Order (Reopening Safer at Work and in the Community: Moving into Stage 3 to Allow Personal Care Establishments, Bars, Wineries and Brewery Tasting Rooms) except as superseded by Los

Angeles Public Health Orders; and (2) the July 7, 2020 Twentieth Supplement to Public Order (Conditional TOT penalty waiver upon payment of outstanding TOT within 30 Days), 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.