



City of Culver City

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Staff Report

File #: 21-98, **Version:** 1

Item #: C-2.

CC - Adoption of a Resolution Confirming the July 21, 2020 Twenty-First Supplement to Public Order (Temporary Zoning Code Modifications to Support the Safe Outdoor Operation of Gyms, Fitness Centers and Personal Care Services to Aid in the Reopening and Recovery of Businesses During COVID-19; and Authorization to Use Donated Face Masks) 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 27, 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 (07/23/2020)

Department Approval: John M. Nachbar, City Manager (07/23/2020)

RECOMMENDATION

Staff recommends the City Council adopt a Resolution confirming the July 21, 2020 Twenty-First Supplement to Public Order (Temporary Zoning Code Modifications to Support the Safe Outdoor Operation of Gyms, Fitness Centers and Personal Care Services to Aid in the Reopening and Recovery of Businesses During COVID-19; and Authorization to Use Donated Face Masks) 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 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.

DISCUSSION

Subsequent to the issuance of the City Manager’s June 19 Order, due to the increases in daily reported COVID-19 cases, hospitalizations, and the testing positivity rates, the County Public Health officer issued new orders on June 28, 2020 and July 1, 2020, closing certain activities and business sectors, superseding previous City Public Orders as follows:

- The June 28 County Order included the closing of bars, breweries, tasting rooms craft distilleries and wineries that possess a valid low risk restaurant permit issued by the County of Los Angeles.
- The July 1 County Order closed indoor, in-person on site restaurant dining, cardrooms, satellite wagering and racetrack onsite wagering facilities; indoor portions and indoor exhibits of museums, zoos and aquariums.

On July 7, 2020 the City Manager issued the Twentieth Supplement to Public Order (July 7 Order), which, among other things, reiterated the higher risk businesses, recreational sites, commercial properties, and activities that must continue to be closed under the County’s recent closure orders. This Order was confirmed by the City Council on July 13, 2020.

On July 14, 2020, the County further revised its Public Order and closed indoor portions of office based businesses, indoor portions of indoor malls and shopping centers, indoor operations for hair salons and barbershops, indoor gymnasiums and fitness facilities, indoor portions of personal care establishments, indoor faith based services, and indoor public protests. To the extent any of the City's previous orders permitted these indoor uses, the provisions in the City Orders were superseded.

On July 21, 2020, the City Manager issued the Twenty-First Supplement to Public Order (July 21 Order), allowing the safe outdoor operation of gyms, fitness centers and personal care services, pursuant to a Temporary Use Permit (TUP), provided all operations were in compliance with State, County and local protocols, rules and regulations. The July 21 Order is consistent with the June 10, 2020 Seventeenth Supplement to Public Order (June 10 Order), which modified certain Culver City Zoning Code requirements to allow for the expansion of outdoor dining areas and outdoor display of retail goods on private property, subject to a TUP, to facilitate physical distancing requirements while allowing these businesses to operate outdoors safely. The July 21 Order also granted authority and discretion to the Community Development Director to establish procedures, standards, conditions, rules and regulations for the processing and issuance of Temporary Use Permits, as he may deem appropriate and necessary to protect the public health, safety and welfare.

Additionally, the July 21 Order also authorized the use of a donation of 25,000 face masks from Nike, Inc., pursuant to Culver City Municipal Code Section 3.09.020.B.1.h(4). The donation is deemed duly accepted by the City Council in accordance with California Government Code section 37354 or its successor provision.

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 July 21 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.

ATTACHMENTS

1. 2020-07-13_ATT_Proposed Resolution Confirming July 21, 2020 Order

MOTION

That the City Council:

Adopt a Resolution confirming the July 21, 2020 Twenty-First Supplement to Public Order (Temporary Zoning Code Modifications to Support the Safe Outdoor Operation of Gyms, Fitness Centers and Personal Care Services to Aid in the Reopening and Recovery of

Businesses During COVID-19; and Authorization to Use Donated Face Masks) 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.