



City of Culver City

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Staff Report

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CC - (1) Progress Update from the Culver City Economic Recovery Task Force; (2) Discussion of Allowing Commercial Fitness/Gym/Camp Establishments to Temporarily Use Designated Outdoor Park Spaces Subject to the Approval of the Parks, Recreation and Community Services Director; (3) Discussion of Community Messaging; (4) Discussion of Potential Business and Employment Assistance Resources; and (5) Direction to the City Manager as Deemed Appropriate.

Meeting Date: August 10, 2020

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Fiscal Impact: Yes ☐ No ☒

General Fund: Yes ☐ No ☒

Public Hearing: ☐

Action Item: ☒

Attachments: Yes ☒ No ☐

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

Commission Name:

Public Notification: (E-Mail) Meetings and Agendas - City Council (08/05/2020)

Department Approval: Sol Blumenfeld, Community Development Director (7/30/2020); Charles D. Herbertson, Public Works Director/City Engineer (7/30/2020); Corey Lakin, PRCS Director (07/30/2020)

RECOMMENDATION

Staff recommends the City Council (1) receive an update on the Culver City Economic Recovery Task Force (ERTF); (2) discuss allowing commercial fitness/gym/camp establishments to temporarily use designated outdoor park spaces subject to the approval of the Parks, Recreation and Community Services (PRCS) Director; (3) discuss community messaging; (4) discuss potential business and employment assistance resources; and (5) provide direction to the City Manager as deemed appropriate.

BACKGROUND/DISCUSSION

On May 11, 2020, the City Council approved the formation of the ERTF to address the unique challenges of COVID-19 and spur economic recovery with a focus on public health and equity. Since formation, the ERTF has convened three general session meetings engaging more than 60 external stakeholders to understand and respond to recovery priorities in our community. In addition, five targeted working group meetings have been convened to focus on specific sector and action recommendations (Attachment 1). Since the last progress update, the ERTF has worked closely with the City Manager's Office, and the Departments of Community Development, Public Works, Transportation, and Parks, Recreation and Community Services, to address priority items, such as a refined Temporary Use Permit (TUP) process for commercial use of private and public right-of-way and property, allowance of fitness classes in park facilities, implementation of Downtown street closures and potential street closures in the Culver City Arts District, development of business assistance and community workforce resources, and creation of face covering messaging. A progress update on these efforts is provided below:

Temporary Use Permits (Private and Public Right-of-Way)

Last month, the City refined the TUP process to allow retailers and restaurateurs to utilize private parking lots or the adjacent public rights-of-way to temporarily expand their space to allow for increased occupancy levels while adhering to physical distancing requirements. Since program initiation, approximately 20 right-of-way and 10 private TUP's have been issued or are in progress. (Attachment 2)

On July 13th, Governor Newsom announced that in all counties and the cities therein, including Los Angeles County and Culver City, gym and fitness establishments were required to close indoor operations and would be permitted in outdoor operations only, if allowable by the landlord and/or city land use zoning regulations. 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 TUP, provided all operations follow State, County and local protocols, rules and regulations. Businesses that wish to expand in their private parking lots may request an administrative TUP from the Community Development Director by submitting a letter and site plan in lieu of a formal application. Businesses that wish to utilize the public right-of-way (sidewalk or street) may request a TUP from the Public Works Director. To date, approximately six applications have been received relative to fitness and service expansion outdoors.

Allowing Commercial Fitness/Gym/Camp Establishments to Temporarily Use Designated Outdoor Park Spaces

Some Culver City-based gym/fitness/camp businesses do not have a dedicated parking lot or large enough space on private property to move their operations immediately outside of their establishment. This situation has resulted in some local businesses setting up outdoor operations in local parks. In addition to those businesses that are not currently allowed to utilize their indoor facilities, there are several businesses and organizations utilizing Culver City parks for organized activities, even though such use is not allowed under the Culver City Municipal Code (CCMC). Examples of private businesses operating in the parks include sports, fitness, massage, and personal training camps, classes, tournaments, practices, etc. In recent months, there has also been a significant increase in individuals using the park for unorganized activities throughout the day during

the COVID-19 pandemic. Park usage for passive and active recreation by Culver City residents and families is vital to their health and wellbeing; therefore, it is imperative that significant park space remain available for that purpose. The regulation of the City's outdoor park spaces, along with the application of appropriate enforcement measures, are now pressing issues.

The following CCMC provisions restrict business activities in parks:

CCMC § 9.10.055 [PARK] PROHIBITIONS:

- I. To announce, advertise or call public attention in any way to any article or service for sale or hire, or expose or offer for sale any article or thing; nor shall he station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Parks, Recreation and Community Services Director.
- K. To practice, carry on, conduct or solicit for any trade, occupation, business or profession without the permission of the City Council.

Staff recommends the City Council discuss allowing the issuance of permits for commercial fitness/gym/camp establishments to temporarily use designated outdoor park spaces, subject to the approval of the Parks, Recreation and Community Services (PRCS) Director, and authorize the PRCS Director to establish procedures, standards, conditions, rules and regulations, to implement the processing and approval of such permits, while ensuring compliance with the Americans with Disabilities Act (ADA), and any other measures deemed necessary to protect the public health, safety and welfare. If such activities are allowed under these conditions, the above sections of CCMC would be temporarily suspended and the PRCS Director could consider issuing a limited number of temporary outdoor park rental permits for designated outdoor park spaces to allow commercial establishments to conduct business. This could help to support local fitness/gym/camp businesses and provide a tool to help ensure the State's, County's and City's physical distancing and face mask requirements, and other Health Orders, are being followed, through appropriate enforcement of permit conditions.

Requirements for the issuance of a park permit would include, but not be limited to:

- Selecting one of the pre-designated parks and location(s) in the park and providing a list of activities, desired equipment, timeframe, attendance and other relevant details to the business operations in the park; and
- Signing a Release, Waiver, Assumption of the Risk and Indemnity Agreement;
- Maintaining insurance coverage meeting the City's insurance requirements and including the City as additional insured; and
- Complying with all Culver City, County of Los Angeles and State rules and regulations applicable to the business operation, including all City, County and State public orders.

In order to regulate the public park space used by businesses, a restricted number of permits would be available. By limiting the locations businesses can operate and the size of their operations, it is believed that both businesses and residents can more harmoniously share the limited park space available.

Fees

The City Council has established park rentals fees to assist in offsetting a small portion of the costs for the maintenance of the parks. For a private Culver City business to rent a designated grass area/field, the costs are \$36 per hour and an additional \$25 per hour for a dedicated staff member to oversee the operation. Additional fees of \$11 per hour for lights and \$8 per parking space per day may also be applicable. The City Council has the opportunity through this process to waive some or all these fees.

Enforcement

Park Ambassadors (part-time recreation leaders) and Park Patrol have taken an education-only approach to enforcement, reminding participants of the City's, County's and State's mandates for social (physical) distancing, the wearing of face coverings and the prohibition of group gatherings outside the immediate household. Staff is currently receiving many complaints from residents and businesses regarding park use. On the one hand, some are upset the City is not enforcing the Health Orders and/or the existing restrictions on business activities within the parks. Conversely, some are of the opinion that staff should not even be educating park patrons on the regulations. If it is determined that parks permits may be issued for business activities, without any related enforcement activity, that will result in a situation where compliant, permitted businesses would be operating under the Health Orders and park regulations, while other non-permitted businesses and organizations would continue to operate without any permits or oversight. Therefore, staff believes that the enforcement of the regulations for both permitted and non-permitted activity is essential to making any expanded park permit program a success.

Staff Costs

The costs for issuing park permits is nominal and would be absorbed in staff's current work hours. However, additional hours for Park Ambassadors to monitor the permitted and non-permitted activities in the parks would increase expenses should staff be tasked with ensuring compliance. Park Ambassadors are scheduled to work from 12:00 -7:00 PM at most parks. If an expanded park permit program is directed, which would allow business activities in outdoor park spaces from 8:00 AM - 8:00 PM, then additional resources would be needed, consisting of a minimum of 35 additional part-time staff hours per week for one staff to alternate between parks during the currently non-staffed hours. If this expanded park permit program is approved by the City Council, staff will return with a request for a budget amendment in the amount of \$12,495 for additional part-time staff hours between September-December.

Temporary Street Closures: Downtown and Culver City Arts District

On June 9, 2020, the City Council approved temporary street closures in Downtown Culver City to support existing business during the current COVID-19 pandemic and promote economic recovery. The approved street closures include westbound Culver Boulevard between Duquesne Avenue and Canfield Avenue, as well as Main Street between Culver Boulevard and the City limit south of Venice Boulevard. A dedicated, emergency vehicle lane and shared bus/bike lane will also be available along Culver Boulevard to promote mobility to and through the area. Street closure installation began on July 23 and was completed on July 28. Several businesses in the area have begun expanding into the streets and have reported an increase in business activity since closure (Attachment 3). In

addition, Transportation is planning a pilot Tactical Mobility Lane on Culver and Washington Boulevards from Downtown Culver City to the Helms Avenue and potentially further into the Art District for a minimum operational period of 12 months. There will be one lane in each direction dedicated to the use of an open-air bus trolley circulator service with emergency vehicles bicycles and other forms of active transportation sharing the lane. The circulator service will become operational at the launch of the Mobility Lanes which is anticipated beginning of 2021.

Public Works has also been in discussion with the Culver City Arts District regarding a potential partial street closure with barricades to provide a protected outdoor restaurant/retail area in the closed portion of the street on Washington Boulevard between La Cienega Avenue and Hargis Street. Potential plans have been developed and outreach to businesses in the area is currently underway. It is anticipated this item will be considered by the City Council at its August 24, 2020 meeting.

Public Works staff has also prepared guidelines for temporary establishment of private parklets within the public right-of-way to support business capacity and physical distancing during the current Public Order. Assembly and implementation will be the responsibility of individual businesses. Additionally, the City is exploring a collaboration with Southern California Council of Governments (SCAG) Go *Human* Tool Kits to potentially “test” public parklets in other areas of the City.

Community Messaging

In June, the ERTF, in collaboration with the Community Development Department, the Cultural Affairs Division and the City’s Artist Laureate presented two community messaging concepts for City Council consideration (Attachment 5). City Council directed staff to bring the item back for discussion. The initial messaging included two concepts:

- Creating Tomorrow Together
- Everyone Together

The purpose of the messaging was two-fold: promote togetherness in addressing the current crisis while also supporting local economic recovery. Staff is requesting City Council direction whether to continue development of this messaging, in conjunction with Cultural Affairs as a Temporary Art Installation or consider other options for presentation at a future date.

Face Coverings

Per State mandate, individuals who may encounter others outside of their household are required to wear a face covering. The City, with ERTF input, is initiating a messaging campaign that will include banners and other signage throughout the City to encourage compliance. This campaign could align with the aforementioned community messaging proposal or remain a standalone effort.

Business and Employee Resources

One of the primary objectives of the ERTF is to provide assistance and resources to local business and community workforce, with a focus on equity and vulnerable communities.

The ERTF created a business assistance card to provide businesses and employers a “quick” and tangible resource for City, State and County services (Attachment 4). The card was mailed to all

business that do not have an active email address on file.

Additionally, the ERTF developed a community workforce resource poster that is intended to promote local workforce awareness and access to resources such as the City's hotline, coronavirus information page, and other health and employment resources (Attachment 5). The poster would be downloadable via the City's website with limited prints made available to businesses who do not have access to a printer. Both the business assistance card and the workforce poster include English and Spanish translations. The ERTF recommends that the poster be a mandatory requirement for all businesses per future public order.

Last month, the ERTF launched a dedicated recovery webpage and a community survey to understand employment, business, consumer and community needs. One of the concerns business indicated was attracting customers back to their business establishments and encouraging consumer confidence. This issue was discussed during the most recent ERTF External stakeholder meeting with suggestions towards cohesive compliance messaging with common elements such as floor stickers, signage, and cleanliness "ratings."

Business Certification and Employee Training

The ERTF, in partnership with the Chamber of Commerce, is researching business support and training programs that could be made available to our local businesses. One example is the *COVID SMART* program, in partnership with the Association for Professionals in Infection Control and Epidemiology (APIC), that provides online training and certification in infection protocol and best practices for COVID-19 prevention. The program reinforces consumer confidence by promoting a business's commitment to safety. Signage would be available with QR barcodes that customers can scan with the phones to verify business and employee certifications. The program could also increase employee comfort and confidence in returning to the workplace as it reinforces personal protection awareness and procedures. If City Council is interested in pursuing this or a similar program, staff can request proposals for further consideration.

Hiring Event

The ERTF is currently exploring a hiring event(s) in collaboration with local non-profits such as JVS, New Earth, Exceptional Children's Foundation, Achievable Foundation and others to match local and at-risk youth, displaced employees, developmentally disabled individuals and/or those seeking new opportunities. Staff is coordinating with JVS, Los Angeles County Economic Development Corporation, Small Business Development Center, and the Culver City Chamber of Commerce to identify the format and coordinate with local businesses and candidates, based on sector and skill level. The ERTF is looking to launch the events in September.

Sustainable Business Certification Program

During the June 22, 2020 City Council meeting when the proposed budget was discussed and subsequently adopted, the ERTF was asked to evaluate the City's Sustainable Business Certification Program (Certification Program), whose \$100,000 annual cost was excluded from the FY 20/21 budget.

The Certification Program is administered through an \$88,000 consulting contract and the scope of

work requires a minimum of 10 businesses be certified annually (\$8,800 per business). The consultant performs an assessment of a businesses' current operation by examining their transportation, solid waste recycling, energy efficiency (water, electricity, gas) and procurement practices. The consultant prepares an action plan containing measures the business is required to implement to become certified. Once the consultant verifies that the measures have been implemented, the business is awarded certification that is effective for three years. The Certification Program culminates in an annual award ceremony that recognizes and celebrates those firms that became certified over the prior year.

A small business spends up to \$1,000 to implement the measures contained in their action plan, which cost is more than offset by utility rebates, California Green Business Network grants and through energy savings achieved by implementing the measures. Due to the pandemic a theater, restaurant, and school dropped out of the program as their focus shifted to other priorities. At least 10 businesses will complete the program during this cycle and become certified when the annual cycle concludes this October.

The ERTF Internal Team, comprised of City Staff, discussed the Certification Program in the context of recent budget cuts, reassignment of staff to economic recovery efforts and external stakeholder feedback. Stakeholders have conveyed that financial and operational challenges such as cleaning protocols, capacity issues, and reduced patronage remain the most pressing challenges facing businesses throughout our community. Given the City's current budget and limited staff resources, staff does not recommend that City Council reinstate the budget for this program at this time. The ERTF recognizes that sustainability is an important goal for our business community and the City Council, and as such Staff will be asking the ERTF to discuss how sustainability can be further incorporated into future recovery efforts at the next ERTF General Session. In the meantime, the ERTF will encourage businesses to access the City's checklist of sustainable items for Offices and Retailers and Restaurants so they may implement these measures to reduce costs and become more sustainable on their own. Currently, Golden State Water, Southern California Gas, Southern California Edison and the Los Angeles Department of Water & Power all offer incentive/rebate programs to implement efficiency measures designed to reduce cost that the ERTF will share with businesses to consider pursuing as part of their recovery strategy. If General Fund revenues increase and reach certain targets, the City Council could consider resuming the program through a mid-year budget amendment or in next year's budget.

Work-In-Progress

The ERTF is also advancing several other efforts to support business and community recovery such as:

- Exploring development of virtual performance/live streaming events in the City that support our local arts community and businesses;
- Researching feasibility for drive-in movie event (when permitted);
- Coordinating with hotels to promote Culver City as a "staycation" destination;
- Working with local non-profits to increase outreach to vulnerable communities including youth and elderly; and
- Collaborating with the USC Sol Price School of Public Policy to evaluate potential mid-term (2-5 years) economic recovery options post-pandemic and predicted trends pertaining to employment and telecommuting best practices.

FISCAL ANALYSIS

There is no fiscal impact with the discussion of this item. If the City Council wishes to further pursue some of these efforts, there may be associated costs involved, as discussed in this report, which would be provided to City Council for future consideration and/or presented to the City Manager for administrative approval, as applicable.

ATTACHMENTS

1. ERTF External Stakeholder Meeting Notes
2. Temporary Use Permit Status
3. Downtown Street Closures Images
4. Business Assistance Card
5. Community Workforce Poster
6. COVID SMART Program

MOTION

That the City Council:

1. Receive a Progress Update on the Culver City Economic Recovery Task Force;
2. Discuss allowing commercial fitness/gym/camp establishments to temporarily use designated outdoor park spaces subject to the approval of the Parks, Recreation and Community Services (PRCS) Director;
3. Discuss community messaging;
4. Discuss Potential Business Assistance Resources; and,
5. Provide direction to the City Manager as deemed appropriate.