



City of Culver City

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Staff Report

File #: 21-222, **Version:** 1

Item #: C-7.

CC - Adoption of a Resolution Confirming the August 13, 2020 Twenty-Third Supplement to Public Order (Temporary Use of City Parks for Outdoor Operation of Gyms and Fitness Establishments); August 21, 2020 Twenty-Fourth Supplement to Public Order ((1) Outdoor Operation of Youth Sports Programs; (2) Use of Designated Outdoor City Park Space for In-person Faith Based Services and Therapeutic Small Group Meetings; and (3) Continued Waiver of Outdoor Dining and Valet Parking License Fees); and September 3, 2020 Twenty-Fifth Supplement to Public Order ((1) Reopening Indoor Services for Hair Salons and Barbershops at 25% of Maximum Occupancy; and (2) Beginning September 14, 2020, Allowing In-School Services for Students with Individualized Education Programs (IEPs) or English Learners (ELs) at K-12 Schools) 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: September 14, 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 (09/10/2020);

Department Approval: John M. Nachbar, City Manager (09/10/2020)

RECOMMENDATION

Staff recommends the City Council adopt a Resolution confirming the August 13, 2020 Twenty-Third Supplement to Public Order (Temporary Use of City Parks for Outdoor Operation of Gyms and Fitness Establishments); August 21, 2020 Twenty-Fourth Supplement to Public Order ((1) Outdoor Operation of Youth Sports Programs; (2) Use of Designated Outdoor City Park Space for In-person

Faith Based Services and Therapeutic Small Group Meetings; and (3) Continued Waiver of Outdoor Dining and Valet Parking License Fees); and September 3, 2020 Twenty-Fifth Supplement to Public Order ((1) Reopening Indoor Services for Hair Salons and Barbershops at 25% of Maximum Occupancy; and (2) Beginning September 14, 2020, Allowing In-School Services for Students with Individualized Education Programs (IEPs) or English Learners (ELs) at K-12 Schools) 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.

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.

In July, the County continued with measures to close additional sectors, and the City followed in kind:

- 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). Additionally, the July 21 Order also authorized the use of a donation of 25,000 face masks from Nike, Inc.

DISCUSSION

August 13 Order

Pursuant to the City Council's August 10, 2020 direction, to allow certain Culver City businesses and activities to resume outdoors and safely reopen as the County allowed, on August 13th the City Manager issued the Twenty-Third Supplement to Public Order (August 13 Order), in order to accommodate gyms and fitness establishments' outdoor operations. Any operation in the parks is subject to the approval of the City's Parks, Recreation and Community Services (PRCS) Director. Thus, gyms and fitness establishments may temporarily use Culver City park facilities to conduct classes, training sessions, camps, and the like, subject to obtaining a temporary park use permit, and in compliance with all state and County orders and protocols.

August 21 Order

To continue to support the safe operation and recovery of business sectors and outdoor activities, and to align with the activities being allowed by Los Angeles County, on August 21, 2020, the City Manager issued the Twenty-Fourth Supplement to Public Order (August 21 Order). The August 21 Order allowed youth sports programs to resume, in accordance with the County Youth Sports

Leagues reopening protocols. The August 21 Order also addressed the expanded use of outdoor park space for therapeutic small group meetings such as Alcoholics Anonymous or Narcotics Anonymous and allows for in-person faith-based services in outdoor park spaces, subject to a PRCS permit. Any of these expanded temporary outdoor parks use must follow the applicable County of Los Angeles protocol.

In addition, the August 21 Order continued the waiver of outdoor dining and valet parking license fees. This waiver was first established March 20th, and has been continued on April 11, May 14, and May 27th. The August 21 Order waives these license fees through October 31st, or the termination of the local emergency, whichever occurs earlier.

September 3 Order

To align with the County of Los Angeles Public Health Officer revised Order issued September 2, 2020, (County Revised Order), the City Manager issued the September 3 Twenty-Fifth Supplement to Public Order (September 3 Order), to allow the safe indoor operation of hair salons and barbershops, at 25% of maximum occupancy. As permitted by the State, operators are encouraged to continue providing as many services as possible outdoors. Hair salons and barbershops reopening indoors shall comply with all State of California Public Health Orders and Guidance, and local laws, rules, and regulations. The owner, manager or operator must, prior to reopening for indoor operations, prepare, implement, and post the most recent version of the required Los Angeles County Department of Public Health Reopening Protocols for Hair Salons and Barbershops.

Additionally, as authorized by the County, the September 3 Order allows K-12 schools to offer in-school services as of September 14th, for a small, stable cohort of students with individualized Education Programs (IEPs) or English Learners (ELs) needing assessments and/or specialized in-school services, with priority given to students with disabilities. Schools must limit the number of students with IEPs and ELs, and other prioritized students allowed at any one time on campus for essential assessments and/or specialized in-school services to 10% or less of the total student body. All schools providing the permitted, limited in-school services as provided for herein, shall comply with all State of California Public Health Orders and Guidance, local laws, rules and regulations, and the most recent version of the required Los Angeles County Department of Public Health Reopening Protocol for K-12 Schools.

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 August 13, August 21, and September 3 Orders (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. 2020-09-14_ATT_Proposed Resolution Confirming August 13, 2020, August 21, 2020, and September 3, 2020 Orders

MOTION

That the City Council:

Adopt a Resolution Confirming the August 13, 2020 Twenty-Third Supplement to Public Order (Temporary Use of City Parks for Outdoor Operation of Gyms and Fitness Establishments); August 21, 2020 Twenty-Fourth Supplement to Public Order ((1) Outdoor Operation of Youth Sports Programs; (2) Use of Designated Outdoor City Park Space for In-person Faith Based Services and Therapeutic Small Group Meetings; and (3) Continued Waiver of Outdoor Dining and Valet Parking License Fees); and September 3, 2020 Twenty-Fifth Supplement to Public Order ((1) Reopening Indoor Services for Hair Salons and Barbershops at 25% of Maximum Occupancy; and (2) Beginning September 14, 2020, Allowing In-School Services for Students with Individualized Education Programs (IEPs) or English Learners (ELs) at K-12 Schools) 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.