



City of Culver City

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Staff Report

File #: 22-272, Version: 1

Item #: C-5.

CC - (1) Consideration of Extending Emergency Temporary Use Permits Issued for Use of Roadways and City-Installed Barriers to Protect Roadway Outdoor Dining Areas for Businesses Unaffected by the Upcoming MOVE Culver City Construction, from October 31, 2021 to December 31, 2021; and (2) Direction to the City Manager as Deemed Appropriate.

Meeting Date: September 27, 2021

Contact Person/Dept: Joe Susca, Public Works-Administration
Phone Number: 310-253-5636

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 (09/22/2021), the Downtown Business Association, the Culver City Chamber of Commerce, the Culver City Arts District, the Economic Recovery Task Force Stakeholders, and each member of the business community who have been issued a Temporary Use Permit for their use of the public right-of-way. (09/22/2021)

Department Approval: Charles D. Herbertson (09/15/2021)

RECOMMENDATION

Staff recommends the City Council (1) consider extending Emergency Temporary Use Permits (TUPs) issued for use of roadways in response to the COVID-19 pandemic from October 31, 2021 until December 31, 2021 for those businesses unaffected by the MOVE Culver City construction; and (2) provide direction to the City Manager as deemed appropriate.

BACKGROUND

On March 14, 2020, the City issued a Proclamation of Local Emergency responding to the rate of positive COVID-19 cases in the community and the rapidly growing number of cases in Los Angeles County. On March 20, 2020, the City issued a First Supplement of Public Order that included, among other items, a waiver of outdoor dining license fees, valet permit fees and suspending parking enforcement activities to reduce expenditures for local businesses and provide unimpeded curbside access for pick-up and deliveries. This was the first of numerous supplementary orders issued to

provide guidance, protocols, and programs to mitigate the pandemic's negative impacts upon many businesses and to help curb the spread of the virus throughout the community.

On May 11, 2020, the City Council approved the formation of the Economic Recovery Task Force (the "ERTF") to address the unique challenges of COVID-19 and to implement measures to spur economic survival during the pandemic and, eventually, recovery from it. One of the initial recommendations from the ERTF was the implementation of no fee TUPs to allow restaurants, some personal services and retailers the ability to expand their operation into the public right-of-way (PROW), and on private parking lots due to the prohibition or curtailment of indoor occupancies and physical distancing requirements. This TUP program was approved in the Seventeenth Supplement to the Public Order and allows certain businesses to expand their operations into parking lots, closed-off streets, parklets and sidewalks. To date, the City has issued 38 TUPs for use of the PROW.

In May 2021 Governor Newsom declared, and the County of Los Angeles Department of Public Health (County) concurred, that the number of infections at the time was in a state of decline and hospitalizations remained low, and coupled with ample vaccine supply and distribution, all restrictions were eliminated and a full reopening of California occurred on June 15, 2021. Considering these developments and knowing that TUPs would end upon conclusion of the Local Emergency and given the desires of the business community to extend them to generate additional revenue to pay off past-due rent accumulated during the eviction moratorium, on May 24, 2021 the City Council extended TUPs for use of the PROW until Labor Day.

DISCUSSION

Since June 2021, COVID-19 positive cases have dramatically risen, as have hospitalizations and the death rate, driven by the "Delta" variant of the virus. In response, on August 17, 2021 Los Angeles County Public Health (LACPH) recommended masking both while indoors and while attending large outdoor events; regardless of vaccination status, as an essential measure to slowing the spread of COVID-19. Further in response to these developments and in recognition that customers have increasingly become reluctant to dine, shop, and conduct business indoors, on July 15, 2021 the Thirty-Seventh Supplement to the Public Order was issued to extend TUPs **for sidewalk use** and to further suspend outdoor dining license and valet parking permit fees until December 31, 2021.

Soon after, TUPs issued **for roadway use** were administratively extended until October 31, 2021, primarily in response to the upcoming MOVE Culver City project construction, which will commence the first week of November. However, several TUPs for roadway use in the form of parklets and areas protected from traffic by City-installed barriers including Main Street, the portion of Culver next to K-ZO Restaurant, the portion of Irving Place next to Rush Street, sections of Washington Boulevard between Hargis Street and Melvil Street and the closed section of Melvil between Washington Boulevard and the alley north of Washington Boulevard, are in locations unaffected by the upcoming MOVE Culver City construction. In light of concerns surrounding the spread of the Delta variant and customer preference to conduct business outdoors, where feasible, the business community has requested that these TUPs for roadway use be extended until the end of the year.

FISCAL ANALYSIS

There is no fiscal impact associated with extending the emergency TUPs to businesses for their use of the PROW or keeping the City-installed barriers in place.

MOTION

That the City Council:

1. (Staff Recommendation) Extend the Emergency Temporary Use Permits related to the COVID-19 pandemic from October 31, 2021 to December 31, 2021 for use of roadways by those businesses unaffected by the upcoming MOVE Culver City construction; or
2. Do not extend Emergency Temporary Use Permits related to the COVID-19 pandemic for use of roadways by those businesses unaffected by the upcoming MOVE Culver City construction beyond their existing October 31, 2021 expiration; and/or
3. Provide other direction to the City Manager as deemed appropriate.