



City of Culver City

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Staff Report

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CC - CONSENT ITEM: Adoption of a Resolution Confirming the July 26, 2022 Forty-Third Supplement to Public Order: (1) Further Extension of Temporary Use Permits Issued During the COVID-19 Pandemic to Expand Outdoor Dining and Other Uses on City Sidewalks and on Certain City Roadways to December 31, 2022; (2) Further Extension of Existing Temporary Use Permits Issued During the COVID-19 Pandemic to Expand Outdoor Dining on Private Property to December 31, 2022; (3) Resumption of Outdoor Dining License fees, including for TUPs, as of September 1, 2022, with the exception of Main Street; and (4) Resumption of Valet Parking License Fees as of September 1, 2022.

Meeting Date: August 8, 2022

Contact Person/Dept.: Jesse Mays, City Manager's Office

Phone Number: 310-253-6000

Fiscal Impact: Yes ☒ No ☐ **General Fund:** Yes ☒ No ☐

Attachments: Yes ☒ No ☐

Commission Action Required: Yes ☐ No ☒

Commission Name:

Public Notification: (E-Mail) Meetings and Agendas - City Council (08/03/2022); each business that has been issued a Temporary Use Permit for their use of the public right-of-way or their private parking lots, along with the Downtown Business Association and the Chamber of Commerce, were notified of the 43rd Supplement between July 27-August 2, 2022.

Department Approval: John Nachbar, City Manager (08/03/2022)

RECOMMENDATION

Staff recommends the City Council adopt a Resolution confirming the July 26, 2022 Forty-Third Supplement to Public Order: (1) Further extension of Temporary Use Permits issued during the COVID-19 Pandemic to expand outdoor dining and other uses on City sidewalks and on certain City roadways to December 31, 2022; (2) Further extension of existing Temporary Use Permits issued during the COVID-19 pandemic to expand outdoor dining on private property to December 31, 2022; (3) Resumption of outdoor dining license fees, including for TUPs, as of September 1, 2022, with the exception of Main Street; and (4) Resumption of valet parking license fees as of September 1, 2022.

BACKGROUND

On March 14, 2020, due to the outbreak and spread of the Coronavirus Respiratory Disease (COVID-19), the City Manager, as Director of Emergency Services, issued a Proclamation of Local Emergency, which was ratified by the City Council on March 18, 2020 by Resolution No. 2020-R015. Beginning on March 16, 2020, the City Manager issued a number of public orders, that included at various times business closures, restrictions on non-essential activities, advising residents they should remain at home, mask and distancing requirements when around persons not in one's immediate family, capacity requirements for businesses, as well as requiring that persons refrain from social gatherings, and, at times, closing of indoor portions of non-essential businesses, all consistent with various Executive Orders that were issued by the State of California and Health Officer Orders issued by the County of Los Angeles Department of Public Health, as well as a number of neighboring communities.

The First Supplement to Public Order, issued on March 20, 2020, waived outdoor dining fees and valet permit fees for a short period of time; the waiver was periodically extended through subsequent orders (the "Waivers").

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 for the ERTF, in collaboration with Community Development and Public Works, was the implementation of no fee Temporary Use Permits (TUPs) to allow restaurants, some personal services and retailers the ability to expand into the public right-of-way (PROW), and onto private parking lots due to the prohibition or curtailment of indoor occupancies and physical distancing requirements. This TUP program was approved in the 16th and 17th Supplement to Public Order and allows businesses to expand their operations into privately-owned parking lots, closed-off streets, parklets and sidewalks. In June 2020, the City Council approved a few street closures throughout Downtown and in the Arts District to assist restaurants and businesses clustered in these areas.

On May 24, 2021, at the regular City Council public meeting, the City Council extended TUPs for the use of the PROW through Labor Day (September 6, 2021). The City Council also extended the Waivers, both of which were expiring on June 30, 2021, through that same date.

On July 15, 2021 the City Manager issued the 37th Supplement to Public Order, extending the TUPs issued by the Public Works Director for the expansion of outdoor dining and other uses on City sidewalks only, through December 31, 2021. The Waivers were extended through that same date. These actions were taken to support business use of outdoor spaces, due to the rapid increase in positive COVID-19 cases following the June 15, 2021 "reopening" of the California economy, and the recognition that the public was becoming increasingly reluctant to dine, shop and conduct business indoors. Shortly thereafter, TUPs for roadway use were extended administratively until October 31, 2021; the date was selected primarily in response to the *MOVE Culver City* project construction which began in November 2021 and has since been completed.

On December 7, 2021, the City Manager issued the 39th Supplement to Public Order, extending to April 30, 2022 the TUPs issued for use of the PROW that were not affected by the *MOVE Culver City*

construction, including those in the form of parklets, and areas protected from traffic by City-installed barriers including Main Street, the portion of Culver Blvd. 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.

During the first quarter of 2022, due to the emergence of a new subvariant of the Omicron mutation, called BA.2, and the continuing community transmission, the City Manager issued the 41st Supplement to Public Order on March 29, 2022, extending all TUPs citywide until August 31, 2022.

Since March 29th, new subvariants have emerged, including the highly infectious BA.5 variant, and much of the country, state and Los Angeles County saw infection, hospitalization and positivity rates increase. Los Angeles County moved into the high transmission category in mid-July.

In addition to being a reasonable and prudent measure to assist the City's businesses to operate outdoors to protect the public health and safety during the ongoing and ever-changing pandemic, extending the TUPs until December 31, 2022 allows time for businesses to continue to use their additional sidewalk areas temporarily while they simultaneously proceed to design, apply for, and obtain long-term Outdoor Dining permits, and then proceed to construct improvements to their assigned additional sidewalk areas.

The 43rd Supplement also resumes valet parking license fees and outdoor dining license fees, as of September 1, 2022. Those with a TUP on Main Street will continue to have a waiver of outdoor dining license fees, due to the reduced ability for outdoor dining which is restricted to the days and times Main Street is closed, from each Friday evening to Monday morning, and other operational considerations.

Pursuant to CCMC Section 3.09.020.B.1.h(2), staff recommends the City Council adopt the proposed Resolution confirming the 43rd Supplement to Public Order (Attachment 1).

FISCAL ANALYSIS

Based on pre-pandemic estimates, staff anticipates \$200,000 in annual General Fund revenues for valet parking license fees and outdoor dining license fees will resume.

ATTACHMENTS

1. 2022_08-08_ ATT 1 Proposed Resolution Confirming 43rd Supplement to Public Order

MOTIONS

That the City Council:

Adopt a Resolution confirming the 43rd Supplement to Public Order (1) further extending

Temporary Use Permits issued during the COVID-19 pandemic to expand outdoor dining and other uses on City sidewalks and on certain City roadways to December 31, 2022; (2) further extending existing Temporary Use Permits issued during the COVID-19 pandemic to expand outdoor dining on private property to December 31, 2022; (3) resuming outdoor dining license fees, including for TUPs, as of September 1, 2022, with the exception of Main Street; and (4) resuming valet parking license fees as of September 1, 2022.