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**Thirty-Seventh Supplement to Public Order Under
City of Culver City Emergency Authority**

Issue Date: July 15, 2021

Subject: (1) Extension of Temporary Use Permits Issued During the COVID-19 Pandemic to Expand Outdoor Dining and Other Uses on City Sidewalks to December 31, 2021; and (2) Extension of Waiver of Outdoor Dining License Fees and Valet Parking License Fees to December 31, 2021.

This Thirty-Seventh Supplement to Public Order is for the purpose of extending Temporary Use Permits (TUPs) for the temporary expansion of outdoor dining and other uses on City sidewalks to December 31, 2021, and extending the waiver of outdoor dining license fees and valet parking license fees to that same date.

Background of Local Emergency and Authority Granted for the Issuance of Temporary Use Permits and Fee Waivers to Assist Businesses During the Pandemic.

On March 14, 2020, the City Manager, as Director of Emergency Services, issued a Proclamation of Local Emergency, due to the outbreak and spread of the Coronavirus Respiratory Disease (COVID-19), 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, closing many businesses and significantly restricting the operations of others, consistent with various supplemental orders that were issued by the State of California and the Los Angeles County Department of Public Health, as well as a number of neighboring communities.

From March 2020 through the "reopening" of California by the State on June 15, 2021, the City Manager has issued Public Orders under the authority conveyed to him during a Local Emergency by the CCMC. 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. As the pandemic persisted, these fees were waived through subsequent Public Orders, most recently to June 30, 2021.

Additionally, the 16th Supplement to Public Order, issued June 1, 2020, permitted restaurants to expand dining operations outdoors into the public right-of-way, or expand existing outdoor dining facilities further into the public right-of-way, including the City streets, all subject to the approval of the Public Works Director/City Engineer.

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On May 24, 2021, at the regular City Council public meeting, the City Council extended the waiver of outdoor dining license fees and valet parking permit fees (both of which were expiring June 30, 2021), through Labor Day (September 6, 2021). The City Council also extended TUPs for the use of the public right-of-way (i.e., public sidewalks and streets) for expanded outdoor dining and other uses, through Labor Day.

On June 15, 2021, the State of California discontinued the color-coded “Tier” system, and “re-opened” the California economy. In alignment with the State of California, Los Angeles County discontinued its “Blueprint for a Safer Economy” series of Public Health Orders and for the most part discontinued its program of issuing specific sector protocols. The County issued a new order effective June 15, 2021, entitled “A Safer Return Together at Work in the Community: Beyond the Blueprint for a Safer Economy – Encouraging COVID-19 Vaccination Coverage with Limited Risk Reduction Measures.” Four sector protocols have been updated and remain in effect: Day Camps, Overnight Organized/Children’s Camps, TK-12 Schools, and TK-12 Schools: Exposure Management Plan. Face coverings/masks remain required on public transit, in transportation hubs, indoors in K-12 schools, childcare and other youth settings, in healthcare settings, including long term care facilities, in correctional facilities, and in homeless shelters and emergency shelters.

Per the language of the City’s April 21, 2021 36th Supplement to Public Order, Culver City automatically aligned with the terms of the June 15th County Order, and the subsequent June 28th Order, which added businesses or governmental offices serving the public that requires everyone to wear a mask to the list of mask requirements for all persons, regardless of vaccination status. In addition to being aligned with the County, the City has City-specific Orders that remain in place, including those discussed in this Order.

The June 15th and June 28th County Orders also reiterate that there remains a risk that people may come in contact with COVID-19 positive individuals outside of their residence. At the time of the June 15th Order, there was a 7-day average of approximately 200 new reported COVID-19 positive cases in Los Angeles County. As of July 15, 2021, however, the Los Angeles County 5-day average has risen to over 1000 new reported positive cases of COVID-19 per day, and nearly all of these new cases are among unvaccinated persons. This rapid increase coincides with the rise of the virus mutation referred to as the Delta variant.

Due to the rapid increase in positive COVID-19 cases, and the approximately 40% of persons in Los Angeles County over the age of 16 who remain unvaccinated, the County of Los Angeles Public Health Department had strongly recommended that unvaccinated persons continue to wear face coverings, and further recommended that all persons, regardless of vaccination status, wear face coverings indoors. A new Los Angeles County Public Health Order regarding indoor mask requirements is expected to take effect beginning July 18, 2021.

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Public Order

By virtue of authority vested in me as the Director of Emergency Services, pursuant to the provisions of CCMC Section 3.09.020.B.1.h(2), to make and issue rules and regulations on matters reasonably related to the protection of persons, property, and the environment as affected by such emergency, I hereby order:

1. TUPs issued by the Public Works Director for the expansion of outdoor dining and other uses on City sidewalks only, are further extended through December 31, 2021.
2. The waiver of outdoor dining license fees and valet parking license fees is further extended through December 31, 2021.
3. The City of Culver City will continue to align with the County of Los Angeles Health Officer Orders, including the most recent June 28, 2021 Public Order, and will automatically align with any new or subsequent County of Los Angeles Public Health Order or Directive, unless a new City Order is issued with Culver City specific restrictions or requirements.
4. Additional social distancing, infection control, and health and safety measures and guidelines may be imposed at any time, in my sole discretion, in order to ensure the protection of the public's health and safety, and the intent of each and every Public Order is carried out.

Any violation of this Thirty-Seventh Supplement to Public Order may be enforced under the Culver City Municipal Code, which provides for fines not to exceed \$1,000 or imprisonment not to exceed six months. Each individual officer and City official should use their discretion in enforcing this order and always keep the intent of the order in mind.

Except as otherwise expressly provided herein, this Thirty-Seventh Supplement to Public Order shall be effective immediately and shall remain in effect until superseded, amended, modified, rescinded, or expired by its terms.

Date: 7/15/2021



John M. Nachbar, City Manager
Director of Emergency Services
City of Culver City