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

**Issue Date: April 21, 2021**

**Subject: (1) City of Culver City Continued Alignment with the Los Angeles County Public Health Order: Reopening Safer at Work and in the Community - Blueprint for a Safer Economy - Orange Tier Risk Reduction Measures; (2) Authority for the Public Works Director to Issue Temporary Use Permits for Bars to Operate Outdoors in the Public Right of Way; (3) Amendment to the Seventeenth Supplement to Grant Authority for the Community Development Director to Issue Temporary Use Permits for Bars to Operate Outdoors on Private Property; and (4) All Indoor and Outdoor Live Events and Performances Must Obtain a Special Event Permit from the City.**

This Thirty-Sixth Supplement to Public Order continues to align the City of Culver City (City) with the most recent County of Los Angeles Public Health Officer Order effective April 15, 2021 (County April 15 Order), which outlines the Blueprint for a Safer Economy – Orange Tier Risk Reduction Measures. After a post-holiday surge and restrictions in place under the most severe COVID transmission rates (Purple Tier), those measures, along with the increase in vaccinations in the County, have produced a steady decline of COVID-19 cases, hospitalizations, testing positivity rates and deaths.

This Public Order also grants authority to the Public Works Director and the Community Development Director, or their designees, to issue Temporary Use Permits (TUPs) for bars to operate outdoors in the public right of way or outdoors on private property, as permitted under the County April 15 Order. Additionally, the recent County orders allow indoor and outdoor live events and performances, with all protocols and approvals in place, and the City will allow live events and performances subject to the issuance of a special event permit, as required under Culver City Municipal Code Chapter 17.520 and City rules and regulations.

***Background on State, County and City Public Orders***

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.

In May 2020, the County of Los Angeles announced its Roadmap to Recovery, A Phased Approach to Reopening Safely, which allowed certain businesses and activities to slowly reopen and resume, subject to strict public health protocols. Although this phased reopening allowed some businesses to open and some activities to resume, many other businesses remained closed, and activities were not permitted.

In late June and early July 2020, due to increases in the daily reported COVID-19 cases, hospitalizations, and the testing positivity rates, the Los Angeles County Public Health Officer issued revised orders, in alignment with the California Governor's announcements, requiring the closure of specific activities and business sectors, superseding previous orders (which had allowed many businesses to reopen), to address the serious regression of COVID-19 indicators within Los Angeles County. Such closures of certain higher risk businesses, recreational sites, commercial properties, and activities, where more frequent and prolonged person-to-person contacts are likely to occur, superseded any previous openings permitted in Culver City.

The State of California issued a Limited Stay at Home Order ("Stay at Home Order") on November 19, 2020 for all counties under Tier One of California's Blueprint for a Safer Economy, including Los Angeles County, and strengthened that Order with December 3, 2020 and December 6, 2020 Regional Stay at Home Orders. To align with State Orders and Directives issued throughout December 2020, the County of Los Angeles issued additional Temporary Tier 1 Substantial Surge Response Orders through December 30, 2020, to address the lack of Intensive Care Unit (ICU) beds in the Southern California Region, and the alarming surge in COVID-19 positive cases, hospitalizations, and deaths.

On January 25, 2021, Governor Newsome announced that the State of California was lifting the Regional Stay at Home Order. In turn, the County of Los Angeles lifted its Temporary Surge Response Orders and returned to its November 25, 2020 Blueprint for a Safer Economy-Tier 1 Surge Response Order, with modifications, and issued the County January 25 Order. Since January 25<sup>th</sup>, the County has revised its Public Order based on the declining COVID-19 indicators, and the placement of the County in the State's Blueprint for a Safer Economy framework.

The County of Los Angeles is currently in the Orange Tier (tier 3, moderate virus transmission), which is less restrictive than the previous Purple and Red Tiers. On April 5, 2021, the County of Los Angeles Public Health Officer issued an order permitting bars to operate for outdoor service only under the updated Protocol for Bars; no indoor service is permitted. The County April 15 Order sets out the protocols and measures for the County to safely navigate the Orange Tier, including indoor and outdoor seated live events, in compliance with the Protocols associated with such events.

***Blueprint for a Safer Economy-Orange Tier Risk Reduction Measures***

To align with the County April 15 Order, and to support the safe reopening of businesses and safe participation in recreational activities within the City, 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. ***The City of Culver City will continue to align with the County of Los Angeles Health Officer Orders, including the April 15, 2021 Orange Tier Risk Reduction measures, effective immediately, and will automatically align with any subsequent County of Los Angeles Public Health Order or Directive, unless a new City Order is issued with Culver City specific restrictions or requirements.*** Current Public Orders specific to Culver City, including all unexpired Orders pertaining to the City's eviction moratoria, the temporary waiver of outdoor dining and valet parking fees and the temporary limitations on third-party food delivery service fees, signage and sandwich board provisions, and temporary use permits for outdoor operations of businesses and outdoor recreational activities, shall remain in effect, unless otherwise stated in this or a future Public Order.
2. Bars that possess a low risk public health permit issued by the County of Los Angeles may reopen for outdoor operations only, with modifications in compliance with Appendix Y-1. If a Bar sells alcohol in the same transaction as a bona fide meal, it must comply with all requirements for outdoor dining in the Restaurant Protocol, Appendix I. All county protocols are posted at <http://publichealth.lacounty.gov/media/Coronavirus/reopening-la.htm#orders>.
3. Notwithstanding any provisions of the Culver City Municipal Code to the contrary, in order to accommodate Bars operating outdoors only, as set forth in Section 2 above, during the course of the Local Emergency, and subject to the approval of the Public Works Director/City Engineer:
  - (a) Bars may temporarily expand operations into the public right-of-way, or expand the existing outdoor areas further into the public right-of-way;
  - (b) In order to effectuate this Public Order, the Public Works Director/City Engineer shall have the authority and discretion to establish procedures, standards, conditions, rules, and regulations, as he may deem appropriate, to implement the processing and approval of such temporary outdoor bar operations, while ensuring compliance with the Americans with Disabilities Act (ADA), and any other measures deemed necessary to protect the public health, safety, and welfare.
4. This Order amends the Seventeenth Supplement to Public Order Issued June 10, 2020 (June 10 Order), attached hereto and incorporated by reference, by adding Bars to the provisions therein pertaining to outdoor dining on private property, so

that the Community Development Department may issue Temporary Use Permits to Bars for outdoor operations on private property, as set forth in Section 4 of the June 10 Order.

5. All indoor and outdoor live events and performances shall obtain all applicable City licenses and required permits under the CCMC, and City rules and regulations, including but not limited Title 11 "Business Regulations" and Chapter 17.520 "Temporary Use, Special Event, and Temporary Event Permits", and follow all applicable County Orders and protocols found at <http://publichealth.lacounty.gov/media/Coronavirus/reopening-la.htm#orders>, including the Protocol for Live Events and Performances (Outdoor Seating) [Appendix Z], and the Protocol for Live Events and Performances (Indoor Seating) [Appendix Z-1].
6. ***Face coverings continue to be required at all times while out in public, covering the nose and mouth when in or likely to be in contact with others who do not live in their household.***
7. 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.
8. This Thirty-Sixth Supplement to Public Order supersedes any provision in a previous Public Order where there is a conflict between the Public Orders; otherwise, all previous orders remain in place. Except as specifically provided in this Public Order, or existing County reopening protocols, all other public and private gatherings continue to be prohibited.

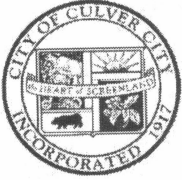
Any violation of this Thirty-Sixth Supplement to Public Order may be enforced under the Culver City Municipal Code, which provides for fines not to exceed \$1,000 or imprisonment not to exceed six months. Each individual officer and City official should use their discretion in enforcing this order and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

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

Date: 4/21/2021

A handwritten signature in blue ink, appearing to read "John", is written over a horizontal line.

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



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**Seventeenth Supplement to Public Order Under  
City of Culver City Emergency Authority**

**Issue Date: June 10, 2020**

**Subject: Temporary Zoning Code Modifications to Support the Safe Reopening  
and Recovery of Restaurants and Retail Businesses During COVID-19**

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" (Revised County Order), 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 Novel Coronavirus Disease (COVID-19).

On June 1, 2020, to continue to align with the County of Los Angeles as it moves through Stage 2 of the Resilience Roadmap, by allowing activities to resume and Culver City businesses to safely re-open as the County permits, the City Manager issued a Sixteenth Supplement to Public Order (June 1 Order), allowing hair salons and barbershops to reopen with conditions; allowing restaurants and other food facilities to reopen for in-person dining at 60% capacity; and allowing restaurants and retailers to temporarily expand into the public right-of-way, subject to the approval of the Public Works Director/City Engineer, who was granted the discretion to establish procedures, standards, conditions, rules and regulations to protect the public health, safety and welfare.

On June 9, 2020, the City Council received a progress update from the Economic Recovery Task Force including, among other things, potential temporary modifications to or relaxation of requirements of Title 17, Zoning, of the Culver City Municipal Code ("Zoning Code"), in order to assist with the recovery of existing businesses and help new businesses establish themselves in Culver City. The City Council provided direction to the City Manager as follows:

- *Legal Nonconforming Uses:* Due to COVID-19, the ability of businesses to operate on a continuous basis is yet to be determined. Many businesses may have to resume and continue operations intermittently in response to economic demand or additional health concerns. Discontinuance of a legal non-conforming use should be allowed to extend beyond the one-year period, before it is considered

extinguished, in order to help businesses that face uncertainty during the pandemic.

- *Exclude Outdoor Dining Area from Parking Calculations:* In order to meet social distancing requirements, outdoor dining will be necessary to assist restaurants with the space and capacity needed to remain profitable. In order to facilitate establishment of outdoor dining to protect the public health and economic vitality of area businesses, the City should waive the parking requirements for outdoor dining areas.
- *Include Only Indoor Dining in Parking Calculations:* To help new restaurant uses establish themselves in Culver City, parking requirements should be applied to the square footage of the dining area only. It can be assumed that dining area drives the most trip generation as part of a restaurant and areas such as walk-in freezers and bathrooms do not generate their own parking demand. This modification would assist new businesses that intend to occupy space previously held by retail or office uses with a less intensive standard.
- *Allow Takeaway Alcohol Services:* Alcoholic beverage offerings help to bring in additional revenue for businesses. During the COVID-19 pandemic, California State Alcoholic Beverage Control has relaxed regulations to allow restaurants that usually sell alcohol for in place dining to sell it as part of takeaway orders, if the alcohol is in a secure beverage container, such as a cup with a lid. Culver City can support local restaurants by further addressing alcoholic beverage takeaway as part of this resolution.
- *Dining and Retail Sales in Private Parking Lot Areas:* The requirement of a conditional use permit for outdoor dining and outdoor retail displays on private property should be temporarily waived. An alternate Temporary Use Permit (TUP) process has been utilized for restaurants to allow outdoor dining in privately owned parking lots to assist with social distancing. This TUP process should be extended to retail businesses for outdoor retail displays in order to assist with social distancing within retail locations.

To support the safe reopening and recovery of restaurants and retail businesses during COVID-19, and consistent with the City Council's June 9<sup>th</sup> direction, 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. Zoning Code Section 17.610.010.B provides that a nonconforming use, which has been abandoned or discontinued for a period of one year, shall not be reestablished, and any subsequent reuse or any new use established shall

conform to the current provisions of the Zoning Code. In order to address the uncertainty businesses are facing with regard to their ability to operate on a continuous basis, and whether operations will be intermittent in response to economic demand or additional health concerns during the pandemic, Zoning Code Section 17.610.010.B is suspended for the duration of this Public Order.

2. Per Zoning Code Section 17.320.020, Table 3-3B, parking for outdoor dining areas is not required for the first 250 square feet. The remaining outdoor dining area exceeding 250 square feet is required to be parked at a ratio of 1 space per 100 square feet. In order to facilitate establishment of outdoor dining to protect the public health and economic vitality of area businesses, all outdoor dining square footage shall be excluded from the business parking calculation, for the duration of this Public Order.
3. Per Zoning Code Section 17.320.020, Table 3-3B, parking for restaurant uses are required to be parked based on the total gross floor area of the entire tenant space, with a parking ratio of one space per 100 square feet. In order to encourage and facilitate new restaurant uses in Culver City, the parking ratio shall only apply to the square footage of the dining area of the restaurant, and shall exclude all other areas of the business, for the duration of this Public Order.
4. Per Zoning Code Sections 17.400.070 and 17.400.075, all outdoor dining and outdoor retail displays on private property require a conditional use permit (CUP). In order to assist with social distancing, and facilitate an expedited approval for this use, the requirement for a CUP shall be suspended and replaced with a Temporary Use Permit (TUP) process, for the duration of this Public Order. Temporary Use Permits shall be processed in accordance with Zoning Code Chapter 17.520.
5. Takeaway alcoholic beverages must be sold in conjunction with meals prepared for pick-up and delivery, and must be in closed containers to prevent consumption without removal of a lid or cap (no lids with sipping holes or openings for straws). Restaurants offering takeaway alcoholic beverages must comply with all California State Alcoholic Beverage Control (ABC) rules and regulations, including the posting of required signage. Alcoholic beverages shall not be consumed in public or in any other area where open containers are prohibited by law, with the exception that restaurants may serve alcohol in outdoor dining areas adjacent to the business, subject to ABC approval of a COVID-19 Temporary Catering Authorization under ABC's Fourth Notice of Regulatory Relief.
6. This Seventeenth Supplement to Public Order supersedes any provision in a previous Order where there is a conflict between the Orders; otherwise all Stay at Home orders remain in place. Except as specifically provided herein, public and private gatherings of any number of people occurring outside of a single household or living unit continue to be prohibited.



7. 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 Seventeenth Supplement to Public Order may be enforced under the CCMC, which provides for fines not to exceed \$1,000 or imprisonment not to exceed six months. Each individual officer should use their discretion in enforcing this order and always keep the intent of the order in mind.

This Seventeenth Supplement to Public Order shall be effective immediately and shall remain in effect until superseded, amended, modified or rescinded.

Date: \_\_\_\_\_

6/10/2020



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