

AGN. NO. _____

MOTION BY SUPERVISORS JANICE HAHN AND
KATHRYN BARGER

July 7, 2020

Fast-tracking Outdoor Dining Guidelines in Unincorporated Area

On March 4, 2020, the Chair of the Los Angeles County Board of Supervisors (Board) proclaimed, pursuant to Chapter 2.68 of the Los Angeles County Code, the existence of a local emergency because of the introduction of the novel coronavirus (COVID-19), in Los Angeles County. Also on March 4, 2020, the County Health Officer determined that there is an imminent and proximate threat to the public health from the introduction of COVID-19 in Los Angeles County, and concurrently declared a local health emergency. On March 4, 2020, the Board ratified both the proclamation of a local emergency and the declaration of a local health emergency. On March 4, 2020, Governor Gavin Newsom also proclaimed a state of emergency within the State of California due to the threat posed by COVID-19.

On June 9, 2020 the Board approved a motion instructing the Chief Executive Office (CEO) to collaborate with various county departments and stakeholders to develop Countywide guidelines for the implementation of temporary outdoor dining spaces within unincorporated County areas, including public sidewalks, alleys, and within the road right-of-way, similar to parklets, as well as private on-site and off-site parking facilities. The

MOTION

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Board also asked that County departments look at the temporary designation of curbside or a road segment to be established for delivery and pick-up zones. Some of the guidelines are still being developed, and it is important that we expedite this process to assist businesses affected by the COVID-19 pandemic.

On July 1, 2020, Governor Gavin Newsom announced that 19 counties, including Los Angeles County (County), must close indoor operations for restaurants, wineries, movie theaters and family entertainment, zoos, museums and cardrooms. This change resulted from the dramatic increase in the number of COVID-19 positive cases. The order is effective for three weeks but can be extended if necessary. Also, on July 1, 2020, the County Health Officer issued a health order to align with the Governor's announcement to close specific activities and business sectors, including indoor operations for restaurants.

As restaurants are forced to once again close their indoor seating areas, we need to provide restaurants located in the unincorporated areas of Los Angeles County with appropriate guidance to utilize outdoor spaces. This guidance is necessary to protect public health and safety and prevent the spread of COVID-19. Based on the County's authority during a local emergency, pursuant to Government Code section 8634, the County may issue orders to provide for the protection of life and property.

WE, THEREFORE MOVE that the Board of Supervisors:

1. Find that the recommended actions are exempt from the California Environment Quality Act because they are specific actions necessary to prevent or mitigate an emergency pursuant to section 21080(b)(4) of the California Public Resources Code and Section 15269 of the State CEQA Guidelines. The Governor's announcement of the temporary closure of indoor operations for restaurants due to the Covid-19 emergency requires emergency action to provide restaurants

located in the unincorporated areas of Los Angeles County with appropriate guidance to utilize outdoor spaces in order to alleviate the threat of viral spread posed by indoor dining. Additionally, the actions are categorically exempt under Sections 15301(a), (c), and (f), 15303(e), 15304, 15305(a) and (b), and 15311(c) of the State CEQA Guidelines and Classes 1(d), (i), and (x) 19, 22, and 26, 3(b) and (d), 4 (j), 5 (i) and (n), and 11(h) of the County's Environmental Document Procedures and Guidelines Appendix G since they consist of operation, permitting, licensing, or minor alteration of existing streets and public facilities with negligible expansion of use, construction of new small facilities, minor alterations to land use, and placement of accessory structures for temporary use. Additionally, the proposed activities will comply with all applicable regulations, are not located in a sensitive environment, and there are no cumulative impacts, unusual circumstances, damage to scenic highways, listing on hazardous waste sites compiled pursuant to Government Code Section 65962.5, or indications that the projects may cause a substantial adverse change in the significance of a historical resource that would make the exemptions inapplicable based on the records of proposed activities. Upon the Board's approval of the recommended actions, Public Works will file a Notice of Exemption with the County Clerk pursuant to section 21152 of the Public Resources Code;

2. Adopt the enclosed resolution, pursuant to Government Code section 8634, with respect to the fast-tracking of outdoor dining guidelines for unincorporated County areas; and
 - a. Delegate authority to the Director of Public Works, or his designee, to take all actions necessary to issue temporary permits at low or no cost to the applicant, for the implementation of temporary sidewalk dining within the

County road right-of-way in unincorporated County areas in a manner that ensures the protection of public health, safety, and general welfare, and prevents interference with users of the highway right-of-way and with holders of other permits, including preparing and issuing the necessary guidelines and the amending and issuing amendments to those guidelines. This delegated authority shall be in effect for the duration of the County's local emergency for COVID-19 or until such time as the Board rescinds such authority;

- b. Delegate authority to the Director of Public Works, or his designee, to take all actions necessary to issue temporary permits for the utilization of alleys, roadways, and parking spaces as outdoor dining spaces within the County road right-of-way in unincorporated County areas, in a manner that ensures the protection of public health, safety and general welfare, and prevents interference with users of the highway right-of-way and with holders of other permits, including preparing and issuing necessary guidelines, and amending and issuing amendments to those guidelines, and the assessment of any necessary fee to permittees. This delegated authority shall be in effect for the duration of the County's local emergency for COVID-19 or until such time as the Board rescinds such authority;
- c. Delegate authority to the Director of Regional Planning, or her designee, as well as any other Directors that have permit issuing authority for outdoor dining activities, to take all actions necessary to issue temporary permits for the utilization of private parking lots as outdoor dining spaces, including preparing and issuing necessary guidelines, and amending and issuing amendments to those guidelines, and the assessment of any necessary fee

to permittees. This delegated authority shall be in effect for the duration of the County's local emergency for COVID-19 or until such time as the Board rescinds such authority;

3. Establish that comprehensive general liability insurance coverage requirements that County departments may, but are not required to, impose as a condition for a restaurant's participation in the outdoor dining program shall not require that such insurance be in excess of \$1,000,000 per occurrence; notwithstanding the foregoing, however, a restaurant may voluntarily have or obtain insurance in excess of any cap on the minimum amount of required insurance, if any;
4. Direct the Chief Executive Officer to pursue funding sources that may be available to offset the County's costs associated with offering this program, including funding available to the County through the Coronavirus Aid, Relief, and Economic Security (CARES) Act;
5. Direct the Department of Public Works to begin accepting temporary sidewalk dining applications as soon as possible and no later than 3 days after this motion is approved; and
6. Direct the Departments of Public Works and Regional Planning to finalize the guidelines and begin accepting applications for the utilization of alleys, roadways, and both public and private parking spaces as soon as possible and no later than 7 days after this motion is approved.

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JH:jro/dg

**RESOLUTION OF THE COUNTY OF LOS ANGELES BOARD OF SUPERVISORS
DECLARING INTENT TO FAST-TRACK OUTDOOR DINING GUIDELINES IN
UNINCORPORATED AREAS**

WHEREAS, on March 4, 2020, the Chair of the Los Angeles County Board of Supervisors (Board) proclaimed, pursuant to Chapter 2.68 of the Los Angeles County Code, the existence of a local emergency because of the introduction of the novel coronavirus (COVID-19), in Los Angeles County.

WHEREAS, on March 4, 2020, the County Health Officer determined that there is an imminent and proximate threat to the public health from the introduction of COVID-19 in Los Angeles County, and concurrently declared a local health emergency.

WHEREAS, on March 4, 2020, the Board ratified both the proclamation of a local emergency and the declaration of a local health emergency.

WHEREAS, on March 4, 2020, Governor Gavin Newsom also proclaimed a state of emergency within the State of California due to the threat posed by COVID-19.

WHEREAS, on June 9, 2020 the Board approved a motion instructing the Chief Executive Office (CEO) to collaborate with various county departments and stakeholders to develop Countywide guidelines for the implementation of temporary outdoor dining spaces within unincorporated County areas, including public sidewalks, alleys, and within the road right-of-way, similar to parklets, as well as private on-site and off-site parking facilities. The Board also asked that County departments look at the temporary designation of curbside or a road segment to be established for delivery and pick-up zones. Some of the guidelines are still being developed, and it is important that this process be expedited to assist businesses affected by the COVID-19 pandemic.

WHEREAS, on July 1, 2020, Governor Gavin Newsom announced that 19 counties, including Los Angeles County (County), must close indoor operations for restaurants, wineries, movie theaters and family entertainment, zoos, museums and cardrooms. This change resulted from the dramatic increase in the number of COVID-19 positive cases. The order is effective for three weeks but can be extended if necessary.

WHEREAS, on July 1, 2020, the County Health Officer issued a health order to align with the Governor's announcement to close specific activities and business sectors, including indoor operations for restaurants.

WHEREAS, as restaurants are forced to once again close their indoor seating areas, it is necessary to provide restaurants located in the unincorporated areas of Los Angeles County with appropriate guidance to utilize outdoor spaces. This guidance is necessary to protect public health and safety and prevent the spread of COVID-19.

WHEREAS, based on the County's authority during a local emergency, pursuant to Government Code section 8634, the County may issue orders to provide for the protection of life and property.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Los Angeles:

1. Find that the recommended actions are exempt from the California Environment Quality Act because they are specific actions necessary to prevent or mitigate an emergency pursuant to section 21080(b)(4) of the California Public Resources Code and Section 15269 of the State CEQA Guidelines. The Governor's announcement of the temporary closure of indoor operations for restaurants due to the Covid-19 emergency requires emergency action to provide restaurants located in the unincorporated areas of Los Angeles County with appropriate guidance to utilize outdoor spaces in order to alleviate the threat of viral spread posed by indoor dining. Additionally, the actions are categorically exempt under Sections 15301(a), (c), and (f), 15303(e), 15304, 15305(a) and (b), and 15311(c) of the State CEQA Guidelines and Classes 1(d), (i), and (x) 19, 22, and 26, 3(b) and (d), 4 (j), 5 (i) and (n), and 11(h) of the County's Environmental Document Procedures and Guidelines Appendix G since they consist of operation, permitting, licensing, or minor alteration of existing streets and public facilities with negligible expansion of use, construction of new small facilities, minor alterations to land use, and placement of accessory structures for temporary use. Additionally, the proposed activities will comply with all applicable regulations, are not located in a sensitive environment, and there are no cumulative impacts, unusual circumstances, damage to scenic highways, listing on hazardous waste sites compiled pursuant to Government Code Section 65962.5, or indications that the projects may cause a substantial adverse change in the significance of a historical resource that would make the exemptions inapplicable based on the records of proposed activities. Upon the Board's approval of the recommended actions, Public Works will file a Notice of Exemption with the County Clerk pursuant to section 21152 of the Public Resources Code.
2. Delegate authority to the Director of Public Works, or his designee, to take all actions necessary to issue temporary permits at low or no cost to the applicant, for the implementation of temporary sidewalk dining within the County road right-of-way in unincorporated County areas in a manner that ensures the protection of public health, safety, and general welfare, and prevents

interference with users of the highway right-of-way and with holders of other permits, including preparing and issuing necessary guidelines and amending and issuing amendments to those guidelines. This delegated authority shall be in effect for the duration of the County's local emergency for COVID-19 or until such time as the Board rescinds such authority.

3. Delegate authority to the Director of Public Works, or his designee, to take all actions necessary to issue temporary permits for the utilization of alleys, roadways, and parking spaces as outdoor dining spaces within the County road right-of-way in unincorporated County areas, in a manner that ensures the protection of public health, safety and general welfare, and prevents interference with users of the highway right-of-way and with holders of other permits, including preparing and issuing necessary guidelines, and amending and issuing amendments to those guidelines, and the assessment of any necessary fee to permittees. This delegated authority shall be in effect for the duration of the County's local emergency for COVID-19 or until such time as the Board rescinds such authority.
4. Delegate authority to the Director of Regional Planning, or her designee, as well as any other Directors that have permit issuing authority for outdoor dining activities, to take all actions necessary to issue temporary permits for the utilization of private parking lots as outdoor dining spaces, including preparing and issuing necessary guidelines, and amending and issuing amendments to those guidelines, and the assessment of any necessary fee to permittees. This delegated authority shall be in effect for the duration of the County's local emergency for COVID-19 or until such time as the Board rescinds such authority.
5. Establish that comprehensive general liability insurance coverage requirements that County departments may, but are not required to, impose as a condition for a restaurant's participation in the outdoor dining program shall not require that such insurance be in excess of \$1,000,000 per occurrence; notwithstanding the foregoing, however, a restaurant may voluntarily have or obtain insurance in excess of any cap on the minimum amount of required insurance, if any.
6. Direct the Chief Executive Officer to pursue funding sources that may be available to offset the County's costs associated with offering this program, including funding available to the County through the Coronavirus Aid, Relief, and Economic Security (CARES) Act.
7. Direct the Department of Public Works to begin accepting temporary sidewalk dining applications as soon as possible and no later than 3 days after this motion is approved.

8. Direct the Departments of Public Works and Regional Planning to finalize the guidelines and begin accepting applications for the utilization of alleys, roadways, and both public and private parking spaces as soon as possible and no later than 7 days after this motion is approved.

The foregoing resolution was adopted on the 7th day of July, 2020, by the Board of Supervisors of the County of Los Angeles, an ex-officio of the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.



CELIA ZAVALA
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By 
Deputy

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

By 
Deputy