

**MOTION BY SUPERVISORS HOLLY J. MITCHELL
AND KATHRYN BARGER**

August 9, 2022

Preserving and Protecting Restaurants Adversely Affected by the Pandemic

On March 4, 2020, the Chair of the Los Angeles County (County) Board of Supervisors (Board) proclaimed, pursuant to Chapter 2.68 of the County Code, the existence of a local emergency because of the introduction of the novel coronavirus (COVID-19), in the County. Also on March 4, 2020, the County Health Officer declared a local health emergency as ratified by the Board. 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. These states of emergency remain in effect today.

During the COVID-19 pandemic, revenue for small restaurants, the backbone of our County’s hospitality industry, declined significantly. The number of restaurants decreased by 33% compared to pre-pandemic levels.¹ Moreover, restaurants of all types operating in the United States saw customer spending and number of transactions substantially decrease following the declaration of the national emergency. Although restaurant spending and the number of transactions generally trended upward between November 2020 and January 2021, both metrics have been slow to recover to pre-

¹ <https://www.restaurantdive.com/news/los-angeles-pandemic-restaurants/595810/>

- MORE -

MOTION

SOLIS	_____
KUEHL	_____
HAHN	_____
BARGER	_____
MITCHELL	_____

pandemic levels.² It is incumbent on the County to take action to preserve our restaurant businesses, and ensure that restaurants that temporarily closed during the COVID-19 pandemic can reopen quickly, and that restaurant businesses that have permanently closed can be quickly revitalized to bolster the economic recovery, and avoid vacant restaurant properties from becoming blighted.

The County has a history of assisting our restaurant sector over the course of the COVID-19 pandemic. In the early period of the COVID-19 pandemic, the County launched Keep LA County Dining, a program that provided grants to restaurants to keep their doors open. This program will continue under the American Rescue Plan Act. The County also established an outdoor dining program and expedited the permitting process to assist businesses affected by the COVID-19 pandemic.

The County's current regulations require a restaurant which has "deemed approved" status to obtain a Conditional Use Permit ("CUP") if the restaurant ceases operation for 90 days. Once that status is lost, and during the review of a CUP application, the restaurant may not serve alcohol, which may severely limit their revenue. Under the COVID-19 state of emergency, the County should allow a restaurant to reopen, using its "deemed approved" status for alcohol sales, even if a restaurant has suspended operations for 90 days. Many dining establishments have closed for long periods and are only now beginning to re-open. Suspending this requirement during the state of emergency will streamline the reopening process for restaurants that serve alcoholic beverages, ensure that these businesses are not unduly burdened, promote reopening and economic recovery, and ensure that vacant restaurant properties will not become blighted.

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.

² <https://www.ers.usda.gov/webdocs/publications/103455/ap-100.pdf?v=350>

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 all non-essential businesses due to the COVID-19 emergency, and the lasting economic impact, requires action to provide restaurants located in the unincorporated areas of Los Angeles County with ability to generate and maximize revenue as they recover and grow. 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, 3, 4, 5, and 11 of the County's Environmental Document Procedures and Guidelines Appendix G since they consist of operation, permitting, licensing, or minor alteration of existing uses with negligible expansion of use, construction of new small facilities, and no alterations to land use.
2. Adopt the enclosed resolution, pursuant to Government Code section 8634, with respect to allowing restaurants, with "deemed approved" status prior to the COVID-19 pandemic, despite being closed for 90 days or more, to reopen and immediately sell alcohol until such time that a CUP application for an alcohol sales use is filed, and while such CUP application is pending up until approval, provided that the CUP application is filed prior to the end of the declared COVID-19 local emergency or prior to the date the Board of Supervisors repeals the resolution, if earlier.

###

(CT)

**RESOLUTION OF THE COUNTY OF LOS ANGELES BOARD OF SUPERVISORS
SUSPENDING ENFORCEMENT OF LOS ANGELES COUNTY CODE SECTION
22.140.030.H.3.c FOR THE DURATION OF THE COVID-19 EMERGENCY**

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, during the COVID-19 pandemic, revenue for small restaurants, the backbone of our County's hospitality industry, declined significantly. The number of restaurants decreased by 33% compared to pre-pandemic levels.¹ Moreover, restaurants of all types operating in the United States saw customer spending and number of transactions substantially decrease following the declaration of the national emergency. Although restaurant spending and the number of transactions generally trended upward between November 2020 and January 2021, both metrics have been slow to recover to pre-pandemic levels.² It is incumbent on the County to take action to preserve our restaurants businesses, and ensure that restaurants that temporarily closed during the COVID-19 pandemic can reopen quickly, and that restaurant businesses that have permanently closed can be quickly revitalized to bolster the economic recovery, and avoid vacant restaurant properties from becoming blighted.

WHEREAS, the County has a history of assisting our restaurant sector over the course of the pandemic. In the early period of the pandemic, the County launched Keep LA County Dining, a program that provided grants to restaurants to keep their doors open. This program will continue under the American Rescue Plan Act. The County also established an outdoor dining program and expedite the permitting process to assist businesses affected by the COVID-19 pandemic.

WHEREAS, Los Angeles County Code ("County Code") Section 22.140.030.H.3.c provides that a deemed-approved alcohol sales use requires a Conditional Use Permit ("CUP") when such use has been abandoned, has

¹ <https://www.restaurantdive.com/news/los-angeles-pandemic-restaurants/595810/>

² <https://www.ers.usda.gov/webdocs/publications/103455/ap-100.pdf?v=350>

HOA.102919368.1

discontinued operation, or has ceased selling alcoholic beverages for at least three consecutive months. Once deemed approved status is lost, the restaurant may no longer sell alcohol, even while a CUP application is pending. Given the prohibition on indoor dining and other pandemic restrictions and economic impacts due to the COVID-19 pandemic experienced by local restaurants since March of 2020, the above County Code requirement imposes an undue burden on the reopening of restaurant businesses forced to close during the COVID-19 pandemic.

WHEREAS, staying the enforcement of the requirement of County Code section 22.140.030.H.3.c for a CUP with respect to restaurants after three-month abandonment, discontinued operation or ceased sales of alcoholic beverages, and allowing restaurants to reopen and immediately sell alcoholic beverages until such time that a CUP application for an alcohol sales use is filed, and while such CUP application is pending up until approval, provided that the CUP application is filed prior to the end of the declared local emergency, or prior to the date the Board repeals this resolution, if earlier, will streamline the reopening process for restaurants that serve alcoholic beverages, ensure that these businesses are not unduly burdened, promote reopening and economic recovery, and ensure that vacant restaurant properties will not become blighted.

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 all non-essential businesses due to the Covid-19 emergency, and the lasting economic impact, requires action to provide restaurants located in the unincorporated areas of Los Angeles County with ability to generate and maximize revenue as they recover and grow. 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, 3, 4, 5, and 11 of the County's Environmental Document Procedures and Guidelines Appendix G since they consist of operation, permitting, licensing, or minor alteration of existing uses with negligible expansion of use, construction of new small facilities, and no alterations to land use.
2. Direct the Director of Regional Planning to suspend enforcement of County Code section 22.140.030.H.3.c and allow restaurants, with "deemed approved" status prior to the COVID-19 pandemic, despite being closed for 90 days or

more, to immediately reopen and sell alcohol until such time that a CUP application for an alcohol sales use is filed, and while such CUP application is pending up until approval, provided that the CUP application is filed prior to the end of the declared COVID-19 local emergency, or prior to the date this resolution is repealed by the Board of Supervisors ("Board"), if earlier.

3. Delegate authority to the Director of Regional Planning, or their designee, to take all actions necessary to facilitate this order. This delegated authority shall be in effect for the duration of the declared COVID-19 local emergency or until such time as the Board rescinds such authority.

The foregoing resolution was adopted on the 9th day of August, 2022, 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:

DAWYN R. HARRISON
Acting County Counsel

By 
Deputy